

New Zealand.

## ANALYSIS.

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1887, No. 30.

AN ACT to amend "The West Coast Settlement Reserves Act, 1881," and "The West Coast Settlement Reserves Act Amendment Act, 1884." Title.  
[23rd December, 1887.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The West Coast Settlement Reserves Acts Amendment Act, 1887." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.  
"The said Act" means "The West Coast Settlement Reserves Act, 1881:"

"The Amendment Act" means "The West Coast Settlement Reserves Act 1881 Amendment Act, 1884."

3. Any lease which under the said Act or the amendment Act is required to be granted so as to expire on the thirtieth day of June in any year may be granted so as to expire either on that day or on the thirty-first day of December, as may be most convenient to the lessor. Date of expiry of leases.

4. Notwithstanding anything contained in any lease now existing or hereafter to be created under the said Act, or any amendment thereof, it shall be lawful for the Public Trustee, if, and whenever he shall think fit, to delay commencing or prosecuting any action or other proceeding for the recovery of any rent reserved in any such lease, or taking any proceeding to enforce any right of re-entry for non-payment of any rent reserved and given by or implied in any such lease for a period not exceeding twelve months from the time when the first payment or portion of rent so in arrear as aforesaid shall have become due and payable according to the terms of such lease; and the Public Trustee, whenever he shall exercise the discretion hereby conferred on Stay of proceedings to recover rent in arrear.

him, shall be and he is hereby indemnified for any loss resulting therefrom.

Proviso.

But he shall not exercise the said discretion in any case unless application has been made to him by or on behalf of the tenants under any such lease upon a statutory declaration made under "The Justices of the Peace Act, 1882," to the effect that the relief applied for is indispensably necessary to the applicant by reason of his limited means.

Person surrendering lease with consent of Public Trustee competent to become lessee of new lease.

5. Notwithstanding anything in the said Act, or any amendment thereof, or any regulations made thereunder, any person who has surrendered, or may hereafter surrender, his lease with the consent of the Public Trustee shall be competent to become lessee of the land and tenements comprised in the lease so surrendered upon a new lease of the same being granted.

Transfer or assignment otherwise than by mortgage or charge to release transferor.

6. Notwithstanding anything contained in any regulations, or in any lease made under the said Act, or any amendment thereof, it is hereby enacted that, when and so often as any transfer or assignment of the entire interest in any such lease (otherwise than by mortgage or charge, which latter are expressly excepted from this provision) has heretofore been consented to in writing by the lessor, or shall hereafter be so consented to, such consent shall *ipso facto* release and discharge the transferor, assignor, or other person parting with such interest, and whether the privity created by such interest be of estate or of contract, from all liability in respect of the rent reserved or of the covenants and conditions contained or implied in such lease from and after the date of such consent; but such release shall in nowise prejudice or affect the right of the lessor to receive and recover from such transferor, assignor, or other person all rent then accrued due, and the transferee, assignee, or other person taking such interest shall, on and after the date of such consent being given as aforesaid, be bound by all and singular the covenants, conditions, and provisoes, whether expressed or implied, as are contained in the original lease, and as if he had been named therein as lessee.

Amended provision as to granting new leases on surrenders.

7. On the surrender of a lease under section thirteen of the amendment Act, a new lease thereunder may be granted to the former lessee at a rental to be computed on the value of the land comprised in the lease, less the value of any improvements thereon within the meaning of the existing regulations made under the said Act, and on such terms, subject as in the amendment Act mentioned, as may be decided by arbitration as provided by the said regulations, except that the Governor may in default for one month, from any cause by either party, appoint an arbitrator for such party in default. The term "lessor" in the said regulations shall, for the purpose of this section, mean the Native owner of the land.

The Governor in Council may from time to time make regulations, and revoke or amend the same, as to the mode of carrying out any valuation necessary for the purposes of this enactment, and generally to enable effect to be given thereto.

Commissioner may be appointed for certain purposes.

8. For the purpose of giving effect to the eighteenth section of the said Act, or the tenth section of the amendment Act, the Governor may from time to time appoint any fit person to be a Commissioner

to make any report or do any other act or thing for the purposes of those sections.

9. Whereas the Native Affairs Committee of the House of Representatives, in the second session of the said House in the year one thousand eight hundred and eighty-four, by their report published in the Appendix to the Journals of the said House for the said year (Vol. II., I.-2, page 13), on the petition of John Scott Caverhill, of Hawera, Settler, did recommend that a lease should be made to him of lands in the Opunake South Block Reserve, in the Opunake District, in satisfaction of his claim for a lease which he had been promised, but was unable to take up on account of the unsettled state of the district; and it is expedient to give effect to the said recommendation: And whereas the Natives interested in the land proposed to be leased have expressly consented to the lease being granted:

Lease to J. S. Caverhill of part of Pukekohatu Block.

Be it therefore further enacted as follows:—

The Public Trustee may without auction or tender grant a lease to the said John Scott Caverhill of five hundred and sixty acres, more or less, of land in the Opunake South or Pukekohatu Block of Native reserves, in the Opunake District, for a term of twenty-one years from the first day of January, 1888, at a rental to be determined before the lease is granted in the same manner as provided in cases under section seven.

And the said lease shall be made to the said John Scott Caverhill in substitution of the lease he was unable to take up as above recited and in full of all claims and demands in respect thereof, and, subject to this Act, shall be deemed to be made by the Public Trustee under the said Act and its amendments, and be subject thereto and to the regulations in force thereunder.