

NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO
VICTORIÆ REGINÆ.
No. 77.

ANALYSIS:

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| <p>Title.
Preamble.
1. Act of 1856 repealed.
2. Land Orders, may be exercised on Land.
3. Commutation of Land Orders for Government Scrip declared valid.
4. Government Scrip—where to be exercised.
5. Where selection has been made of Native land, land orders, &c., to be deemed unexercised and exercisable as such.
6. How original Land Orders may be exercised in the Manawatu Block.</p> | <p>7: How Scrip to be exercised in Province of New Plymouth,
8. How original land orders may for the future be exercised in the Province of New Plymouth.
9. Rate at which Scrip is to be computed in the Province of New Plymouth.
10. Land Orders and Scrip not to be exercised within certain districts, except in part payment of purchase money.
11. Commencement of Act.
12. Short Title.</p> |
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AN ACT to amend the Law defining and settling the rights of Holders of Land Orders and Land Scrip. Title.

[Reserved for the signification of Her Majesty's pleasure thereon, 21st August, 1858.]

WHEREAS by an Act passed by the General Assembly of New Zealand, intituled "The Land Orders and Scrip Act, 1856," provision was made for defining and settling the rights of holders of Land Orders and Land Scrip, and it is expedient that the said Act should be repealed, and the provisions thereof re-enacted with certain amendments : Preamble.

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

I. The said Act intituled "The Land Orders and Scrip Act, 1856," is hereby repealed : Provided always that everything already done in pursuance of the said Act shall be as valid and effectual as though this Act had not been passed. Act of 1856 repealed

Land Orders and Scrip.

Land Orders may be exercised on Land.

II. Notwithstanding the provisions of any Act, Ordinance, Regulation, or Proclamation to the contrary, all Land Orders issued by the New Zealand Company, which have not been exercised or commuted, entitling the holders or owners thereof, to select a definite quantity of Land within any of the said Company's Settlements, except New Plymouth, may hereafter be exercised and used in the selection of the same quantity of Land as is specified in such Land Orders, out of the Waste Lands of the Crown, over which the Native title shall have been extinguished at the date of the passing of "The Land Orders and Scrip Act, 1856," situate within the Province in which such Settlement lies, but not elsewhere, subject to the ordinary regulations for the time being in force as regards shape, frontage, and other particulars of selection, and subject to the exceptions and reservations hereinafter contained; and all such selections shall be made, according to priority of application, at the Land Office of the District wherein the same are to be made.

Commutation of Land Orders for Government Scrip declared valid.

III. The commutation of New Zealand Company's Land Orders and Scrip for Government Scrip made in accordance with the provisions of the New Zealand Company's Land Claimants' Ordinance, shall, in all cases, be deemed to have been valid up to the 17th day of August, 1858, but no such commutation shall be made after such date.

Government Scrip where to be exercised.

IV. All such Scrip as aforesaid issued by the Government of New Zealand remaining unexercised at the date of the passing of this Act may be exercised within the Province within which the Settlement is situated in respect of which such Scrip was issued, and not elsewhere, but, except as hereinafter is provided with respect to the Province of New Plymouth, no such Scrip shall be exercised over any lands to which the title of the Natives shall not have been extinguished at the date of the passing hereof: Provided always that in the purchase of Rural or Country Land such Scrip shall be taken at such a value as that one pound in Scrip shall represent the upset price or fixed price, as the case may be, of one acre of Rural or Country Land, at the date when the Scrip may be tendered in payment.

Where selection has been made of Native land, land orders, &c., to be deemed unexercised, and exercisable as such.

V. Where selection has heretofore been made, by virtue of any such Land Orders, of lands over which the Native title is not extinguished, such land orders shall not, except as hereinafter specially provided, entitle the holders to claim such land when the Native title may hereafter be extinguished, but the same shall be deemed to be unexercised land orders, and exercisable as such.

How original land orders may be exercised in the Manawatu block.

VI. Within the Province of Wellington every holder of a land order originally selected within the block of sections laid out by the New Zealand Company at Manawatu, shall be entitled to retain the particular section selected whenever the Native title to the block shall be extinguished; Provided always that the Superintendent may within three months afterwards set apart any portion of the said block not exceeding in extent ten thousand acres, as the site of a township: and the holder of

Land Orders and Scrip.

any land order whose section is within the limits of such township or of any native reserve, shall be entitled to make a re-selection from any land laid open as rural land within any district the Native title whereto shall at the time, or within two years afterwards, be extinguished, subject to all rules at the time in force relating to selections of rural land. And every holder of a land order originally selected within any other block of sections laid out within the said Province by the New Zealand Company in districts not acquired from the Natives shall likewise be entitled to retain the particular section selected whenever the Native title shall be extinguished, unless such section be reserved by the Superintendent or be included in a Native Reserve, in which case such holder shall have the like privilege of making a re-selection from any rural land the Native title whereto shall at the time, or within two years afterwards, be extinguished, subject as aforesaid to all the rules at the time in force within the said Province relating to selections of rural land.

