

Hon. Mr. Ballance.

[AS REPORTED FROM THE WASTE LANDS COMMITTEE.]

LAND ACT 1877 AMENDMENT.

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11. Provisions as to residence in case of marriage of deferred-payment selector with owner or occupier of freehold land. 12. When deferred-payment license forfeited, Commissioner may sue for arrears. 13. Power to Board to reduce original valuation of improvements. 14. Proviso as to bush land. 15. One-fourth of rents from perpetual leases to be paid to local bodies.	29. Conditions on which Governor may reserve Crown lands within boroughs or town districts as endowments therefor. LICENSES FOR REMOVAL OF GUANO, ETC. 30. Part IV. of "Land Act, 1877," to include issue of licenses for removal of guano. 31. Amendment of section 86 of "Land Act, 1877."
LEASES OF RUNS. 16. Leases of runs in the vicinity of settled districts. 17. When lease or license for occupation of pastoral lands under Act other than this Act has been offered to public competition and not disposed of, how Board may deal with same. 18. No transfer of run valid unless sanctioned by Board. 19. Transferee in all cases liable for rent and other conditions of license.	SPECIAL SETTLEMENT. 32. 10,000 acres may be set aside between Catlin's River and Waikawa for a special settlement for Highland crofters. Schedule.

A BILL INTITULED

AN ACT to amend "The Land Act, 1877."

Title.

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

Short Title.

1. The Short Title of this Act is "The Land Act 1877 Amendment Act, 1884."

Certain words in "Land Act, 1877," and amendments to be construed distributively.

2. In "The Land Act, 1877," and in all the Acts amending the same, inclusive of this Act, words referring to a Commissioner, Receiver, Board, authority, officer, district, or office shall be construed distributively as referring to each Commissioner, Receiver, Board, authority, officer, district, or office to which or to whom the provision is applicable.

Provision for taking oath of office in absence of Judge.

3. The oath of office required to be taken by a Commissioner appointed to a Land Board, under section nineteen of "The Land Act, 1877," may be taken before the Chief Commissioner or any Justice of the Peace in any case where there is no resident Judge of the Supreme Court at the place of the meeting of the Board, or such Judge is absent from such place, or prevented by illness from administering such oath.

New clause.

"Land Boards Inquiry Act, 1883," to operate as to previous licenses.

4. The provisions of "The Land Boards Inquiry Act, 1883," shall operate and shall be deemed to have operated from the day of the passing thereof in respect of every lease or license and every lessee or licensee mentioned in the second section thereof, irrespective of the time of the granting of such lease or license.

Past forfeitures confirmed.

Every forfeiture heretofore declared by any Board under the powers of the Act hereinbefore last mentioned in respect of any lessee or licensee occupying land under any lease or license issued or granted before the passing of such Act, and every cancellation of any such leave or license is hereby confirmed, and shall take effect and be deemed to have taken effect from the day of the declaration of such forfeiture or of the order for such cancellation by the Board.

Every forfeiture and cancellation hereafter to be declared or made by the Board in respect of any lessee or licensee occupying as last aforesaid shall be valid and absolute without appeal, and shall take effect from the day of declaring or making the same by the Board.

Struck out.

REPEAL OF POWER TO SELL PASTORAL LANDS ON DEFERRED PAYMENTS.

Repeal of sections 75 to 85 of "Land Act, 1877."

4. Sections seventy-five to eighty-five, both inclusive, of "The Land Act, 1877," are hereby repealed:

Provided that, as regards any pastoral lands sold on deferred payments prior to the passing of this Act, or the purchasers thereof, such repeal shall not in any way affect or invalidate the operation of such repealed sections.

AS TO LAND SOLD ON DEFERRED PAYMENTS.

5. Section nine of "The Land Act 1877 Amendment Act, 1879," is hereby repealed.

Repeal of section 9 of "Land Act 1877 Amendment Act, 1879."

15 The provisions of subsection nine of section sixty-three of "The Land Act, 1877," are hereby revived, and shall have operation from and after the passing of this Act as if the same had never been repealed, saving as to anything done prior to the passing of this Act and subsequent to the coming into operation of "The Land Act 1877 Amendment Act, 1879."

