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New Zealand.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. ---.

ANALYSIS.

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A BILL INTITULED

An Act to authorize the Leasing of Pastoral Lands of the Crown in the Province of Nelson.

WHEREAS it is expedient to amend the law now in force for letting waste lands of the Crown in the Province of Nelson Preamble.

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

I. The Short Title of this Act shall be “The Pastoral Lands (Nelson) Leasing Act 1866.” Short Title.

II. The word “Board” in this Act shall mean the Waste Lands Board established pursuant to “The Nelson Waste Lands Act 1863” the word “Commissioner” shall mean Commissioner of Crown Lands for the Province of Nelson and the words “great cattle” shall mean horned cattle horses mules and asses and the offspring of such above six months of age and the term “small cattle” shall mean sheep goats and swine and the weaned offspring of such and the word “cattle” shall mean all animals included within the meanings attached hereby to great and small cattle. Interpretation.

III. “The Crown Lands (Nelson) Leasing Act 1865” is hereby repealed and so much and such parts of “The Nelson Waste Lands Act 1863” as are inconsistent with the provisions of this Act and so far only as they would prevent the operation of this Act are hereby repealed. Acts repealed.

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Save as to unfulfilled contracts.

IV. Provided always that nothing herein contained shall affect any contract promise or engagement made with or by or on behalf of Her Majesty or of the Government previous to this Act coming into operation and then incomplete and unfulfilled.

Application for lease to be made to Commissioner.

V. All persons desiring leases of unoccupied portions of Crown Lands not suitable for agricultural purposes shall lodge with the Land Commissioner of the district in which such land is situated an application for such land accompanied by a sketch plan of the land so applied for which shall exhibit to the satisfaction of the Commissioner the boundaries of the land in question and its estimated acreage and shall at the same time lodge with the Commissioner a written declaration signed by the applicant stating what amount of great or small cattle the land applied for to the best of his belief is capable of carrying.

Deposit to be made.

VI. Upon lodging such application and plan as aforesaid the applicant shall deposit the sum of two pounds sterling for every one thousand acres contained in his application. Always provided that no application shall be received for a larger amount of land than ten thousand acres nor for a smaller amount than one hundred acres and that for any less quantity than one hundred acres the amount of deposit shall nevertheless be two pounds. Provided further that for any fractional quantity in excess of any number of thousands of acres the sum deposited shall be two pounds.

Sections of Nelson Waste Lands Act applicable to leases.

VII. Sections XLVIII, XLIX, L, LI, LII, and LIII, of "The Nelson Waste Lands Act 1863" shall apply as well to applications for leases under this Act as to applications for runs under the said Act.

Leases not to contain more land fit for the plough than one acre in twenty.

VIII. The area to be comprised in any lease shall not contain more land fit for the plough than in the proportion of one acre in every twenty acres of land comprised in such area and the decision of the Board shall be conclusive as to the fitness of any land for agriculture. Provided that no lease shall be invalidated by any error or miscalculation of the proportions of arable land.

If land not awarded deposit to be returned.

IX. In the event of any land in respect of which a deposit has been paid not being afterwards awarded to the depositor by the Commissioner the amount so deposited will be returned.

Commissioner to assess rental.

X. So soon as may be after the Commissioner has decided that there is no objection to the issue of a lease of the land applied for he shall proceed to assess the annual rent to be charged upon such land and shall inform the applicant in writing what rent he proposes to charge accordingly.

Rent to be computed on carrying capacity of land.

XI. The rent shall be computed on the carrying capability of the land applied for and shall be at the rate of three shillings and sixpence for every head of great cattle and sevenpence for every head of small cattle.

Intending lessee may appeal from assessment.

XII. If the intending lessee shall consider that the land is assessed by the Commissioner beyond its carrying capacity it shall be lawful for him to refer the question in dispute to a tribunal consisting of the Superintendent of the Province the Speaker of the Provincial Council and the Resident Magistrate of the City of Nelson who are hereby authorized and required to entertain and adjudicate upon such disputed questions and the decision of this tribunal after such inquiry as may seem to them sufficient shall be final and conclusive.

