

THE LAND ACT 1877 AMENDMENT.

[AS AMENDED BY THE WASTE LANDS COMMITTEE.]

AS TO LEASES OF RURAL LAND WITH PERPETUAL RIGHT OF RENEWAL. THE first forty-three sections of this Bill make provision for leasing by Waste Lands Boards of rural lands for thirty years, with perpetual right of renewal.

The first subdivision provides that the lands so to be dealt with are to be proclaimed by the Governor in Council.

The second subdivision provides that the first leases are to be sold by tender, the upset rental being five per cent. on the capital value of the land, not being less than the statutory cash price thereof, and that persons of eighteen years and upwards may take leases under the Bill. This part of the Bill is intended to give to the State the advantages of a reasonable amount of public competition, while at the same time necessitating the forming of a deliberate judgment, saving intending settlers from the danger of offering under the excitement of an auction more than they ought to offer. It provides for the tenders closed up until all are opened; and if any two or more persons offer the same amount, and offer more than any other tenderer, it is to be decided by lot who is to have the lease.

As the object of the Bill is to insure the actual settlement of land, the third subdivision prevents any person taking a lease under the Bill who will in any way become the owner, tenant, or occupier of more than six hundred and forty acres throughout the colony. This restriction does not apply to persons acquiring a lease by marriage or bequest.

The fourth subdivision provides for the preparation of leases by the Commissioner, and for their registration under the Land Transfer Act, at a fixed fee of thirty shillings.

The fifth subdivision provides that the first leases are to be for thirty years, renewable from time to time in periods of twenty-one years, but so arranged as always to expire on the 30th June, and that the rent shall be payable half-yearly, in advance, on the first days of January and July, and that the tenant shall pay the rates on the property.

The sixth subdivision makes provision, as regards all dealings with leases, to prevent the aggregation of leaseholds beyond the before-mentioned limit.

The seventh subdivision permits any lessee at any time, with consent of the Board, to throw up his lease, and to be dealt with as if it had expired by effluxion of time; though, to prevent this being done merely in order to get his rent reduced, any person so surrendering is, for seven years, prevented from taking a lease of the lands so surrendered.

The eighth subdivision allows the Governor in Council, for any public purpose, or for gold or other mining purposes, to resume possession of the whole or any portion of the land included in the lease, with, however, full provision for compensation to the lessee for improvements, and by way of abatement of rent; and also allowing a lessee, whose lands are by such resumption so severed as greatly to reduce their value, to throw up such severed portion with similar rights to compensation.

The ninth subdivision makes stipulations as to occupation and improvements, which are much the same as those insisted upon under "The Land Act, 1877," with respect to deferred-payment purchasers of the fee-simple. As, however, it is intended, in laying out blocks for leasing hereunder, frequently to alternate small freeholds with leaseholds, and therefore these leases may often be taken by persons living on adjacent freeholds, section 29 allows the Board to dispense with the necessity for residence in such cases.

The tenth subdivision bars all claims for fouling of a stream by Crown tenants. This clause is intended chiefly for the protection of the gold-mining industry.

The eleventh subdivision makes provision as to the renewal of these leases. By it, about three years before the end of the term, two valuations have to be made: one, of the value of the land as it stands; the other, of the value of all substantial improvements of a permanent character then in existence on the lands which have been made by the lessee. These are defined by section 29A to mean and include reclamation from swamps, clearing of bush or scrub, cultivation, planting with trees or live hedges, the laying out and cultivating of gardens, fencing, draining, making roads, sinking wells or water-tanks, constructing water-races, in any way improving the character or fertility of the soil, or the erection of any building. The lessee has then up to within three months of the end of the term (two years and nine months), to consider whether he will take a renewal lease on like conditions, the rental being five per cent. on the difference between such two valuations. He can obtain his lease at any time during that period. If he prefers not to take it, it is then offered for public tender in the same manner as on the first leasing.

If such tendering does not result in a sale, then the lessee has fourteen days more to elect whether he will take a renewal at the rental fixed as aforesaid.

If he still prefers not to take a renewal, then he shall continue as lessee from year to year until the Board succeed in finding a purchaser of the new lease, unless, prior to the finding of such purchaser, he shall elect to take such lease.

The twelfth subdivision provides for the conduct of the arbitration, and the thirteenth contains some miscellaneous provisions, which sufficiently explain themselves.

Section 44 provides for existing leases being exchanged for leases under this Bill, if so desired by the lessee.

AS TO ENDOWMENT RESERVES.

Sections 45 to 47 permit of all endowment reserves being leased under the Bill, though, except as regards reserves for primary education,

they cannot be so dealt with except with the consent of the body interested.

Sections 48 to 52 allow of educational reserves being sold by the Waste Lands Boards in the same manner as ordinary Crown lands.

Section 55 is chiefly designed to make persons who have purchased land on deferred payments in village settlements to purchase a farm on that system. It allows a person who has already taken up less than one hundred acres on the deferred-payment system, and who has fulfilled his conditions, to take up more land on the same system, so long as he does not exceed three hundred and twenty acres in the whole.

Section 56 allows residence to be dispensed with by the Board in the same manner and for like reasons as above-mentioned in the case of lessees.

PROVISIONS FOR RELIEF OF DEFERRED-PAYMENT SETTLERS.

Sections 56A to 56D are intended to aid persons who, having purchased land on deferred payments, whether rural or pastoral, find it difficult to keep up the payments which they had agreed to make; these sections enable them—subject to one condition to prevent the possibility of fraud, viz., that they must have purchased and complied with the conditions of their purchase for at least three years—to arrange with the Commissioner to capitalize their unpaid payments at 5 per cent. per annum, and in paying punctually 5 per cent. on such capitalized value by way of yearly rent, and ultimately discharging the whole of such capitalized amount, they shall become the owners of the freehold.

PROVISIONS RESPECTING PASTORAL LICENSES.

A number of important changes are made respecting pastoral leases. These provisions are not retrospective, and only apply to licenses hereafter to be granted.

Section 57 takes away the pre-emptive right which existed by section 131 of "The Land Act, 1877," to the extent of three hundred and twenty acres.

Section 58 allows of licenses being granted for twenty-one years, instead of ten years as at present.

Section 59 provides that, on renewal, licenses shall have the same right to compensation for improvement which exists as regards the Otago runs.

MISCELLANEOUS.

Section 63 allows of smaller quantities of rural land than twenty acres to be sold.

Section 64 makes an alteration in the Auckland District, by leaving out the East Coast District.

Section 65 makes an alteration in the Hawke's Bay Land District, by including the East Coast District.

Section 66 enacts a new set of regulations for the Hawke's Bay Land District.

Section 67 does the same for the Nelson District.

Section 68 brings the Aorere Tramway Reserve under the designation of rural lands.

Section 69 allows of timber licenses to be issued in Canterbury.

Hon. Mr. Rolleston.

[AS REPORTED FROM THE WASTE LANDS COMMITTEE.]

LAND ACT 1877 AMENDMENT.

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A BILL INTITULED

Title.

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

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, 1882." 5

LEASES OF RURAL LAND WITH PERPETUAL RIGHT OF RENEWAL.

(1.) *Rural Lands may be set apart for leasing.*

Governor in Council
may proclaim rural
lands for leasing
under this Act.

2. Notwithstanding any provisions to the contrary contained in "The Land Act, 1877," or in any regulations made thereunder, or in "The Mines Act, 1877," or in any regulations made thereunder, the Governor in Council may from time to time, by Proclamation in the *Gazette*, set apart blocks of rural land, or particular sections in or portions of blocks of rural land, for leasing by the Board, in such areas, subject to the provisions of this Act, as he shall think fit: 10

New. 15

Provided that there shall never be open for leasing under this Act at any one time, in any one district, an area greater than one-third of the area of agricultural land then open for sale in such district.