10 6. All selectors of land on deferred payments who have acquired the freehold of their respective selections under the relief afforded to them in accordance with the recommendation of the Waste Lands Committee of the House of Representatives, in a report dated the thirtieth day of June, one thousand eight hundred and eighty, shall be deemed to have acquired such freehold under the deferred-payment system, and shall be precluded from making any selection of land under the said system.

Deferred-payment selectors acquiring freehold under relief recommended by Waste Lands Committee in report of 30th June, 1880, to be precluded from making selection under deferred-payment system.

20 7. Section sixty of "The Land Act, 1877," shall be read and construed as if the word "fraudulent" had never been inserted therein.

Amendment of section 60 of "Land Act, 1877."

25 8. No deferred-payment selector who has applied for relief under the sixtieth section of "The Land Act 1877 Amendment Act, 1882," shall, notwithstanding that he may have paid the whole of the capitalized value of the unpaid payments which he was liable to make in respect of his land, be entitled to have a grant issued to him for such land until the expiration of the period of his license, as fixed by subsection one of section sixty-three of "The Land Act, 1877."

Deferred-payment selector, notwithstanding that under "Land Act 1877 Amendment Act, 1882," he may have paid the whole of capitalized value of his unpaid payments, not to be entitled to grant until expiration of term for which license granted.

30 9. Any lands sold on deferred payments which may have become forfeited under section sixty-two of "The Land Act, 1877," shall be again open for application under the fifty-fourth and following sections of "The Land Act, 1877."

Deferred-payment land forfeited under section 62 of "Land Act, 1877," to be again open for application.

35 10. Any lands forfeited under section eighty-three of "The Land Act, 1877," shall thereafter be dealt with either as rural lands or as lands to be held under pastoral lease or license, as the Governor may direct.

Lands forfeited under section 83 of "Land Act, 1877," how dealt with.

40 11. Whenever any two persons, one of whom has become a selector of Crown land sold on deferred payments, and the other is an owner or occupier of freehold land, have lawfully intermarried at some period not sooner than twelve months from the issue of the license held by such selector, the Board may authorize such selector to reside on such freehold, and residence on such freehold, if with the permission of the Board, shall be deemed a compliance with the conditions of the fourth subsection of the sixty-third section of "The Land Act, 1877," in respect of the lands included in the license issued to such selector.

Provisions as to residence in case of marriage of deferred-payment selector with owner or occupier of freehold land.

45 12. Whenever any license for the sale of any Crown lands on deferred payments has been declared forfeited, the Commissioner may in his own name sue in any Court of competent jurisdiction the selector or licensee of such lands for the recovery of any arrears of payments which may be due and owing at the time of such forfeiture.

When deferred-payment license forfeited, Commissioner may sue for arrears.

Power to Board to reduce original valuation of improvements.

13. Notwithstanding anything contained in the seventy-first section of "The Land Act, 1877," the Board may reduce the original valuation of improvements upon any land forfeited under the seventieth section of the said Act, and may from time to time offer such land to competition, with such reduction of the original valuation as it may deem expedient. And no selector whose land has been so forfeited, and the original valuation of the improvements thereupon so reduced, shall have any claim against Her Majesty, or the Board, or any other body or person whatsoever, by reason of any reduction of such valuation.

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New clauses.

Proviso as to bush land.

14. Notwithstanding anything in this Act contained, the Board may, with the consent of the Minister of Lands, declare that the provisions of the fifth, eighth, and twelfth sections of this Act, or of either of the aforesaid provisions, shall not operate in respect of any selector on deferred payments of rural land which is for the most part covered with bush.

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One-fourth of rents from perpetual leases to be paid to local bodies.

15. One-fourth of the rents paid from time to time in respect of lands leased with perpetual right of renewal under the provisions of "The Land Act 1877 Amendment Act, 1882," contained in sections numbered two to forty-nine inclusive, shall be handed over to the County Council or Road Board of the district within which such land is situated, to be expended in the construction or maintenance of roads and bridges leading to or opening up such lands occupied by the lessee: the expenditure to be first authorized by the Land Board of the district and the Minister of Lands.