Lease to be issued to applicant.

XIII. As soon as conveniently may be after the determination of the rent in the manner aforesaid a lease in the form set forth in Schedule to this Act to depasture stock for ten years shall be issued to the applicant who shall pay for such lease the sum of thirty shillings sterling and shall be entitled to receive credit on account of rent to the extent of the deposit lodged by him.

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XIV. Every lessee shall on the first day of February in every year pay or cause to be paid in advance to the Receiver of Land Revenue the rent specified in his lease and in case any such lessee shall neglect or fail to pay the amount so payable by him for the space of one month after the first of February in any year it shall be lawful for the Commissioner to issue a warrant directed to any constable or bailiff to levy the amount of such rent or such part thereof as shall remain unpaid by distress and sale of a sufficient number of the cattle depastured on the lands comprised in such lease in like manner as in case of rent in arrear between landlord and tenant.

Lessee to pay rent in advance on 1st February in each year.

XV. Should any license or lease for depasturing purposes lapse or be forfeited the Commissioner shall with the approval of the Superintendent cause a lease or leases of such lands or such parts thereof as the Board shall determine to be offered for sale by public auction subject to such conditions for payment of deposit and purchase money and otherwise for such term not exceeding ten years and at such annual rental or rentals as the Board shall determine and such lease shall be sold to the highest bidder.

License or lease lapsing to be offered for sale by public auction.

XVI. The rents payable under all leases of pastoral lands so sold by auction as last aforesaid shall be payable annually and in advance and in every sale by auction of a lease of pastoral lands a deposit of ten pounds per centum of the annual rent and of the premium shall be paid immediately by the person declared to be the purchaser and if the purchaser shall not on the day appointed by the Commissioner for the purpose pay the balance of the first year's rent and the premium if any at which the lease was sold the deposit shall be absolutely forfeited and it shall be lawful for the Commissioner again to put up for sale by auction the lands comprised in such lease either on the same or other conditions as the Board shall determine and either for the same term of years as originally offered or any greater or less term not exceeding ten years as the Board may think fit.

Rents payable in advance. If not paid lease forfeited.

XVII. The beneficial interest in any lease of pastoral lands granted hereunder may at any time after the grant of such lease be transferred by the lessee or the transferee thereof. Provided always that no such transfer shall be valid unless all the conditions upon which the lease was granted shall have been complied with as to payment of rent or otherwise and until notice shall have been given to the Commissioner of such transfer having been made and such transfer shall have been sanctioned by the Commissioner and recorded. Provided also that it shall be lawful for the lessee with the sanction of the Commissioner to transfer any portion or portions of the land held by him under lease as aforesaid.

Beneficial interest in lease may be transferred.

XVIII. If at any time during the currency of any pastoral lease granted hereunder the annual rent payable in respect thereof shall not have been paid or the covenants or conditions therein contained or implied or the provisions of this Act shall not have been performed or observed by the holder of such lease then and in that case the said lease shall cease and determine and the Board shall thereupon be empowered to notify in the *Provincial Gazette* the forfeiture of such lease and to let the land comprised in such lease by public auction to the highest bidder for the residue of the term subject to the provisions contained in the fifteenth and sixteenth sections of this Act.

If rent not paid lease to be forfeited.

XIX. Every holder of a pastoral license whether issued under "The Crown Lands Amendment and Extension Ordinance" or any other law or regulations subsequently in force within the Province of Nelson may at any time within six months after the coming into operation of this Act elect to surrender such license and receive from the Commissioner a lease under this Act of the lands held under such

Holders of pastoral licenses may exchange licenses for leases.

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license and upon receiving from any licensee such notice as aforesaid the Commissioner shall cancel such license and shall grant to the holder thereof at the time of such cancellation a lease under this Act to be called a pastoral lease of the lands held under the depasturing license for a term of ten years. Provided always that no licensee who shall neglect or fail to give such notice in writing as aforesaid shall be entitled to a lease under this Act but a lease or leases of the lands held by every such licensee so failing as aforesaid shall at the expiration of the existing license be put up for sale by public auction in manner provided in sections numbered fifteen and sixteen in this Act.