Any such Proclamation may be at any time revoked in whole or in part, and either the whole or any part of the said lands thereafter dealt with as if they had never been so proclaimed. 20

When any land has been so set apart ~~none~~ *no part* of such land shall be capable of being sold or of being otherwise dealt with than by leasing under this Act, so long as the said Proclamation remains in force as to such land.

(2.) *How first Leases disposed of.*

3. Every lease under this Act (hereinafter referred to as a "lease") shall be put up to public competition by tender, at an upset rental equivalent to five pounds per centum on the capital value of the land proposed to be leased as fixed by the Board of the land proposed to be leased.

Leases put up to tender at upset rental.

Provided that such value so fixed shall not be less than the price for which similar lands may be sold for cash under the law for the time being regulating the price of such land in the district.

4. All tenders for any land shall be opened by the Commissioner at a meeting of the Board at one time as advertised.

Requirements of tenders.

Any such tender shall be deemed to be informal and incapable of being accepted unless closed up and accompanied by a statutory declaration in the form or to the effect set forth in the *First Schedule* hereto, together with six months' rent at the rate proposed to be tendered, and the sum of thirty shillings to pay for the lease and registration thereof, and such further sum as may be necessary to pay the stamp duty payable on the said lease and declaration, paid either in cash or by a marked cheque.

5. The highest tenderer for the same, if his tender shall equal or exceed such upset price, shall be declared the lessee, and be entitled to possession of the lands the lease of which has been so purchased by him when and so soon as he has executed a lease thereof in accordance with the provisions of this Act, and has complied with any other conditions lawfully prescribed in that behalf at the time of sale.

Who deemed successful tenderer.

6. If the rent offered by two or more persons is the same amount, and is higher than that offered by any other tenderers, then the Commissioner shall, after opening all the tenders, decide by lot in such manner as he shall think fit which of such two or more persons shall be declared the lessee.

How case dealt when several persons offer same amount or are highest.

7. If any person who has been declared a lessee hereunder shall fail to execute his lease within seven fourteen days from the day fixed for opening the tenders, if the Commissioner has the lease ready for execution at the office of the Board, then his deposit and the said sum of thirty shillings shall be absolutely forfeited to the Crown, and his right to obtain a lease of such lands shall absolutely cease and determine.

Unless lease executed in fourteen days, deposit forfeited.

New.

Provided that at any time within seven days from such forfeiture the Commissioner may declare the next highest tenderer for the same lease to be the lessee, or, if the rent offered by two or more persons is the same amount, and is higher than the rent offered by any other tenderer save the one who has so forfeited his right to a lease as aforesaid, may decide by lot which of such others shall be the lessee, upon his again paying the deposit and fees as aforesaid; and thereupon the provisions of this Act shall apply to such person as if he had been declared the lessee on the day of the opening of the tenders: But any such tenders, to be capable of being accepted under this proviso, must equal or exceed the upset price as aforesaid.

And in case of forfeiture of his right to a lease by the person so declared a lessee under the above proviso, the procedure prescribed by the said proviso shall, *mutatis mutandis*, be continued from time to time, until the land be leased in accordance with this Act, or until there be a failure of all tenderers whose tenders are formal and who are willing to accept the lease in accordance with this Act.

8. The deposits and fees paid by the unsuccessful tenderers shall be returned to them by the Commissioner immediately after the tenders have been opened.

Unsuccessful tenderers' deposit returned.

New clauses.

8a. If no tender shall be received for any of the leases advertised for competition by tender prior to the time fixed for opening the tenders, any person may at any time thereafter apply for any one of such leases, and be declared the lessee thereof at the upset rental fixed upon complying with the other conditions of this Act prescribed as to tenders. 5

If two or more applicants shall lodge their tenders at the same time, the right to the lease shall be decided by lot.

8b. Any one person may tender for two or more leases at the same time, but, except in the case provided for by section *eleven* hereof, he shall not be capable of becoming the lessee under more than one lease; and if he shall be found, upon the opening of the tenders, to be the highest tenderer for more than one lease, he shall, except in the case before mentioned, elect which of such leases he will accept, and thereupon the Commissioner shall, subject to the other provisions of this Act, declare the next highest tenderer for the lease or leases which the first-mentioned tenderer has elected not to accept to be the lessee, or, if there be two or more tenderers at the same amount and higher than any other tenderers, shall decide by lot. 10 15

8c. The Board may at any time reduce the upset rental of land which it has failed to lease, subject to the proviso to section *three* hereof, and may again call for tenders for the same at such reduced rental. 20

Who may be a lessee.

9. Any person of the age of eighteen years and upwards may become a lessee hereunder, and if under full age shall be as capable of executing a lease and be bound by the terms thereof and of this Act as if such person was of full age. 25

(3.) Limits of Area for each Lessee.

No person can be lessee who thereby owns or occupies more than 640 acres in the colony.

10. No lease shall be made to any person owning, nor shall any person be capable of becoming the lessee under a lease or a sublessee who owns, any freehold land or land held under *lease or license*, whether under the Crown or any private person, whereby such person shall become either the owner, tenant, or occupier in the whole, either by himself or jointly with any other person or persons, including the lands comprised in the lease, of a greater area than six hundred and forty acres anywhere in the colony. 30

Conditions on which persons can take two leases.

11. No person shall be capable of becoming the lessee under more than one lease, unless the lands comprised in the several leases adjoin each other. 35

Certain persons not bound by limit of area.

12. The provisions of the last two preceding sections shall not apply to persons who may become lessees or sublessees by marriage, or under a will, or by virtue of an intestacy.

(4.) As to Preparation, Cost, Execution, and Registration of Leases. 40

As to preparation and form of lease.

13. Every lease shall be prepared by the Commissioner, and shall be in such form, and shall contain such covenants, conditions, and agreements, not being inconsistent with the provisions of this Act, as the Governor in Council may prescribe, by regulations, which he is hereby authorized and empowered from time to time to make, and from time to time to alter, amend, or revoke, and which may either be general or applicable to any particular case or class of cases. 45

How lease executed.

14. The Commissioner, on behalf of the Board, and the lessee, shall each execute the lease in duplicate.

15. Every lease shall, after execution thereof by the Commissioner and the lessee, be stamped by the Commissioner, and shall also be registered by him under "The Land Transfer Act, 1870," or any Act now or hereafter passed in lieu thereof, in like manner, as nearly as may be, *mutatis mutandis*, as a Crown grant is registered, and the lease which is retained in the office of the District Land Registrar shall form a folium of the register-book in such office, and on it all dealings therewith shall be registered.

Commissioner to stamp lease and register it under Land Transfer Act.

16. All dealings with or transmissions of such lease shall be made in accordance with the provisions of the last-mentioned Acts, and be in all respects subject thereto; but, on the registration of any such lease, no fee shall be payable by way of contribution to the assurance fund.

Leases to be dealt with under Land Transfer Act.

New.

15. All leases under this Act, and also all declarations made under the said Act on the purchase of land on deferred payments or under this Act as aforesaid, shall be exempt from duty under any Act now or hereafter to be passed relating to stamp duties.

(5.) *As to Term, Payment of Rent, and Taxes.*

17. Every lease shall be for a term fixed so as to expire on the thirtieth day of June which shall first ensue after the expiration of ~~twenty-one~~ *thirty* years from the date of the commencement of the term, and shall be renewable from time to time as hereinafter appears.

As to term of leases.

18. The lessee shall pay the rent reserved by his lease to the Receiver of Land Revenue of the district wherein the land leased by him is situate by equal half-yearly instalments in advance, on the first day of the months of January and July in each year, and the half-year's rent, which must be paid at the time of tendering, shall be in discharge of the half-year's rent due on the first day of January or the first day of July which shall first ensue after the commencement of the term.