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LEASES OF RUNS.

Leases of runs in the vicinity of settled districts.

14. 16. The Governor may, from time to time by Proclamation, declare any pastoral lands to be lands in the vicinity of a settled district, and may prescribe regulations under which leases of the same shall be disposed of as runs, and the maximum area to be comprised in any one run. The Board, with the sanction of the Governor, may offer the lease of such lands for public auction at such price as it thinks fit, subject to the approval of the Governor. No person shall be allowed to become the purchaser of more than one such lease in any part of the colony; and the Board may require the purchaser of any lease under this section to take and sign a declaration in the form in the Schedule hereto, before admitting him to the occupation of the run leased by him, and any person making a false declaration or committing any breach of any of the conditions on which such lease is granted shall, if the Land Board so determine, absolutely forfeit all right or title to such lease.

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When lease or license for occupation of pastoral lands under Act other than this Act has been offered to public competition and not disposed of, how Board may deal with same.

15. 17. Where any lease or license for occupation of pastoral lands under this Act or any other Act has been offered for sale by public competition and is not disposed of, the Board may at any time, and from time to time, offer the same for competition on the terms contained in section one hundred and twenty-four of "The Land Act, 1877," or may declare such lease open for sale on application, at the upset price, after thirty days' public notice thereof has been given.

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The words "leases or licenses thereof" in the forty-fifth section of "The Land Act, 1877," shall be construed and deemed to include leases or licenses for occupation as pastoral runs.

16- 18. No transfer of the interest in a run held under license for pastoral purposes shall be valid unless all the conditions upon which the license was granted have been complied with, as to payment of rent or otherwise, and until notice has been given to the Land Board of such transfer having been made, and such transfer is sanctioned by the Board; and no registration shall be made under section one hundred and twenty-six of "The Land Act, 1877," of any such transfer, until the sanction of the Board thereto has been ascertained.

No transfer of run valid unless sanctioned by Board.

10 The fee of *ten* pounds required to be paid under the aforesaid section shall be paid in respect of every transfer of a license whether a new license is taken out or not by the transferee.

15 17- 19. The transferee of any license, as in the last foregoing section mentioned, whether the transfer made be absolute, or by way of mortgage or otherwise, and whether he holds under a new license or not, shall be liable, from the day of the transfer taking effect, to all the conditions upon which the license was held by the transferor, as to payment of rent or otherwise, in the same manner as the transferor was liable previous to such transfer, subject to the special provision in the aforesaid one hundred and twenty-sixth section as to the payment by the transferor of the instalment of rent which shall become due next after the transfer.

Transferee in all cases liable for rent and other conditions of license.

RECOVERY OF VALUATION FOR IMPROVEMENTS.

25 18- 20. Whenever a lease or license for the occupation of pastoral or other lands is sold or otherwise disposed of, subject to a payment of the valuation of the improvements made on such lands, and such payment is not made within *fourteen* days after the sale or other disposal of such lease or license, the person entitled to receive such payment may sue for and recover the same by summary procedure in any Court of competent jurisdiction from the person who should make such payment.

Valuation for improvements may be recovered in a summary manner by person entitled thereto.

RECOVERY OF POSSESSION OF CROWN LANDS FROM PERSONS HOLDING POSSESSION ILLEGALLY.

35 19- 21. Section one hundred and sixty-five of "The Land Act, 1877," is hereby repealed, and in lieu thereof the following is hereby enacted:

Repeal of section 165 of "Land Act, 1877," and enactment in lieu thereof

40 When any person shall, without any right, title, or license, or whose right, title, or license has expired or been forfeited or cancelled, be in occupation of any Crown lands, or of any public reserve not granted to or vested in any local body, trustees, or other persons, whether such lands be within or outside any mining district, the Commissioner for the land district within which such lands or reserve is situate, or some person appointed in writing by him, may enter a plaint in the Resident Magistrate's Court of the district in which the land lies, to recover possession thereof; and the jurisdiction of the Court or Magistrate shall not be ousted on the plea that a question of title is involved in any such case, or that the value of the premises of which possession is sought to be recovered is in excess of the ordinary jurisdiction of such Court or Magistrate.