Leases under Crown Lands (Nelson) Leasing Act may be exchanged.

XX. And whereas certain leases have been issued under "The Crown Lands (Nelson) Leasing Act" and applications have been made for leases under that Act but the leases have not yet been issued and whereas deposits have been paid as required by the fourth section of that Act it shall be lawful for any person who holds a lease under the aforesaid Act to make application to the Commissioner to have such lease exchanged for a lease under this Act of even date therewith and upon receiving such application in writing at any time within six months after the coming into force of this Act it shall be the duty of the Commissioner to issue a new lease upon the terms of this Act and any moneys paid by way of rent upon any lease so surrendered or as deposit in accordance with any of the provisions of "The Crown Lands (Nelson) Leasing Act" shall be allowed to the lessee towards payment of the rent reserved under the new lease as if the surrendered lease had never been in existence and in all cases in which applications have been made for leases under "The Crown Lands (Nelson) Leasing Act 1865" but no lease has yet issued it shall be lawful for the applicant who is entitled to a lease to require that a lease shall be given to him upon the terms and conditions of this Act and it shall be the duty of the Commissioner to grant him such lease accordingly and any moneys paid by him shall be allowed towards the payment of the rent reserved by the lease to be issued as herein provided.

Moneys paid by a license holder in advance to be allowed in rent of lease.

XXI. Any moneys paid by a license holder in advance on account of his license or the assessment upon his stock shall in the event of his electing to exchange his license for a lease be allowed to him in computing the first year's rental under the lease after deducting such proportion of the money paid as aforesaid as may be equivalent to the portion of the year during which the license remained in force.

Land may be offered for sale.

XXII. It shall be lawful for the Commissioner to offer for sale subject to the provisions of the Nelson Waste Lands Act any land included within the limits of a lease still current which the lessee may desire to purchase and for which he shall have lodged a written application. But in the event of the land which has been so offered to public auction not being sold it shall be exempted from the operation of the thirty-third clause of the said Act and shall not be subject to sale excepting by way of subsequent auction.

Lands may be granted to lessee as payment for public works.

XXIII. It shall be lawful for the Superintendent of the Province of Nelson to contract with the holder of any lease of pastoral land to give subject to the provisions of the forty-second clause of "The Nelson Waste Lands Act 1863" any portion of the lands included within the limits of any current lease to the lessee thereof as payment for any lesser public work which the lessee shall express his willingness to undertake. But excepting with the consent of the lessee no land shall thus be alienated within the limits of any lease still current.

Improvements to be allowed lessee.

XXIV. Any land included within the limits of a lease put up to auction at the request of the lessee upon which any improvements shall have been made shall be offered for sale at an upset price which

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shall include the value of the improvements to be assessed by the Commissioner in some equitable manner and if any other person than the lessee should prove the purchaser of such lands the value of the improvements as aforesaid shall be paid by the Commissioner to the lessee.

SCHEDULE.

THIS deed made the day of A.D. 18 between Her Most Gracious Majesty Victoria of the United Kingdom of Great Britain and Ireland Queen of the one part and (name description and residence of lessee) hereinafter called the lessee of the other part (recital if any) Witnesseth (or now this deed witnesseth) that in pursuance of "The Pastoral Lands (Nelson) Leasing Act 1866" Her Majesty the Queen doth hereby demise and lease unto the lessee his executors administrators and assigns All that &c. (here describe land) to hold the same unto the lessee his executors, administrators and assigns (subject to the terms and conditions by the said Act imposed and other the terms and conditions implied in leases under or by virtue of any law or ordinance of New Zealand) for the term of years to be computed from yielding and paying therefor during the said term the yearly sum of £ in advance on the day of in each and every year of the said term All such annual payments to be made to the Receiver of Land Revenue for the Province of Nelson aforesaid.

In witness whereof Esquire the Chief Commissioner of the Waste Lands Board for the Province of Nelson hath hereunto set his hand the day and year first aforesaid.