VII. Within the Province of New Plymouth, Government Scrip shall be available in the purchase of lands over which the Native title now is, or hereafter shall be extinguished, subject nevertheless to the regulations respecting Government Scrip now in force within the said Province.

How Scrip to be exercised in Province of New Plymouth.

VIII. Within the said Province of New Plymouth, every unexercised original Land Order issued by the Plymouth Company of New Zealand, or by the New Zealand Company, and conferring or purporting to confer on the owner or holder thereof, the right to select according to a fixed and definite Order of choice fifty acres of land within the Settlement of New Plymouth, shall entitle such owner or holder in priority to general purchasers, and according to the aforesaid order of choice to select out of any land, over which the Native title now is or hereafter shall be extinguished, and which shall be declared open for purchase (except the Hua Village site) one acre of town land, or thirty-seven and a half acres of suburban land, or seventy-five acres of rural land, at the option of such owner or holder, and subject to the following conditions (that is to say): Provided, first, that every such selection in town or suburban land, or in rural land, divided into sections, be, so far as may be, of an entire section or sections, the proper quantity being made up, where necessary, by including some contiguous portion of an adjoining section, or where a section may exceed in area the whole quantity to be selected, by dividing a section; in either of which cases, the portion taken, shall be laid off by the Government surveyor: And provided, secondly, that for the purpose of enabling such selections to be made according to the priority aforesaid, a convenient day and place be appointed for the purpose by the Superintendent of the Province, by notice published in the "Government Gazette" of the Province, which notice shall be published at least three months before the day appointed thereby: And provided, thirdly, that every such selection be made subject to the ordinary regulations in force respecting shape, frontage, and other particulars of selection.

How original Land Orders may for the future be exercised in the Province of New Plymouth.

Land Orders and Scrip.

Rate at which Scrip is to be computed in the Province of New Plymouth.

IX. Within the Province of New Plymouth, all unsatisfied original land orders issued by the Plymouth Company of New Zealand or by the New Zealand Company, and conferring, or purporting to confer, on the owners or holders thereof, the right to select land within the Settlement of New Plymouth, according to priority of application, or otherwise than in a fixed and definite order of choice, shall be considered as equivalent in the purchase of Waste Lands of the Crown, to an amount of Government Scrip computed at the rate of £2 sterling in Government Scrip, for every acre of land which such land orders purport to entitle the holders to select, and all supplementary land orders and compensation or land Scrip issued by the said New Zealand Company shall be considered as equivalent in the purchase of Waste Lands of the Crown within the said Province, to an amount of Government Scrip computed at the rate of £1 sterling in Government Scrip for every acre of land which such last mentioned land orders or land scrip purport to entitle the holders to select. And all such land Orders and land scrip, as well original as supplementary, shall not be otherwise available or exercisable for the purchase or selection of Waste Lands of the Crown.

Land Orders and Scrip not to be exercised within certain districts, except in part payment of purchase money.

X. And whereas in pursuance of Section VIII. of the "Land Orders and Scrip Act, 1856," hereby repealed, certain districts in the Province of Wellington have been declared Townships within which no Scrip can be exercised except in payment to the extent of 20 per cent. of the purchase money, of any allotment therein purchased, and it is expedient that the proportion of Scrip receivable should be altered: Be it therefore enacted that Government Scrip may be received within such district, in payment to the extent of fifty per cent. of the purchase money of any allotments therein purchased, and with the express consent of such Superintendent and Provincial Council to any greater extent; and where the amount of any Government scrip tendered in the purchase of any allotment shall exceed fifty per cent. of the price thereof, the party tendering the same shall be entitled to a credit for the balance of such scrip towards further purchases, and so on, in like manner, until the scrip be exhausted.

Commencement of Act.

XI. This Act shall not come into operation until Her Majesty's pleasure shall have been taken thereon, and the same shall have been confirmed by Her Majesty with the advice of the Privy Council, and a Proclamation of such confirmation having been given shall have been made by the Governor.

Short Title.

XII. The Short Title of this Act shall be "The Land Orders and Scrip Act, 1858."