

## New Zealand.



### ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Land Board may cancel lease or license in certain cases.</p> <p>4. Board may summon witnesses and order production of documents, &amp;c.</p> | <p>5. Board may examine witnesses on oath.</p> <p>6. Persons not attending or producing documents subject to a penalty of £50.</p> <p>7. Mode of serving of summons.</p> <p>8. Witnesses entitled to expenses.</p> <p>9. Expenses of administration.</p> <p>10. Appeals may be made.</p> |  |
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1883, No. 33.

AN ACT to authorize Land Boards to inquire into Cases of Forfeiture  
for Breach of Conditions in Leases and Licenses. Title.

[8th September, 1883.]

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 Land Boards Inquiry Act, 1883.” Short Title.

2. The terms “lease or license” and “lessee or licensee” include— Interpretation.

- (1.) A selector of suburban or rural land on deferred payments ;
- (2.) A purchaser of pastoral lands on deferred payments ;
- (3.) A lessee of rural land with perpetual right of renewal ;
- (4.) A lessee or licensee of pastoral lands under “The Land Act, 1877,” and the amendments thereof.

3. Whenever a Land Board has reason to believe that any lessee or licensee is not fulfilling the conditions of his lease or license in a *bonâ fide* manner according to their true intent and purport, the Board may hold an inquiry into the case, and shall declare all the rights of the lessee or licensee under his lease or license to be forfeited, and shall cancel such lease or license in every case where, upon inquiry, and after hearing witnesses, or without such hearing, the Board shall be satisfied that the lessee or licensee— Land Board may cancel lease or license in certain cases.

- (1.) Has not strictly conformed with the requirements of personal residence during the whole term prescribed ; or
- (2.) Has not occupied the land comprised in his lease or license exclusively for his own personal use and benefit : or
- (3.) Has occupied such land for his own use and benefit nominally, but has permitted other persons to derive the virtual use and benefit thereof by depasturing their stock on the land,

such stock not being agisted to the lessee or licensee upon adequate terms or for an adequate money consideration; or

(4.) Has occupied such land apparently for his own use and benefit, but virtually has so occupied on behalf of another person who has supplied the lessee or licensee with money or stock in that behalf; or

(5.) Has in any manner evaded, or attempted to evade, the requirements of the said Acts in their true intent and spirit.

And the Land Board shall declare every transaction null and void, and all deposit moneys to be forfeited, in any case where any lessee or licensee has purchased or acquired or occupied any lease or license not exclusively for his own personal use, occupation, and benefit.

Board may summon witnesses and order production of documents, &c.

4. For the purpose of any such inquiry as aforesaid every Land Board may, by summons under the hand of the Chief Commissioner, or any member of the Board acting as Chairman in his place, require any person to attend as a witness at such time and place as shall be specified in the summons.

Such person may in like manner be required to bring and produce any books, papers, writings, deeds, and documents of which a Court of law could compel the production.

Board may examine witnesses on oath.

5. The Board may examine upon oath any person so summoned and attending touching the matter to be inquired into.

Persons not attending or producing documents subject to a penalty of £50.

6. If any person on whom any summons shall have been served shall fail or neglect to appear, or to produce any books, papers, writings, deeds, and documents according to the exigency of the summons, or shall refuse to be sworn, or to affirm, or to give evidence, or to answer such questions as shall be put to him by any member of the Board touching the subject-matter of the inquiry, every such person shall be liable to a penalty not exceeding fifty pounds, to be recoverable in a summary way; and every person wilfully and corruptly giving false evidence on oath or affirmation shall be guilty of perjury and punishable accordingly.

Every day on which a person refuses to be sworn, or affirm, or to give evidence, or to answer questions as aforesaid, shall be deemed to be a separate offence.

Mode of serving of summons.

7. A summons may be served by delivering a copy thereof personally, or by leaving a copy at the usual place of abode of the person to be served.

No person shall be compelled to attend until a reasonable sum is tendered to him to pay the probable expenses of his travelling and maintenance, or, if the summons is not personally served, such sum is paid on his demand by the person at whose instance the inquiry is held.

Witnesses entitled to expenses.

8. The amount to which witnesses shall be entitled for such expenses shall be according to the scale allowed to witnesses by the Supreme Court, and the amount thereof shall be fixed by the Board, and the Chief Commissioner shall, as soon as the examination is concluded, give a certificate to the person entitled setting forth the amount allowed.

Expenses of administration.

9. All expenses incident to the administration of this Act, including the expenses of witnesses, shall be deemed to be expenses

incident to the administration of Crown lands, and shall be paid out of any moneys appropriated by the General Assembly for that purpose.

10. Every person feeling himself aggrieved by a decision of the Land Board under this Act may apply for a rehearing, and may appeal to a Judge of the Supreme Court, in manner provided by "The Land Act, 1877," in relation to appeals in ordinary cases from the decisions of Land Boards. Appeals may be made.

The Board may grant a rehearing if it is of opinion that good cause is shown.