

Hon. Mr. Duncan.

LAND ACT AMENDMENT.

ANALYSIS.

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| 1. Short Title. | 13. Duration of "thirds." |
| 2. Section 10 of principal Act amended. | 14. Section 148 of principal Act amended. |
| 3. Section 13 of principal Act amended. | 15. Section 154 of principal Act extended. |
| 4. Section 16 of principal Act amended. | 16. Not more than one run to be held. |
| 5. Section 62 of principal Act amended. | 17. Depasturing stock on Crown land. |
| 6. Deposit where only one application. | 18. Reserves for police-stations, &c. |
| 7. Application of deposit on unsurveyed land. | 19. Conditions as to burning off bush. |
| 8. Registration of leases of reserves. | 20. Encouragement of settlement on bush land. |
| 9. Conditions as to easements. | 21. Maoris may select without competition. |
| 10. Section 116 of principal Act amended. | 22. Settler may acquire additional land. |
| 11. Withdrawal from sale of kauri-gum lands. | 23. Ostrich-farms. |
| 12. Payment of rates by Crown tenants. | 24. Vineyards, orchards, &c. |
| | 25. Rents of Pomahaka Estate. |

A BILL INTITULED

AN ACT to further amend "The Land Act, 1892."

Title.

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 Act Amendment Act, 1901," and it shall form part of and be read together with "The Land Act, 1892" (herein referred to as "the principal Act").

Short Title.

2. Section ten of the principal Act (relating to the removal or alteration of survey-marks) is hereby amended by repealing the word "Native," and substituting in lieu thereof the words "the division or registration of."

Section 10 of principal Act amended.

3. In any case where any land is, by Proclamation under section thirteen of the principal Act, dedicated as a street or road, the provisions of section twenty-three of "The Public Works Act, 1894," with respect to the registration of such Proclamation shall, *mutatis mutandis*, apply, and nothing in section thirteen of the principal Act shall require the consent of a local body to be obtained before a Government road may be closed or deviated.

Section 13 of principal Act amended.

4. Section sixteen of the principal Act (relating to reservations for roads) is hereby amended by repealing all the words after the words "may be amended," and substituting in lieu thereof the words "as nearly as practicable, as provided in section twenty-three of "The Public Works Act, 1894."

Section 16 of principal Act amended.

Section 62 of principal Act amended.

5. Section sixty-two of the principal Act, imposing the conditions under which applications may be made for land under certain Parts of that Act, is hereby amended as follows:—

(1.) By repealing the words “one of the forms set forth in the Schedules to this Act as shall be applicable to the case,” and substituting in lieu thereof the words “form as may be prescribed by regulations made under this Act.” 5

(2.) As to subsection one thereof, by repealing the words “inclusive of not more than six hundred and forty acres of first-class land,” and substituting in lieu thereof the words “of which not more than six hundred and forty acres are first-class land: 10

“Provided that in the case of first- and second-class lands being included in the same application, every acre of first-class land shall, for the purposes of computing the total area applied for, be deemed equivalent to three acres of second-class land.” 15

Deposit where only one application.

6. Where there is only one application for any land, the deposit required by section sixty-three of the principal Act shall be paid forthwith after approval by the Board, or not later than the following day. 20

Application of deposit on unsurveyed land.

7. With respect to the deposit which by section sixty-four of the principal Act as amended by subsection four of section two of “The Land Act Amendment Act, 1893” the applicant for unsurveyed land is required to make for the estimated cost of the survey, the following provisions shall be deemed to have applied from the time of the coming into operation of the principal Act:— 25

(1.) Such deposits shall be applied in or towards defraying the cost of the survey.

(2.) The amount to be credited to each selector pursuant to section sixty-five of the principal Act shall be the amount of his deposit for the estimated cost of the survey. 30

(3.) Should the area surveyed exceed the estimated area applied for, the additional deposit shall be made before the application is finally approved. 35

Registration of leases of reserves.