How rent paid.

19. The lessee shall be liable for all rates, taxes, or assessments of every nature or kind whatsoever imposed upon the occupier of the lands included in his lease during the term for which he is lessee.

Lessee liable for rates.

(6.) *As to Transfers, Subleases, and Sales by Mortgagees, &c.*

20. No lessee shall transfer, sublet, or otherwise part with the possession or occupation of the land leased to him, or any part thereof, ~~without the previous consent of the Board.~~ *until the transferee, sublessee, or person acquiring possession or occupation has deposited with the Commissioner a statutory declaration in the form or to the effect set forth in the First Schedule hereto.*

No transfer or subleases to be made without Board's consent.

Struck out.

21. Before the Board shall be capable of consenting to any transfer or sublease of any lease, whether by a lessee or mortgagee of a lease, the person to whom the lease is proposed to be transferred or sublet shall make a statutory declaration to the effect set forth in the First Schedule hereto.

22. In consenting to transfers or subleases, the Board shall have regard to and be bound by section *ten* hereof, and no such consent shall be valid which shall be given in contravention of the provisions of the said section *ten*.

23. No mortgagee of a lease shall be capable of transferring the lease so mortgaged to him, or of entering into possession of the lands included in the mortgage, or of leasing such lands, or of foreclosing upon the mortgage, ~~without the previous consent of the Board.~~ *until the transferee, or the lessee, or the*

Mortgagee not capable of selling, &c.,

mortgagee, if he is entering into possession or foreclosing, has deposited with the Commissioner a statutory declaration in the form or to the effect set forth in the First Schedule hereto.

Trustee in bankruptcy or execution creditor not capable of selling.

24. No trustee in bankruptcy who as such has acquired a lease, and no Sheriff or other officer of any Court who may be entitled to sell a lease by virtue of any process of such Court, shall be capable of selling such lease without the previous consent of the Board, until the purchaser has deposited with the Commissioner a statutory declaration in the form or to the effect set forth in the First Schedule hereto.

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New.

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24a. All dealings with or under leases in contravention of the provisions of the three last preceding sections shall be absolutely void, and the District Land Registrar shall refuse to register any dealing with or under a lease until he is satisfied that the said provisions have been complied with.

(7.) *As to Surrenders.*

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Conditions on which lessee may surrender with consent of Board.

25. Any lessee may with the consent of the Board surrender the lands leased by him, and thereupon valuations shall be made, and a new lease of the said lands offered for sale in like manner as if the lease so surrendered was about to be determined by effluxion of time, save that it shall not be competent for the period of seven years from the date of such surrender for the lessee who has so surrendered to become the lessee of the new lease either originally or by transfer or sublease.

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(8.) *As to Resumption for Public Purposes of Lands leased.*

Governor in Council may resume lands required for public purposes, &c.

26. The Governor in Council may, by Proclamation, resume possession of the whole or any portion of any land leased under this Act which in his opinion is required for any public purpose, or which may be deemed by him to be auriferous or required for gold-mining purposes, and upon the gazetting of such Proclamation the lease shall be determined as far as relates to the lands mentioned in the Proclamation.

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How lessee dealt with on resumption.

27. Upon such resumption of any part of the land so leased the rent payable by the lessee shall be abated in such proportion to the whole rent payable under the lease as the area so resumed bears to the whole area leased, and the lessee shall upon resumption of the whole or any part of the lands leased by him also be entitled to be paid compensation, valued by arbitration, for any substantial improvements of a permanent character which may have been made by him and may be then in existence on the said lands the possession of which has been so resumed.

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How lessee dealt with when resumption causes severance.

28. If by reason of such resumption any portion of the land included in the lease is so severed from the rest of the land included in the lease as in the opinion of the lessee to greatly diminish the value of the same to the lessee, then he shall be entitled to surrender any portion so severed, and he shall thereupon be entitled to a further abatement of rent and to compensation as if the portion so surrendered had been resumed as above mentioned.

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(9.) *As to Occupation and Improvements.*

Conditions as to occupation by lessee.

29. Every lessee shall within six months of the commencement of his term, and thereafter for a period of six consecutive years, reside on some portion of the lands leased by him.

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Provided that the Board may in the case of bush lands dispense with the necessity of such residence until two years after the commencement of the term, and as to all lands may dispense with the necessity for such residence altogether if the lessee resides on lands contiguous to the lands leased.

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Provided that lands shall be deemed to be contiguous to each other if only separated by a road or stream.

Provided further that this condition shall not apply to any person who has acquired an interest in any lease under an intestacy or by virtue of a will.

5 Provided further that when any two lessees shall intermarry the Board may dispense with residence by either of such lessees on the lands comprised in one of the leases.

New.

10 29a. The definition given to substantial improvements of a permanent character in the fourth section of "The Land Act, 1877," and the whole of the seventh section of "The Land Act 1877 Amendment Act, 1879," are hereby repealed, and the expression "substantial improvements of a permanent character" shall, for all purposes under either of the two last-mentioned Acts or of this Act, mean and include reclamation from swamps, clearing of bush or scrub, cultivation, 15 planting with trees or live hedges, the laying out and cultivating of gardens, fencing, draining, making roads, sinking wells or water-tanks, constructing water-races, in any way improving the character or fertility of the soil, or the erection of any building.

20 30. Each lessee shall, within one year from the date of his lease, bring into cultivation not less than one-twentieth of the land leased by him.

Lessee to cultivate one-twentieth in first year.

31. Each lessee shall, within two years from the date of his lease, bring into cultivation not less than one-tenth of the land leased by him.

Lessee to cultivate one-tenth within two years.

32. Each lessee shall, within four years from the date of his lease, bring into cultivation not less than one-fifth of the land leased by him.

Lessee to cultivate one-fifth within four years.

25 33. Each lessee shall, within six years from the date of his lease, in addition to the cultivation of one-fifth of the land, have put substantial improvements of a permanent character on the land to the value of one pound for every acre of such land.

Lessee within six years to put improvements on land to value of £1 per acre.

30 Provided that this section shall not apply to lessees whose residence on the lands leased has been dispensed with in accordance with the provisions hereof.

(10.) Special Conditions when Lands front a Stream of Water.

34. When any lands leased have a frontage upon any stream of water, the lessee shall have no claim or right of action against the Crown or any other person whomsoever for damage caused by the fouling or pollution of the waters 35 of such stream by any tenants or licensees of the Crown or the Board, or of any public authority in the prosecution of gold-mining or any other industry.

Claims for fouling of waters of streams barred.

(11.) Provisions as to Renewals.

35 Not sooner than three years and six months and not later than three years before the end of the term for which the lease is granted, a valuation 40 shall be made by arbitration of the then value of the fee-simple of the lands then included in the lease with all improvements of whatsoever character thereon; and also a valuation of all substantial improvements of a permanent character made by the lessee during the term and then in existence on the land then comprised in the lease.

Valuation to be made three years before end of term of fee-simple of land, and also of improvements.

45 36. After the making and publishing of the above-mentioned awards, which shall be effected by serving a copy of the same on the lessee and another copy on the Commissioner, but not later than three months before the expiry of the term for which the lessee then holds the lands, the lessee shall elect, by notice in writing delivered to the Commissioner, whether he will accept a fresh

Lessee to elect whether he will accept renewal.

lease of the said lands for a further term of twenty-one years from the expiration of the then term, at a rental equal to five pounds per centum on the gross value of the lands as fixed by the arbitration after deducting therefrom the value of the substantial improvements of a permanent character, as fixed by the said arbitration.

