

NEW ZEALAND.

ANNO VICESIMO SEPTIMO.

VICTORIÆ REGINÆ.

No.

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A BILL INTITULED—

AN ACT to make further Provision in certain cases for the Disposal and Administration of the Waste Lands of the Crown in the Province of Hawke's Bay. Title.

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 shall be the "Hawke's Bay Waste Lands Amendment Act."

2. It being advisable to set aside as collateral security for the Creditors of the Province under the Loan Act, Session No. of the Provincial Council of Hawke's Bay, some portion of the Waste Lands of the Crown in that Province, Those blocks of land, known respectively, as the Ahuriri, Moeangiangi, Arapawanui, Waikarai, and Mohaka, and containing in all about two hundred thousand acres, are hereby reserved from sale for a fixed period of fourteen years, excepting such portions

Description of blocks reserved for sale for fourteen years.

of those blocks as have been already disposed of, or for the purchase of which, applications shall have been received before the passing of this Act, and excepting also those blocks of land, a Schedule of which is hereunto attached.

Leases to be granted for fourteen years.

3. That leases for a term of fourteen years shall be granted to the present holders of occupation licenses, over the lands contained within the boundaries of the blocks, reserved as aforesaid.

Terms on which leases to be granted.

4. That the terms upon which such leases shall be granted shall be the payment of a rental of one penny per acre for the first seven years, and two pence per acre for the remaining seven years of the lease.

Pre-emptive right terms and conditions in which to be granted.

5. That a pre-emptive right to purchase such lands at rates to be fixed so soon as the classification of the land can be completed, provided that in no case shall such rate be less than ten shillings per acre be given to the Lessees over such portions of the lands so leased as they shall improve. The term improvement shall be held to mean—sowing with grasses and fencing. Provided, however, that in such cases where, from the nature of the country, fencing is impracticable, and a certificate to that effect shall be given by the Commissioner of Crown Lands, the Lessees shall be entitled to the pre-emptive right on laying such land down in grasses without fencing.

Credit Land.

CREDIT LAND.

Credit land how to be sold.

6. Before any Credit Land shall be sold, the Superintendent shall declare by notification in the *Provincial Government Gazette*, and in such newspapers in the Colony of New Zealand and elsewhere as he may think fit, that the same will be open for sale at a price to be there stated, at a place, and on and after a day, to be fixed in the notification; which day shall be at least two calendar months after the first publication of such notification.

Superintendent and Ex. Council to fix price.

7. The price of all credit land shall be fixed by the Superintendent, acting by and with the advice of his Executive Council, and shall be disposed of only to persons willing to purchase the same subject to the conditions hereinafter contained for the occupation and improvement thereof.

Land order terms on which to be granted.

8. Any person upwards of sixteen years of age desirous of making a selection of Credit Land shall, on application to the Commissioner or his Deputy in Napier, or to such other person in the Colony of New Zealand as shall be appointed by the Superintendent to receive the same, be entitled upon payment of a sum after the rate of ten per cent by way of deposit upon the price fixed for the allotment of land selected, to receive a Land Order in a form to be, from time to time, prescribed by the Superintendent: Provided always that no person shall be entitled to any such land order for more than eighty or less than forty acres of land.

Land orders for credit and how to be selected.

9. Every such land order shall authorise the person entitled to the same or his agent constituted in writing, to make a selection out of any credit land which shall be open for selection at the time such person shall desire to make the same: Provided

always that the land so selected shall be either in one allotment or in contiguous allotments.

10. Every right of selection must be exercised within two calendar months from the date of the land order, if such land order has been issued in the Province of Hawke's Bay, but if such land order has been issued elsewhere, within six months from the date thereof; and the selection under any such land order shall be deemed to be complete whenever the person making the same shall have delivered such land order during office hours at the Waste Lands Office, together with a description in writing (under a sealed cover, with the words "Description of Credit Land" legibly written thereon), sufficient for the purpose of identifying the land selected.

Order of selection how to be exercised.

11. All such sealed covers shall be opened at noon on the next Monday (not being a holiday) by the Commissioner or his Deputy in the presence of a Receiver of Land Revenue, or, in the absence of the Receiver of Land Revenue, by such other officer of the Provincial Government as the Superintendent may from time to time appoint for that purpose, and in the presence of any applicants, if they shall attend; and if there be more than one application for the same allotment, the Commissioner or his Deputy and such Receiver or other Officer shall at once put up the same for sale by auction at the upset price of such allotment, at which sale those only who applied for the allotment shall be allowed to bid, and the highest bidder amongst them shall be declared the purchaser thereof, and the amount bid shall be deemed the price of the said allotment. Provided always that when the person so receiving a land order does not make a selection within two months or six months respectively after the date thereof, it shall be lawful for such person to return to the Waste Land Office such land order and to receive back the amount paid for the same: Provided also, that if any such land order be not returned within seven days from the time within which the selection in respect of the same should have been made, such land order shall be held to have lapsed, and the amount paid for the same forfeited.

Applications of holders of land orders, regulations respecting.