8. For the purposes of the registration of leases of and dealing with land comprised in domain lands or other reserves vested in His Majesty, or for which no grant, certificate, or other instrument of title has been issued, the provisions of section eighty-six of the principal Act shall, *mutatis mutandis*, apply. 40

Conditions as to easements.

9. Section one hundred and thirteen of the principal Act, empowering the Governor to make certain conditions for the sale of town, suburban, and rural lands, is hereby amended by adding thereto the words “and may provide that any such land shall be subject to such right-of-way, water-rights, or other easements in respect of any other land as he thinks fit.” 45

Section 116 of principal Act amended.

10. Section one hundred and sixteen of the principal Act, authorising rural land not required for settlement to be let from year to year, is hereby amended by adding the words “or other” after the word “grazing.” 50

Withdrawal from sale of kauri-gum lands.

11. Section one hundred and twenty-one of the principal Act, authorising the withdrawal from sale of mineral lands, is hereby

amended by inserting the words "kauri-gum" after the word "metal" or "metals" wherever either of such words occur therein.

12. Section one hundred and twenty-four of the principal Act, protecting Crown land from sale for non-payment of rates, is hereby amended by repealing all the words after the word "forfeited" to the end of the third paragraph thereof, and substituting in lieu thereof the following words, "and the Board may make rates due by the outgoing tenant a charge against any moneys received by the Board from the incoming tenant for improvements on the land."

Payment of rates by Crown tenants.

13. Section one hundred and twenty-seven of the principal Act, relating to the duration of payments of "thirds," is hereby amended by adding thereto the following subsection:—

Duration of "thirds."

"(5.) Nothing herein shall authorise the payment of any sum greater than the third or fourth, as the case may be, of fifteen years' rent.

14. Section one hundred and forty-eight of the principal Act, providing that land sold for cash must be improved before the Crown grant is issued therefor, is hereby amended by adding after the words "second-class lands" the following words: "If such improvements have not been effected within the time herein prescribed, or within such further time, if any, as the Board may allow, the Board may determine the interest of the purchaser in such land, and it shall thereupon become again Crown land and available for sale or selection under this Act":

Section 148 of principal Act amended.

Provided that the Board may take into consideration the nature of the land to be improved, and give such relief in the terms of section eight of "The Land Act Amendment Act, 1895," as it thinks reasonable.

15. The provisions of section one hundred and fifty-four of the principal Act shall apply to land held under any system of tenure (other than fee-simple), and to every description of lease or license under that Act or any former Land Act; and the aforesaid section one hundred and fifty-four, as also section nine of "The Land Act Amendment Act, 1895," shall be construed accordingly.

Section 154 of principal Act extended.

16. Section one hundred and ninety-three of the principal Act is hereby repealed, and the following substituted in lieu thereof: "It shall not be competent for any person or company, without the written consent of the Minister, to hold more than one run of any kind under this Part of this Act, and such consent may be given either before or after an application has been made, or a bid given at auction."

Not more than one run to be held.

17. Section two hundred and twenty-one of the principal Act, relating to the depasturing of travelling stock on Crown land, is hereby amended by repealing the words "unsold Crown lands," and substituting in lieu thereof the words "unfenced and uncultivated Crown lands not at or within fifty chains of a homestead."

Depasturing stock on Crown land.

18. Section two hundred and thirty-five of the principal Act, authorising the reserve of land for certain purposes, is hereby amended by adding after the word "prisons" in subsection two thereof the words "police-stations, post- and telegraph-offices."

Reserves for police-stations, &c.

19. The Governor may from time to time make regulations prescribing the times in the year within which, and the conditions

Conditions as to burning off bush.

upon which, felled bush may be burnt on Crown or private lands; and such regulations may prescribe different times and conditions for different districts, and may impose penalties for the breach thereof not exceeding in any case *twenty* pounds; but such penalty shall not relieve any person infringing such regulations from any action for damages to which he would be otherwise liable. 5

Encouragement of settlement on bush land.