5

If lessee does not accept, conditions on which lease offered for public tender.

37. If the lessee shall not elect to accept a renewal as above-mentioned, or shall refuse or neglect to execute a lease within seven days after the same is tendered to him for the purpose, then a lease of the said lands shall, not later than *one* month before the end of the term for which the present lease was granted, be put up to public competition by public tender for such further term of twenty-one years, on the following terms and conditions :—

- (a.) The ~~upset rent to be paid by the new lessee~~ shall be such rent as shall be fixed by the Board, not being a greater sum than that at which the lease was offered to the present lessee under section *thirty-six* hereof.
- (b.) The amount of such *upset* rent shall be stated in the advertisements calling for tenders. 15
- (c.) ~~The competition for such lease shall be on the amount to be payable to the outgoing lessee for improvements.~~
- (d.) If any person other than the present lessee be declared the purchaser he shall, within seven days after the day fixed for opening the tenders, pay over to the Receiver of Land Revenue the amount ~~tendered by him for the improvements as aforesaid~~ of the value of the substantial improvements of a permanent character as fixed by arbitration as aforesaid. 20
- (e.) When the day has arrived on which the present lease expires, or thereafter, if the Commissioner shall have satisfied himself that the outgoing lessee has let the new lessee into quiet possession of the lands to be leased, and that none of the improvements on the land which were thereon when the tenders for the new lease were called for have been destroyed or appreciably damaged, the Receiver of Land Revenue shall, on the certificate of the Commissioner, pay over to the outgoing lessee the amount received by him from the incoming lessee as aforesaid. 25
- (f.) If any of the improvements as mentioned in the preceding subsection have been destroyed or appreciably damaged as in the said subsection referred to, then the value of the improvements so destroyed, or the cost of repairing such damage, shall be decided by the Commissioner or some person appointed by him; and the amount so fixed, with the costs attending such decision, shall be deducted from the amount payable as aforesaid to the outgoing lessee, and, save the amount so deducted for costs, shall be returned to the incoming lessee. 30

If lease not sold, lessee has further option of taking renewal.

38. If such lease shall not be sold as above-mentioned to some person other than the lessee, or if such person fails to execute the lease in duplicate within ~~seven~~ fourteen days, or to pay the sum offered by him as aforesaid within ~~seven~~ fourteen days from the day on which the tenders were opened, then the lessee may again, within fourteen days after the day fixed for the opening of the tenders, elect in manner aforesaid whether he will accept a fresh lease as aforesaid; and if he does not elect to accept the same, or refuses or neglects to execute such lease for ~~seven~~ fourteen days as aforesaid, then the lands included in his lease, with all improvements thereon, shall absolutely revert to Her Majesty, and become available for being again leased under this Act, without any payment whatsoever to the outgoing lessee. 35

50

New.

He shall continue as lessee of the said lands, from year to year, so long as he shall pay the rent reserved by his lease, and observe and perform the covenants and conditions contained in the same, or in this Act, or until the Board shall succeed in finding a purchaser of the new lease, unless, prior to the finding of such purchaser by the Board, he shall elect to accept a new lease for the said further period of twenty-one years as aforesaid: Provided that the Board in selling to a purchaser shall always make provision that the right to take possession under such new lease shall always commence on the first day of July in any year, and that no such sale shall be made without giving to the present lessee one month's notice of the intention to sell, and allowing him during such month to elect to accept such new lease as aforesaid.

39. All the provisions of this Act, except sections twenty-nine to thirty-three, both inclusive, as regards the tenders for sale, form, and conditions of first leases made under this Act, and otherwise howsoever as regards such leases, shall, *mutatis mutandis*, apply to the sale, form, and conditions of the new or renewal leases above mentioned, and to the lessees thereunder, and otherwise howsoever, and except when it is herein expressly or constructively otherwise provided, except that in all such new or renewal leases the term shall be twenty-one years and not thirty years, and except as herein is otherwise expressly provided.

Provisions as to first lease apply to renewals or new leases.

(12.) *As to Arbitration.*

40. (a.) Whenever in this Act a valuation or other matter is required to be referred to arbitration, such reference shall be to two persons, one to be appointed in writing by the lessee (which term throughout this Act includes the executor, administrator, or permitted assignee of any lessee hereunder), and the other by the Board.

Provisions respecting arbitration.

(b.) If either the lessee or the Board shall fail to appoint an arbitrator within fourteen ~~fourteen~~ twenty-one days after being requested in writing to do so by the other party, then the arbitrator appointed by the other party shall alone conduct the arbitration, and his decision shall be final and binding on both parties.

(c.) If the said arbitrators shall fail to agree upon the matter referred to them within twenty-eight days of the same having been so referred, then the matter so referred shall be decided by an umpire appointed by the Governor, who may either be appointed to act as umpire specially for one arbitration, or generally to act as umpire in all such arbitrations, in a district or any portion thereof as specified in the appointment, and said arbitrators, whose decision shall be final and binding on both parties.

(d.) Every such arbitration shall be carried on in the manner prescribed by "The Supreme Court Practice and Procedure Amendment Act, 1866," or any Act passed in lieu thereof during the present or any subsequent session of the General Assembly, and be subject to such last-mentioned Acts in the same manner as if such reference had been a reference made by consent of parties under a deed.

(e.) Each party shall pay his or its costs of such reference, and any costs incidental to the appointment of an umpire shall be paid equally by the Board and the lessee.

(f.) Such arbitrators or umpire shall have all the powers vested in Commissioners by "The Commissioners' Powers Act, 1867."

(13.) *Miscellaneous.*

41. All provisions of "The Land Act, 1877," in any way relating or applying to leases of rural land, which are not inconsistent with the provisions of this Act, shall apply to leases under this Act.

Provisions of "Land Act, 1877," as to leases, not being inconsistent with this Act, to apply.

Conditions set forth in Act to operate as if set forth in lease.

42. The conditions set forth in this Act as regards leases shall operate and shall be deemed to bind the Board and the lessee as fully and effectually as if they were set forth in every lease.

Lease to be determined on default of observance of conditions, &c.

43. If any lessee hereunder shall make default in the observance or performance of any of the conditions herein contained, or which may be expressed in his lease, *and shall allow such default to continue for six months*, or shall be convicted of making any false declaration hereunder, his lease shall be *capable of being* absolutely determined, *on an order being made to that effect by a Judge of the Supreme Court, which he is hereby authorized to make on application, in a summary way, by the Commissioner*, and the lands included in the same, with all improvements thereon, shall absolutely revert to Her Majesty, without any payment whatsoever to the lessee. 5 10

Existing easements may be exchanged for leases under Act.

EXISTING LEASES OF RURAL LAND MAY BE EXCHANGED FOR LEASES UNDER THIS ACT.

44. Any lease of rural lands issued under the authority of "The Land Act, 1877," or any Act repealed thereby, or under "The Mines Act, 1877," or "The Gold-Mining Districts Act, 1873," may, if such land be portion of any lands proclaimed hereunder, be surrendered by the lessee thereof, and a new lease thereof granted by the Board under this Act, on such terms and conditions in all respects as are not inconsistent with this Act, save that the same need not be put up to public tender. 15 20

By Proclamation, endowment reserves may be brought under operation of sections 3 to 43 of this Act.

ENDOWMENT RESERVES MAY BE PROCLAIMED AS SUBJECT TO THIS ACT.

45. The Governor in Council may from time to time, by Proclamation which may from time to time be altered, amended, or revoked, declare that any lands now or hereafter reserved as an endowment for any body or for any purpose shall be subject to the provisions of sections three to forty-three of this Act, and whether the same be vested in any corporate body or person whomsoever. 25

Provided always that, ~~except as regards reserves for primary education~~, no such Proclamation shall have any effect unless it be issued at the request or upon the recommendation of the body or person in whom such reserves are vested, or who have the administration of the revenue arising therefrom. 30

Upon Proclamation Board may lease such lands under Act.