If, on the hearing, the defendant does not appear, or appears but fails to establish in himself an absolute right and title to the possession, the Court may order him to give up possession and to pay costs.

If possession be not given pursuant to such order, the Resident Magistrate or any Justice of the Peace may issue a warrant requiring the bailiff of the Court or any constable to give possession of such lands to the plaintiff. 5

The provisions of sections ninety-one, ninety-two, ninety-three, and ninety-five of "The Resident Magistrates Act, 1867," shall apply to any proceedings under this section. 10

Penalty for trespass of cattle, &c., on Crown lands, or for unlawful felling or removing of timber therefrom.

~~20.~~ 22. Any person who, without right, title, or license, allows any cattle, horses, or other animals to trespass upon any Crown lands, or any public reserve not granted to or vested in any local body, trustees, or other persons, whether within or without a mining district, or who, without right, title, or license, shall fell, remove, or sell any timber growing or being thereon, or otherwise unlawfully trespass upon any such lands or public reserve, shall be liable to a penalty not exceeding *fifty* pounds. 15

No person shall be convicted under this section except on the information of the Commissioner, or some person appointed in writing by him. 20

New clause.

WESTPORT COLLIERY RESERVE.

Grant of future leases.

23. The following provision shall have operation in respect of the Westport Colliery Reserve, as the same is defined in the Fourth Schedule to "The Westland and Nelson Coal Fields Administration Act, 1877," and shall be read as part of the said Act, that is to say,— 25

When any part of such reserve under any existing or any future lease shall on the expiration or determination thereof be again leased, the subsections following shall be acted on:— 30

- (1.) The improvements made by the lessee or his tenant on the land comprised in any such lease shall be valued in such manner as the Board shall direct.
- (2.) The rental of each lease shall be fixed by the Board.
- (3.) The right to the lease shall be disposed of by public auction. 35
- (4.) If the lessee shall not become the purchaser, the purchaser of the lease shall pay to the Receiver of Land Revenue, as a premium or fore-gift, the value of the improvements to be so fixed as aforesaid; and in default of such payment the person entitled to such value may recover the same in a summary manner from the person who ought to have paid the same. 40

SALES OF RESERVES.

When lands discharged from reservation and authorized to be sold, Governor may nevertheless reserve portions of same for public purposes.

~~21.~~ 24. Where any lands are discharged from reservation, and are authorized to be sold for purposes of settlement, the Governor may, notwithstanding such authority, except such portions of the land from sale as he shall think necessary, and may reserve the same for public purposes under the one hundred and forty-fourth section of "The Land Act, 1877." 45

RESERVES OF LANDS ON WHICH THERE ARE SPRINGS OR NATURAL CURIOSITIES.

5 22. 25. The Governor may reserve out of any Crown lands under the one hundred and forty-fourth section of "The Land Act, 1887," any land containing mineral or other springs which he may think should be so reserved for the public health, or any land wherein or whereon natural curiosities may exist of a character to be of national interest, and may from time to time, by notification in the *Gazette*, make regulations for the occupation and conservation thereof, and to regulate the access of the public thereto. And in such regulations a penalty not exceeding a fine of *fifty* pounds or imprisonment for for any period not exceeding *six* months may be prescribed for the breach of the same :

Governor may reserve lands on which there are springs or natural curiosities, and make regulations respecting same.

15 Provided that no person convicted of a breach of such regulations shall be sentenced to any period of imprisonment in respect thereof, unless upon the order of a Resident Magistrate before whom the information upon which such person was convicted was heard.

20 23. 26. For the above purposes, or in respect of reserves of a like kind formerly made, the Governor may from time to time grant leases of any portion of such reserves not exceeding seven acres in area for a period not exceeding sixty-three years, conditional on the erection by the lessee of suitable accommodation for visitors ; and every such lease shall be subject to such covenants in respect to forfeiture for breach thereof, and to such other conditions, as the Governor shall think fit to be observed by the lessee for the public convenience.