20. (1.) The Governor, at his discretion, may, in setting apart any swamp or bush or scrub land to be disposed of by way of sale or selection under Part III., IV., or V. of the principal Act, provide—

(a.) That no rate shall be levied or collected by any local body 10
from such land for any period not exceeding *four* years in the case of heavy bush land, or *three* years in the case of light bush land, or *two* years in the case of scrub land, from the date from which such land was disposed of, and no local body shall have power to levy or collect any rate 15
from such land during such period;

(b.) That, after the first half-year's rent has been paid by the selector, no further rent shall be payable by him for a period not exceeding *four* years in the case of heavy bush land, *three* years in the case of light bush land, or 20
two years in the case of scrub land.

(2.) The rent so remitted shall be capitalised at four per cent., and interest on such capital sum, at the rate of four per centum per annum, shall be payable as additional rent for a period of not more than ten years from the time rent first becomes payable. 25

(3.) Nothing herein shall relieve the selector from the consequences of non-compliance with the conditions of the lease or license in respect to "residence" or "improvements" on bush or scrub land required by the principal Act and this Act.

(4.) A tenant of any swamp lands shall be exempt from the 30
conditions of residence if he from time to time according to the tenor of his lease or license puts on the land comprised therein substantial improvements of a permanent nature to twice the amount actually required by section one-hundred and forty-four of the principal Act, anything therein to the contrary notwithstanding. 35

Maoris may select without competition.

21. The Board may allow Maoris who have no land, or land insufficient for their maintenance, to select land without competition, upon such terms and conditions not otherwise contrary to the principal Act and this Act as the Board thinks fit.

Settler may acquire additional land.

22. In any case where in the opinion of the Board the land held 40
by a settler is insufficient for the maintenance of himself and family, the Board may in its discretion, but subject to the approval of the Minister, permit him to acquire any land in the vicinity without such land being first opened for public selection, and notwithstanding any restriction contained in the principal Act as to the number of sections 45
which any selector may hold:

Provided that the area so acquired, together with any other land held by such settler, shall be within the limits of area prescribed by the principal Act.

23. The Governor may from time to time set apart areas of land, Ostrich-farms.
not exceeding two thousand acres in each case, for the purpose of
ostrich-farming; subject to the following provisions:—

- 5 (1.) Such land shall be held under Part V. of the principal Act
as a small grazing-run, and shall be subject to the same
conditions as a lease under Part V.
- 10 (2.) The Governor may, if he thinks fit, reduce the rent to
be paid or the value of the improvements to be effected
during the first term of twenty-one years, below that
provided by Part V., on the condition that the lessee,
within such time as the Governor determines, stocks
and thereafter keeps upon the land ostriches suitable for
mercantile purposes, in the proportion of not less than one
ostrich for every five acres of land comprised in the lease.
- 15 (3.) The breach of any such condition shall entail the forfeiture
of the lease in the same manner as the breach of any
other condition thereof.

24. (1.) The Governor may from time to time set apart land, Vineyards, orchards,
&c.
exceeding one thousand acres in area in the whole, for special settle-
20 ment, for the purpose of cultivating grapes, olives, and other fruits.

(2.) Such lands shall be divided into sections not exceeding
twenty acres each, and not more than one section shall be held by
any settler.

- (3.) The Governor may make regulations,—
- 25 (a.) Fixing special terms and conditions for the payment of rent,
for residence, occupation, and improvements, until the
vines and trees are bearing fruit.
- (b.) Providing that advances of money (not exceeding in any
30 one case the sum of *twenty* pounds) may be given to the
settlers to enable them to profitably occupy their allot-
ments.
- (c.) Providing for the repayment of any such advances.

25. Notwithstanding anything in section fifty-one of "The Rents of Pomahaka
Estate.
Land for Settlements Consolidation Act, 1900," the Land Board of
35 Otago may, with the consent of the Minister, reduce the rents
payable by the tenants on the Pomahaka Estate.