46. Upon such Proclamation being issued, the lands comprised therein may be leased by the Board upon the same terms and conditions in all respects as the Board is hereby empowered to lease Crown rural lands, and all rents received by the Receiver of Land Revenue under such leases shall by him, on receipt thereof, be paid over to the body or person by law for the time being entitled to receive the same. 35

How lease executed when reserves vested in any body.

47. Every lease granted under the last preceding section hereof, where the land is vested in any corporate body or person, shall be executed by the Commissioner on behalf of the Board in the name of the body or person in whom the lands dealt with by the lease are vested. 40

EDUCATIONAL RESERVES MAY BE, ON PROCLAMATION, SOLD BY BOARD.

By Proclamation educational reserves may be sold under "Land Act, 1877."

48. The Governor in Council may, by Proclamation, declare that any lands now or hereafter reserved for any educational purposes shall be sold subject to the provisions of "The Land Act, 1877." 45

Provided always that, ~~except as regards reserves for primary education~~, no such Proclamation shall have any effect unless it be issued at the request or recommendation of the body or person in whom such reserves are vested, or who have the administration of the funds derived from the sale thereof.

Upon Proclamation Board may sell such lands as if they were waste lands.

49. Upon such Proclamation being issued, the Board may forthwith proceed to sell the lands mentioned in such Proclamation in like manner in all respects as if they were waste lands of the Crown of a similar character or class. 50

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50. Upon any sale made under the last preceding section of any reserves which are vested in any body or person, the Commissioner, on behalf of the Board, may execute a transfer or conveyance thereof in the name and on behalf of the body or person in whom the same are so vested as aforesaid.

How transfers executed when reserves vested in any person.

5 51. The proceeds of any such sale as authorized in the last but one preceding section shall, after deducting all expenses of survey, road-making, and other expenses incurred by the Board, or by the Government in connection with such land, not exceeding in the whole five shillings per acre, be paid over by the Receiver of Land Revenue to the body or person by law for the time being entitled to receive the same.

How proceeds of sale disposed of.

10 52. The proceeds so paid over under the preceding section shall, unless other provision has been made by some other Act for the disposal thereof, be applied by the corporate body or person who receive the same in the purchase of other lands, to be held on the same trusts and subject to the same powers and conditions as those on which the lands by the sale of which the proceeds were realized were held, or may be invested by lending the same on mortgage of freehold lands in the colony, or in securities of the New Zealand Government, in which case the moneys shall likewise be held on the same trusts and subject to the same powers and conditions as aforesaid, and the interest derived from such mortgages or securities shall be applied in like manner as the rents derived from the lands would have been.

Proceeds how invested by person to whom paid.

Struck out.

PROVISIONS FOR THE RELIEF OF DEFERRED-PAYMENT SETTLERS.

25 53. The Board may, as to all rural or pastoral lands heretofore sold on deferred payments the purchase of which has not been completed in accordance with the terms of sale, but as to which all the conditions of the sale thereof have been duly fulfilled for a period of three years from the date of the sale thereof, and on the purchaser of the same executing a surrender of his right of purchase thereof to Her Majesty in such form as the Board shall approve, lease the same to such purchaser, on such terms and conditions in all respects as are prescribed by this Act, save that the same need not be put up to public auction or tender.

30 35 Provided that the rent to be payable under every such lease shall be five pounds per centum on the price which such purchaser agreed to pay for such lands at the time of the purchase of the same.

40 54. The term granted by every lease made under the last preceding section shall be made to commence from the date of the sale of the said lands, and in such lease all payments previously made by the lessee on account of the purchase of the said lands shall be credited to the lessee on account of the rent payable under the lease.

45 50 Notwithstanding anything to the contrary in "The Land Act, 1877," contained, any person selector who has purchased less than fifty one hundred acres on deferred payments, and who has up for a period of three years prior to the date of the purchase hereby authorized duly fulfilled all the conditions on which the lands previously sold to him on deferred payments were so sold, shall be capable of purchasing another allotment of deferred-payment rural land, whether rural or pastoral, and so on from time to time, so long as for a period of three years prior to each purchase he has duly fulfilled the conditions aforesaid, but so that such person selector does not thereby become the purchaser selector in the whole, including his original purchase, of more than three hundred and twenty acres, or such person may become a lessee under this Act.

Deferred-payment purchaser of less than fifty acres may purchase another allotment or take a lease under Act

Conditions on which residence may be dispensed with as to deferred-payment purchasers.

56. The Board may, as to all purchases of land on deferred payments, dispense with the necessity for residence on the lands purchased if the purchaser resides on lands contiguous to the lands so purchased, and they shall be deemed to be contiguous if only separated by a road or stream.

Such dispensation may be made to have a retrospective effect on the same conditions. 5

New.

56a. Any selector, who has complied with all the conditions of his purchase for a period of three years from the date thereof, may apply to the Board for relief under this section. 10

Thereupon the Commissioner shall calculate the capitalized value of the unpaid payments which such selector is liable to make in respect of the said land.

Such capitalized value shall be the present value of an annuity or annuities of the same annual amount as the payments required to be made by such selector and payable for the same period; such payments for the purposes of this Act being deemed to be payable yearly and at the end of the year, and interest being calculated at the rate of five pounds per centum per annum. 15

56b. The Commissioner shall, upon such selector producing his license to him for the purpose, indorse upon such license a memorandum in the form in the *Seventh* Schedule hereto; and thereafter such selector shall be deemed to have complied with all the conditions of his license relating to payments to be made by him if he shall, on the first day of January and the first day of July in each year, pay half-yearly, in advance, to the Receiver of Land Revenue interest on the said capitalized value so ascertained as aforesaid at the rate of five pounds per centum per annum, and shall also pay the amount of such capitalized value as aforesaid, in accordance with the two following sections hereof. 20 52

56c. Such selector may at any time pay any portion of such capitalized value in sums of not less than ten pounds, and thereafter the interest payable as aforesaid shall be proportionately reduced. 30

56d. Upon such selector paying the interest at the times aforesaid, and also paying the whole of such capitalized value or the then unpaid portion thereof on the day fixed for the last payment of his license-fee, or on or before such other day, not being later than four years thereafter, as the Board may agree upon, or prior thereto, in one sum or by instalments as aforesaid, and upon all the other conditions of such license having been fulfilled, the provisions of the seventy-third section of "The Land Act, 1877," shall apply to such selector. 35

56e. Wherever under "The Land Act, 1877," lands for sale on deferred payment are required to be put up for sale by public auction, they may, with the approval of the Land Board, henceforth, in lieu of being put up to public auction, be put up to public competition by tender, on the following conditions:— 40

(a.) All tenders shall be opened at one time by the Commissioner, at a meeting of the Board, as advertised;

(b.) The highest tenderer for the same shall be declared the purchaser;

(c.) If the price offered by two or more persons is the same amount and is higher than that offered by any other person, then the Commissioner shall, after opening all the tenders, decide by lot in such manner as he shall think fit which of such two or more persons shall be declared the purchaser; 45

(d.) All the provisions of "The Land Act, 1877," relating to auctions of land for sale on deferred payment, not being inconsistent with this section, shall, *mutatis mutandis*, apply to sales of land on deferred payments made under the provisions of this section. 50

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PROVISIONS RESPECTING PASTORAL LICENSES.

57. The right of purchase conferred upon any original holder of a pastoral lease or license by the one hundred and thirty-first section of "The Land Act, 1877," shall not exist or be capable of exercise in respect of any pastoral leases or licenses hereafter to be issued sold under "The Land Act, 1877."