12. Any person whose application shall be granted shall be entitled to have immediate occupation of the land selected, and shall be entitled to a lease of the same for five years, in a form to be, from time to time, prescribed by the Superintendent, at a yearly rent after the rate of ten per cent. per annum on the price paid for such land, payable yearly, and the payment hereinbefore required by the way of deposit shall be deemed to be payment in advance for such rent.

Terms on which leases to be granted.

13. After five years' *bona fide* occupation, and the payment of the rent reserved by the lease, the lessee shall be entitled to a Grant from the Crown in fee simple of the land contained in such lease, on payment of the price thereof, as aforesaid: Provided always that if the purchase money and all the rent due be not paid within six calendar months after the expiration of the lease, the land therein comprised, together with all improvements thereon, shall be sold by auction, by order of the Superintendent, after two months' notice given in the *Provincial Government*

Crown Grant, when lessee entitled to—course of proceeding if lessee forfeit his right.

Gazette, and in two of the newspapers published in Napier; and the proceeds, after deducting all sums due in respect of the said land and all expenses incident to the sale thereof, shall be paid over to the lessee forfeiting the claim, or to his appointee or representative: Provided that in default of such sale by direction of the Superintendent within twelve calendar months after the expiration of the lease, the Governor may direct the sale of such land upon not less than two months' notice, given in such wise as he may think fit.

Occupation defined.

14. Every person shall be deemed to have *bona fide* occupied any Credit Land under lease as aforesaid, who shall have erected a habitable dwelling-house thereon during the first year, and made improvements thereon, or any part thereof, after the rate of one acre in ten of open land, and one acre in twenty of forest land, for every year after the first year, during such occupation. Such improvements to consist of tillage or clearing of forest or laying down to grass; and a residence during the whole term of five years by the lessee on any such land shall be deemed and taken to be equivalent to such improvements.

Lessee under certain conditions entitled to Crown Grant at any time of his lease.

15. Any lessee of Credit Land who shall at any time during the term of his lease have completed all the improvements which he is by these Regulations required to make during the whole term of five years, and who shall pay the price thereof, and also all rent accrued due, shall be forthwith entitled to a grant of the land included in such lease.

Penalty for holding possession of forfeited land.

16. If any lessee or other person shall continue in possession of land which shall have become forfeited under the provisions of these Regulations (unless an appeal as hereinafter provided be pending), he shall be deemed to be in the unlawful occupation of Waste Lands of the Crown, and shall forfeit and pay for every day during which he shall so continue in possession the sum of forty shillings, to be recovered before any Justice of the Peace in a summary way.

Lessee to make returns of the nature of his improvements.

17. Every lessee of Credit Land shall forward to the Commissioner on the last day of every subsequent year of the term of his lease, or within fifteen days after such days respectively, a return in writing in a form to be, from time to time, prescribed by the Superintendent, of the land improved by him during the preceding year, and the nature of such improvements, which return shall be certified by two householders.

Lease permitted to be assigned under certain circumstances.

18. Any lessee or his assign will be permitted to assign and transfer any Credit Land, subject to the terms and conditions prescribed in the original lease, and subject also to the approval of the Superintendent, on the recommendation of the Commissioner.

Assigned lease how forfeited,—course to be taken when forfeited.

19. If any person holding under such lease as aforesaid shall not within six months enter into *bona fide* occupation of the land thereby leased, or if he shall not pay the yearly rent of ten per centum per annum on the price paid for such land at the end of the second and every subsequent year, or if he shall cease to *bona fide* occupy, or if he shall omit for two months

after notice to make the return in writing required as aforesaid, the Commissioner shall forthwith, by a notification to be published in the *Provincial Government Gazette* declare that the right and interest of such lessee in such land has become forfeited; and the Superintendent may let or sell or otherwise dispose of it under these Regulations in the same manner as if the land had never been let to such lessee.

20. If any question shall at any time arise as to whether a forfeiture has been incurred or sufficient improvements made, as required by these Regulations, it shall be lawful for the lessee, within one month after such question shall have arisen, to prefer an appeal, in writing, to the Superintendent, which appeal shall be referred, at the expense of the party requiring the same, to two arbitrators and an umpire, to be appointed in the usual way, whose decision shall be final and conclusive.

Lessee whose claim is declared forfeited to have right of appeal to arbitration.

21. If any lessee or any other person shall, after the time for appealing to the Superintendent against the decision of the Commissioner shall have elapsed, continue in possession of land which shall have become forfeited under the provisions of these Regulations, and of which due notice shall have been given him, he shall be deemed to be in the unlawful occupation of Waste Lands of the Crown, and shall forfeit and pay for every day during which he shall so continue in possession the sum of Forty Shillings, to be recovered before any Justice of the Peace in a summary way.

Penalty for remaining in possession of forfeited claim.

SCHEDULE.

LANDS REFERRED TO IN CLAUSE 2, TO BE RESERVED FOR SPECIAL SETTLEMENT.

Pohui Block	...	...	...	...	3,324
Puketiri Block	...	...	...	...	14,000
Mohaka Block*	...	...	...	...	3,000
Total	...	...	...	...	20,324

NOTE.—Mohaka Reserve to contain Three thousand acres. To be defined by survey and laid out on the road to Tauranga in such manner as may secure the inclusion of the most suitable lands in that locality for settlement.