Governor may grant leases of portions of such reserves on certain conditions.

30 24. 27. Any local body may out of its ordinary funds apply such moneys as it shall from time to time think fit towards the maintenance or embellishment of any reserve made for public recreation or health of the residents of the district under its jurisdiction, or for its ornamentation, or for purposes of public plantations, whether or not such reserve is situate within the limits of such district, and whether such reserve is vested in such local body or placed under its administration, either solely or jointly with any other local body or bodies, or may grant any such moneys for the purposes aforesaid by way of subsidy to any Domain Board having charge of any such reserve.

Local bodies may apply portions of ordinary funds towards maintenance or embellishment of reserves whether under its jurisdiction or not.

35 And any such local body may unite with any other local body or bodies for the joint exercise of all the aforesaid powers in respect of any such reserve as aforesaid as may be under their joint administration, or whereof they may have the use in common, and for regulating the use of such reserve by the public, or for the proper care and conservation thereof.

45 MUNICIPAL ENDOWMENTS.

50 25. 28. The provisions of sections three, five, and six of "The Plans of Towns Regulation Act, 1875," shall be deemed to apply to all boroughs and all town districts, notwithstanding that any such borough or town district may have been laid off as a town previous to the passing of the Act aforesaid.

Provisions of certain regulations of "Plans of Towns Regulation Act, 1875," to apply to all boroughs and town districts.

Conditions on which Governor may reserve Crown lands within boroughs or town districts as endowments therefor.

26. 29. The Governor may from time to time reserve any lands at the disposal of Her Majesty within any such borough or town district under the provisions of the aforesaid sections, not exceeding in any borough or town district one-tenth of the Crown lands available for sale within such borough or town district: Provided that the reserves to be made for any borough or town district under this section shall be made only in cases where no such reserves for the same purpose exist therein, or, if existing, do not equal or exceed the amount of reserves authorized to be made under the Act aforesaid.

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LICENSES FOR REMOVAL OF GUANO, ETC.

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Part IV. of "Land Act, 1877," to include issue of licenses for removal of guano. Amendment of section 86 of "Land Act, 1877."

27. 30. Part IV. of "The Land Act, 1877," shall be extended so as to include the issue of licenses for the removal of guano or other substances.

28. 31. Section eighty-six of "The Land Act, 1877," is hereby amended by the substitution of the word "or" for "and" in the first four places where the last-mentioned word occurs after the word "namely."

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New clause.

SPECIAL SETTLEMENT.

10,000 acres may be set aside between Catlin's River and Waikawa for a special settlement for Highland crofters.

32. It shall be lawful for the Governor in Council to set aside a block of ten thousand acres adjacent to such part of the sea-coast as he shall see fit, situated between Catlin's River and Waikawa, for the purpose of forming a special settlement, to be offered to such of the crofters in the Highlands and Islands of Scotland as may be disposed to emigrate to New Zealand; one-third of such land to be free-granted in areas not exceeding ten acres for each male adult, on such terms and conditions of occupation as the Governor in Council may prescribe; the remaining two-thirds to be open for application by the said crofters in sections of twenty acres, at twenty shillings an acre; the manner and form of such application to be regulated by the Governor in Council, by Proclamation in the *New Zealand Gazette*.

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Schedule.

SCHEDULE.

DECLARATION ON TAKING A LEASE OF A RUN IN THE VICINITY OF SETTLED DISTRICTS.

I, A.B., of [*place of abode and occupation*], do solemnly and sincerely declare,—

1. That I am of the age of eighteen years and upwards.

2. That I am the person who, subject to the provisions of "The Land Act 1877 Amendment Act, 1884," am desirous of becoming the purchaser of a lease of the pastoral lands [*Here specify land*] in the vicinity of the settled district of

3. That I am purchasing such lease solely for my own use and benefit, and not directly or indirectly for the use of any other person or persons whatever.

4. That I am not already the holder of any such lease in any part of the colony, nor have I any interest in any such lease.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1882." A.B.

Declared at _____, this _____ day of _____, 188 _____,
before me _____, a Justice of the Peace in and for
the Colony of New Zealand.