Pre-emptive right of pastoral lessee or licensee to cease to exist.

58. The leases or licenses hereafter to be granted in pursuance of the one hundred and twenty-first section of "The Land Act, 1877," may hereafter be for fourteen years be for any period not exceeding twenty-one years.

Pastoral leases or licenses may be for twenty-one years.

59. The provisions of sections one hundred and fifteen, one hundred and sixteen, and one hundred and seventeen of "The Land Act, 1877," shall apply to all leases or licenses hereafter to be granted under the one hundred and twenty-first section of such Act.

Pastoral lessees or licensees to be compensated for improvements.

Struck out.

60. Notwithstanding the provisions of the one hundred and twenty-first section of "The Land Act, 1877," the right of determining any license hereafter to be issued, as to the whole or any part of the lands comprised therein, shall only be capable of exercise as regards any lands comprised therein, or any part thereof, which are specified in the license itself as being subject to such right of determination.

60. Provided further that Wherever a lessee or licensee has erected a homestead on the land included in his lease or license, he shall have the right to select an area of not exceeding in the whole eighty one hundred and fifty acres adjacent to such homestead, which shall be exempt from such the right of determination, as provided for by the one hundred and twenty-first section of "The Land Act, 1877"; but this right shall not exist in respect of more than one homestead on the lands comprised in one lease or license.

61. Any Proclamation made now or hereafter under the seventy-sixth section of "The Land Act, 1877," may from time to time be altered, amended, or revoked.

Amendment of section 76 of "Land Act, 1877."

Struck out.

EXTENDED TIMBER-LICENSE AREAS.

62. The Board may, on the application of any saw-mill proprietor, set aside any block or blocks of timber land, not exceeding in the whole six hundred acres, of which licenses may be granted from time to time to such applicant of sections, having regard to the quality of the timber, not exceeding two hundred acres each, in terms of section ninety of "The Land Act, 1877."

No licenses beyond the first shall be issued unless on the certificate of the Crown Lands Ranger, or such other person appointed in that behalf, that the timber has been properly cut and cleared off the section previously licensed.

GENERAL AS TO RURAL LANDS.

63. In section forty-six of "The Land Act, 1877," the following words in the sixth line are hereby struck out, to wit: "no smaller quantity than twenty acres and"

Amendment of section 46 of "Land Act, 1877."

AS TO THE AUCKLAND LAND DISTRICT.

64. From and after the first day of November, one thousand eight hundred and eighty-two, the Auckland Land District shall be that portion of the colony described in the Second Schedule hereto.

Alteration of Auckland District,

AS TO THE HAWKE'S BAY LAND DISTRICT.

Alteration of Hawke's Bay District.

65. From and after the first day of November, one thousand eight hundred and eighty-two, the Hawke's Bay Land District shall be that portion of the colony described in the *Third* Schedule hereto, and from and after the said date the present members of the Board for that district shall cease to hold office as such unless reappointed. 5

New land regulations for Hawke's Bay.

66. Appendix C to the said Act is hereby repealed, and the provisions contained in the *Fourth* Schedule hereto are hereby enacted, and shall henceforth be in force within the Land District of Hawke's Bay.

AS TO THE NELSON LAND DISTRICT. 10

New land regulations for Nelson.

67. Appendix E to the said Act is hereby repealed, and the provisions contained in the *Fifth* Schedule hereto are hereby enacted, and shall henceforth be in force within the Land District of Nelson.

As to Aorere Tramway Reserve.

68. The lands described in the *Sixth* Schedule hereof shall henceforth be deemed to be rural lands, and may be dealt with accordingly under "The Land Act, 1877," and this Act. 15

Struck out.

AS TO THE CANTERBURY LAND DISTRICT.

69. Subsection six of Appendix G to the said Act is hereby repealed.

New. 20

69. Notwithstanding the repeal of "The Otago Waste Lands Act, 1872," it is hereby declared that the holder of any lease for agricultural purposes granted under section one hundred and three (b) of such repealed Act shall be deemed to be entitled upon the conditions in the said section mentioned to purchase the area included in the lease, or such part thereof as shall be specified in the certificate of the Governor in the said section mentioned. 25

70. Section twenty-three of "The Land Act, 1877," is hereby repealed, and the following is enacted in lieu thereof:—

Out of any moneys that may from time to time be appropriated to that purpose by the General Assembly, there shall be paid to every Commissioner of any Land Board (other than the Chief Commissioner), for his attendance at the meetings of the Board, a sum not exceeding *one* pound sterling for every such attendance, and also such sum, not exceeding *one* pound sterling for every day or part of a day in which he shall be necessarily away *ten* miles or more from his home for the purpose of attending at any such meeting, as shall be approved by the Minister, in respect of travelling expenses, in addition to sums actually paid for railway, steamboat, or coach fares, or for the hire of horses or vehicles. 30 35

71. Section seventy-four of "The Land Act, 1877," is hereby repealed, and the following enacted in lieu thereof:— 40

Any original holder of an agricultural lease under "The Gold Fields Act, 1866," or any Acts relating thereto, or any Act or Acts passed in lieu thereof, who shall prove to the Board that he is the original holder of such lease and that he has held it for a period of *three* years, and made substantial and permanent improvements thereon as provided by the Act or Acts under which the same was granted, and that he has paid all rents due thereon, and in all respects complied with the conditions of such lease, shall, if there be no objection to the alienation of land held under such lease on the ground of being auriferous, or other reasons of a public nature, be entitled to surrender his lease and obtain a license under Part III. of "The Land Act, 1877": Provided that no such license shall be granted whereby any person shall be entitled to hold more than three hundred and twenty acres at any one time under an exchange license on deferred payments. 45 50

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Such license shall be called an exchange license, and shall be issued for a period of *seven* years at a yearly fee of *three* shillings per acre; and on the expiration of the last-mentioned term the holder of the license shall be entitled to a grant of the land comprised in the exchange license without any further
5 payment.

The holder of any exchange license may at any time acquire the right to a Crown grant of the land on payment of so much of the price thereof as shall remain unpaid at the date of his application to purchase the same.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

DECLARATION TO BE MADE BY PERSON ON TAKING A LEASE, OR BECOMING THE TRANSFEREE OR SUB-LESSEE OF A LEASE.

I, A.B., of [*Insert 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, 1882," am tendering for the purchase [*or is desirous of becoming the transferee or sublessee*] of a lease of [*Here specify land*].
3. That I am purchasing such lease solely for my own use and benefit, and for the purposes of cultivation, and not directly or indirectly for the use or benefit of any other person whomsoever.
4. That, including the said lands, I am not the owner, tenant, or occupier, directly or indirectly, either by myself or jointly with any other person or persons, of any lands anywhere in the Colony of New Zealand exceeding in the whole six hundred and forty acres.
5. That I have not, within seven years from the date hereof, surrendered a lease granted under "The Land Act 1877 Amendment Act, 1882," of the lands for a lease of which I am now tendering.

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, 1866."

A.B.

Declared at _____, this _____ day of _____,
_____, 18____, before me,
Justice of the Peace.

SECOND SCHEDULE.

DESCRIPTION OF AUCKLAND LAND DISTRICT.

ALL that area in the Colony of New Zealand, bounded towards the North and generally towards the North-east by the ocean to the Hawke's Bay Land District, before hereafter described; towards the South-east by that district to the thirty-ninth parallel of south latitude; towards the South by that parallel to its intersection by the Ngarae River (a tributary of the Wanganui River); thence towards the West by a right line to the source of the Mokau River; again towards the South-east by the said river to the ocean; and again towards the West and towards the South-west by the ocean: as the same are delineated on the plans in the Surveyor-General's office, Wellington.

THIRD SCHEDULE.

DESCRIPTION OF HAWKE'S BAY LAND DISTRICT.

ALL that area in the Colony of New Zealand, bounded towards the North and generally towards the South-east by the ocean; towards the South-west by the Wairarapa Meridional Circuit; and generally towards the North-west by the Meridional Circuits of Wanganui, Tuhirangi, and Bay of Plenty, as the same is delineated in the office of the Surveyor-General, Wellington.

FOURTH SCHEDULE.

CONDITIONS OF THE ALIENATION OF RURAL LAND IN HAWKE'S BAY LAND DISTRICT.

(1.) All rural lands shall be divided according to quality into classes as follows:—

- (a.) First-class land.
- (b.) Second-class land.
- (c.) Third-class land.

And such classification shall be made by such persons, and according to such regulations and conditions, as the Board shall direct and appoint: Provided that no land which has been declared to be first- or second-class land shall cease to belong to such classes respectively without the consent previously obtained of the Governor in Council.

(2.) All lands of the first and second class respectively, not being lands reserved from sale, shall be sold and disposed of by public auction at an upset price of twenty shillings per acre for first-class lands and fifteen shillings per acre for second-class lands, at such times and in such allotments as the Board shall from time to time publicly notify.

(3.) Third-class rural lands shall be offered for sale or lease by auction in such areas as shall from time to time be approved by the Board, subject to the following conditions:—

- (a.) The minimum price, not being less than five shillings per acre in case of sale, and the minimum rental per acre in case of lease, shall be such as shall from time to time be fixed for each such area by the Board.
- (b.) In the case of leases there shall be reserved to Her Majesty all minerals and mineral rights within every such area, and full and complete powers to enable such rights to be exercised and enjoyed.
- (c.) Reserves may be made of all or any portion of the timber or forest land within such area; but liberty may be given to the purchaser or lessee to cut down and remove such portions of timber or forest as may be required for improvements or domestic use upon the area so sold or leased.
- (d.) No lease shall be for a longer term than twenty-one years: Provided that every such lease shall contain a proviso authorizing the Board to resume any portion of the lands comprised therein which may be required for the purposes of occupation or settlement: Provided also that no one lease of land shall comprise an area of more than ten thousand acres.

(4.) All such rural lands as have already been proclaimed as open for selection and purchase under the Land Regulations heretofore in force and known as the General Land Regulations of the Province of Wellington, and dated the fourth day of March, one thousand eight hundred and fifty-three, and the additional regulations of the said province dated the sixteenth day of June, one

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thousand eight hundred fifty-five, are hereby withdrawn from the operation of the aforesaid regulations, and shall be open for sale or lease as rural lands, according to their classification.

(5.) The Proclamation by the Superintendent of the former Province of Hawke's Bay, dated the fifth day of October, one thousand eight hundred and seventy-one, reserving from public sale certain lands in the Tautane Block, as therein described, for the purpose of a quarantine-ground for stock, is hereby revoked ; and

Another Proclamation by the aforesaid Superintendent, dated the nineteenth day of June, one thousand eight hundred and seventy-two, reserving from public sale certain lands as therein described, is hereby revoked in so far as relates to a parcel of land in the Ruataniwha District, containing fifty-one thousand acres, more or less, and another parcel of land in the same Ruataniwha District, containing forty-eight thousand acres, more or less.

The lands so withdrawn from reservation as aforesaid shall be open for sale, lease, or occupation as rural lands, according to their classification.

(6.) Notwithstanding anything contained in any Act formerly in force in relation to special settlements, the Board may dispense with the condition requiring actual residence on any land occupied under any such Act which is either wholly or for the most part covered with bush ; and in any such case a Crown grant for the land so occupied may be issued at any time where the Board are satisfied that the other conditions attaching to the occupation of such land have been satisfactorily fulfilled by the occupier thereof.

FIFTH SCHEDULE.

AS TO THE ALIENATION OF CROWN LANDS IN NELSON LAND DISTRICT.

1. Notwithstanding anything contained in ~~section one hundred and twenty-one of~~ "The Land Act, 1877," all rural lands, whether within or without mining districts, shall be open for sale or lease by application to the Board, to be made in manner to be from time to time determined by the Board, and such lands shall be divided into sections, subject to the provisions of "The Land Act, 1877," and this Act, and be of such size as the Board may from time to time determine, and any section may at any time previous to advertising for sale be altered or subdivided by the Board ; but no alteration shall take place between the time of advertising the same for sale and the time of its being offered for sale by auction.

2. Rural land, except as is otherwise hereinafter provided, shall be first offered for sale by public auction, and, if not sold, may be put up again to auction, or declared open for sale or leasing, after thirty days' notice, at a price to be assessed by the Land Board, being not less than the upset price at which the same was offered for sale by auction.

3. The upset price of rural land shall be from ten shillings to forty shillings per acre, as may be fixed by the Board.

4. No land shall be sold unless the same shall have been previously surveyed, and distinguished by appropriate numbers upon a plan to be deposited and exhibited in the Principal Land Office, *except as provided by section seven.*

5. It shall be lawful for the Board to allow any applicant for the purchase of unsurveyed land to have such land surveyed, at his own expense, by a surveyor authorized by the Surveyor-General in that behalf. The land may then, unless reserved or withdrawn from sale, be put up to auction, and an allowance made to

the purchaser for the expense of the survey at the rate of five acres for every hundred acres. Should the land be reserved or withdrawn from sale, the applicant shall be paid the cost of the survey, such cost to be ascertained and limited as provided in the section next hereinafter contained.

6. If the land so surveyed be purchased by any other person than the original applicant, the purchaser shall, in addition to the amount bid for the same at the sale, pay to the Receiver of Land Revenue, to be paid by him to the original applicant as the cost of the survey, such sum not exceeding one shilling and ninepence per acre as may be assessed by the Board; and, if the land so surveyed be not sold at auction, the Board shall add a sum limited and assessed as aforesaid to the upset price of the land, and such sum shall be paid to the original applicant if and when such land is sold.

7. Rural land not open for sale under any of the preceding provisions may be purchased in such sections as the applicants may describe and point out, subject to the provisions of this Act, at the maximum price of two pounds per acre: Provided that whenever land so purchased is beyond the limits of the surveys already executed or about to be immediately executed, the expense of the survey thereof shall be borne by the purchaser, who shall deposit the estimated cost with the purchase-money.

8. Any person may apply for a lease of Crown land in accordance with such regulations as may at the time be in force for the sale of Crown lands in the provincial district, and, in the event of such application for a lease being acceded to, shall be entitled to a lease thereof for a term of fourteen years at an annual rental of ten pounds per centum on the assessed value for sale, payable in advance; and on the due and punctual payment of such rent for the term of fourteen years, and upon the due performance and observance of the covenants contained or implied in such lease, he shall be entitled to a Crown grant of such land: Provided always that no greater quantity of land than three hundred and twenty acres shall be so leased to any one person: Provided also that the minimum price of such land shall not be less than ten shillings per acre.

9. It shall be lawful for the lessee of any lands assessed under the last preceding section, and at the rental therein mentioned, to purchase the fee-simple of the land comprised in such lease, at any time before the expiration thereof, upon paying in one sum the balance of the total amount of the fourteen years' rental reserved in and by such lease.

10. Any lessee under any previous Act for leasing Crown lands in the Provincial District of Nelson may exchange his lease for a lease under this Act, on payment of the fees, provided the leasehold does not exceed three hundred and twenty acres; and the lessee under any previous Act as aforesaid may purchase the freehold of his leasehold, at a price to be assessed by the Board, not being less than ten shillings per acre, ~~provided such leasehold does not exceed three hundred and twenty acres.~~

11. It shall be lawful for the Board to grant to any person an occupation license for pastoral purposes of any Crown lands, of such area and subject to such payment by the licensee and upon such other terms as may be agreed upon by and between the Board and the licensee: Provided that any such license shall cease and be determined at any time, in respect of the whole or any portion of the land over which it may have been granted, in the event of the whole or such portion of the said land being reserved, leased, or sold by the Board, or required for gold-mining purposes, and that without any notice to that effect being necessary to be given to such licensee; and the licensee shall not be entitled to compensation.

12. Notwithstanding anything to the contrary contained in "The Land Act, 1877," whenever any lands set apart for a town or village shall be open for sale as town lands, if any of such lands so set apart shall have been within a proclaimed gold field, and shall have, for a period of two years preceding, been occupied under business license or other lawful authority as a residence or business site, or shall have been so occupied for any less period than two years, and improvements of the value of fifty pounds at least have been made on such land by the occupier, then the Board may, if they shall think fit, sell such land to such occupier, without putting up the same to auction, at such price as shall be fixed by the Board, not being less than at the rate of ten pounds for forty perches of land.

Miners' Prospecting Licenses and Mining Leases.

13. When it shall be reported to the Board that minerals of value exist in any Crown land, whether within or without mining districts, the said lands shall not be sold without the consent of the Governor, but the Board may at their discretion grant to the informant or to any other person applying for the same a prospecting license, giving to such applicant for a term not exceeding twelve months the exclusive right to search for any or all minerals other than gold over such land, not exceeding in quantity six hundred and forty acres, on the following terms:—

- (1.) The description of the land over which the license is sought, and a sketch of the boundaries thereof, must be lodged with the application;
- (2.) A fee of one pound for the license, and a fee of one penny per acre on all the land applied for, must be paid on application being made for the license: Provided that, in the event of a license being granted in respect of part only of the land applied for, a proportionate part of the acreage fee paid shall be returned to the applicant in respect of the area over which the license shall not be granted.

14. The Board may, should it think fit, grant a renewal of any prospecting license for any term not exceeding six months, on payment of a fee of one pound by the licensee.

15. The holder of any prospecting license may, upon application at any time during its currency, and on payment of the deposits and fees hereinafter provided, obtain a mining lease of such portion, not exceeding ~~two square miles~~ *six hundred and forty acres*, of the land comprised within the license as the Board may determine, on the terms and subject to the exceptions hereinafter provided; and no mining lease of any land under license shall be granted to any other person than the licensee or his assigns during the currency of such license.

16. No transfer of a prospecting license or mineral lease shall be valid without the consent of the Land Board duly registered at the Land Office, and a memorandum thereof indorsed on the license or lease by the authority of the Board, and the fee of one pound paid for such indorsement and registration.

17. Any person applying for a lease of any Crown lands, for the purpose of mining for any or all minerals other than gold, shall at the time of application deposit two shillings for every acre over which the application extends, for the survey of the land applied for, *provided that in no case shall the deposit be less than five pounds.*

18. The survey thereof shall be made with as little delay as may be by the Government; but, in case it shall not be practicable to make such survey without great delay, the Board may, if it thinks fit, allow the applicant to employ at his own expense some surveyor approved by the Surveyor-General to make such

survey, and in such case the applicant shall be entitled to a refund of the payment on account of survey so soon as the plan is accepted by the Board.

19. A lease of land surveyed as aforesaid, *or such portion thereof as the Board may determine*, may be granted by the Board to such licensee or applicant as aforesaid, his executors, administrators, or assigns, for the purpose of mining for any or all minerals other than gold, on the following terms and conditions:—

- (1.) The contents shall not exceed six hundred and forty acres;
- (2.) The term shall be twenty-one years;
- (3.) There shall be paid a rent of not less than sixpence per acre for each of the two first years of the lease, and not less than one shilling per acre for every subsequent year;
- (4.) There shall be reserved such royalty as the Board may determine, being not less than one fiftieth nor more than one twenty-fifth of the minerals raised; and the value of royalty on any sums paid in lieu of royalty for any one year shall be deducted from the rent for such year, and when the amount of royalty for one year shall equal or exceed the rent for such year no rent shall be paid for such year;
- (5.) The right to mine for gold shall be expressly reserved in the lease;
- (6.) The lease shall include only so much of the surface of the land to which it refers as may be agreed between the Board and the lessee;
- (7.) The lease shall contain clauses for protecting the interests of the Crown, for enabling the lessee to surrender the lease, for granting free access, where necessary, over the Crown lands to the lands or mines demised, and for reserving full right-of-way over and through such lands or mines.

20. Provided that in every lease there shall be inserted such conditions for securing the efficient working of the mines, and for the payment of such rents and royalties in addition to the amounts above specified, as the Board may think fit.

21. No land comprised in any prospecting license or mining lease shall be sold during the currency thereof; and, in every case where the conditions of the mining lease have been fulfilled, the lessee shall be entitled to a renewal thereof for the same term at double the rents and royalties reserved in the original lease.

22. All objections to applications for mining leases, and all disputes arising with respect to the boundaries of lands under such leases, shall be decided by the Board, *whose decision shall be final*.

23. Auriferous lands may not be leased under the foregoing provisions, and the decision of the Board, whether land is auriferous or not, shall be conclusive.

24. If any applicant for an agricultural or mineral lease shall withdraw his application, or shall fail to sign and execute the counterpart of his lease for the space of three calendar months after notice shall have been given that the same is ready for signature, he shall forfeit his right to such lease, as well as any deposit he shall have paid at the time of making his application. Any such notice may be delivered personally, or sent by post, addressed to the last known place of abode or business of the applicant, or published in some newspaper circulating in the district.

SIXTH SCHEDULE.

DESCRIPTTON OF AORERE TRAMWAY RESERVE.

ALL that parcel of land in the Provincial District of Nelson, containing 20,000 acres, more or less, situated in the Aorere Survey District. Bounded

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by lines starting at the Aorere River at the western corner of Section 119, Square 14; thence along the southern boundaries of Sections 119, 118, and 117, and the south-eastern boundaries of Sections 100, 99, 98, and 18; thence by south-western boundary of Section 100, south-eastern and eastern boundaries of Sections 100, 99, 192, 193, 194, 195, 196, 197, 198, 199, 200, and 201; thence by southern boundaries of Sections 220, 219, and 80; thence by western boundaries of Sections 56, 59, 60, 97, and 96 to south-western corner of latter section; thence to south-western corner of Section 94; thence by a line bearing $208^{\circ} 30'$ (magnetic) for a distance of about 890 chains; thence by a line bearing 281° (magnetic) for about 160 chains; thence by a line bearing 12° (magnetic) for about 712 chains; thence by a line bearing $72^{\circ} 30'$ (magnetic) for about 160 chains to the southern boundary of Section 130, Square 14; thence along the south-eastern boundary of Section 129 to where it strikes the south-western boundary of Section 39; thence by that boundary and the south-western boundaries of Sections 30, 69, 68, 72, and 74; and thence by north-western and south-western boundaries of Section 156, north-western and south-western boundaries of Section 155, to the bank of the River Aorere; thence in a south-westerly direction for a distance of about 80 chains along the banks of that river to a point opposite the western corner of Section 119, being the point of commencement: excepting therefrom all alienated lands, mineral leases, or applications for land which were existing upon the 30th April, 1878; as the same is delineated on the plan deposited in the Survey Office, Nelson.

New.

SEVENTH SCHEDULE.

IN pursuance of the section of "The Land Act 1877 Amendment Act, 1882," the capitalized value of the payments yet to be made under the within license has been fixed at £ .

Dated this day of , 188 .

Commissioner.