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*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
15th October, 1900.*

*Rt. Hon. R. J. Seddon.*

## LAND FOR SETTLEMENTS CONSOLIDATION.

### ANALYSIS.

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## A BILL INTITULED

Title.

AN ACT to consolidate and amend the Law relating to the Acquisition of Private Lands for Purposes of Settlement.

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 for Settlements Consolidation Act, 1900."

### (1.) PRELIMINARY.

#### *Interpretation.*

Interpretation.

1894, s. 2, altered.

2. In this Act, unless inconsistent with the context,—

"Board" means the Board of Land Purchase Commissioners under this Act:

"Block" means a block of land in one contiguous area: Provided that the area shall not be deemed to be non-contiguous by reason merely of its being intersected by a road or stream:

"Court" means the Court of Compensation under "The Public Works Act, 1894," as modified by this Act:

"Estate" means an owner's block, and, in the case of an owner of two or more blocks, includes all the blocks any part of any one whereof is distant not more than *three miles* from any part of another, which are held and worked as one and the same property under one and the same management:

"Financial year" means the year ending on the thirty-first day of March:

"First-class land" means agricultural land:

"Former Land for Settlements Act" includes every Act repealed by this Act or by any such repealed Act:

"Land Act" means "The Land Act, 1892":

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“Land Board” means the Land Board under the Land Act, and all references in this Act to the Land Board in connection with any land shall be deemed to be references to the Land Board of the land district in which such land is situate :

“Minister” means the Minister of Lands :

“Owner” means any person owning private land in fee-simple, and includes any person who, as trustee, executor, administrator, life-tenant, mortgagee, or otherwise howsoever, possesses the legal power of sale of private land in fee-simple, whether with or without the consent of the Supreme Court of New Zealand or of any person having any estate or interest in the land : 1897, s. 4. (1).

“Prescribed maximum” in the case of land situate more than five miles from any of the Cities of Auckland, Wellington, Christchurch, or Dunedin, means

One thousand acres of first-class land ; or

Two thousand acres of second-class land with a site for a homestead ; or

Five thousand acres of third-class land with a site for a homestead :

And in the case of land situate not more than five miles from any of those cities, “prescribed maximum” means two hundred acres of land :

“Private land” means any land alienated from the Crown :

“Second-class land” means mixed agricultural and pastoral land :

“Site for a homestead” means any area not exceeding two hundred acres of first- or second-class land comprising and surrounding a homestead : Provided that such area shall be included in the area of the prescribed maximum :

“Third-class land” means land suitable only for pastoral purposes.

#### *Officers and Board.*

35 3. (1.) The Governor may from time to time appoint a fit person to be Land Purchase Inspector under this Act, whose duties shall be to inspect and report to the Minister upon all lands proposed to be acquired under this Act, and to perform such other functions as the Governor or the Minister from time to time directs. Land Purchase Inspector. 1895, s. 2.

40 (2.) The Governor may also in like manner appoint such other officers as he deems necessary for the purposes of this Act, and may prescribe their duties and functions. Other officers.

(3.) The Land Purchase Inspector and every other officer appointed as aforesaid shall hold office during pleasure, and shall be paid such salary or other remuneration as is fixed and appropriated from time to time by Parliament.

45 (4.) The Land Purchase Inspector and every other officer appointed under any former Land for Settlements Act, and holding office at the commencement of this Act, shall be deemed to have  
50 been appointed under this Act.

Board of Land Purchase Commissioners.

1894, s. 3.

1895, s. 3.

4. For the purposes of this Act there is hereby constituted a Board, to be called "The Board of Land Purchase Commissioners," consisting of,—

The Land Purchase Inspector;

The Surveyor-General;

The Commissioner of Taxes;

The Commissioner of Crown Lands for the land district in which is situated any land proposed to be acquired under this Act; and

Such person as the Minister from time to time appoints in that behalf, being in every case a resident in the land district in which is situate any land proposed to be acquired under this Act:

Provided that the Commissioner of Crown Lands and the person so appointed shall be deemed to be members of the Board of Land Purchase Commissioners only in cases where the functions of that Board are exercised in connection with land situate within the land district.

Quorum and Chairman.

Ib., s. 3.

5. With respect to the Board, the following provisions shall apply:—

(1.) At all meetings of the Board three members shall form a quorum.

(2.) The Land Purchase Inspector shall be the Chairman of the Board, and shall preside at all meetings:

Provided that in the case of his absence from any meeting the members present may appoint one of their number to act at that meeting as Chairman in his stead.

(3.) Subject to the provisions of this Act, and the regulations thereunder, the Board may regulate its own procedure.

#### (2.) ACQUISITION OF LAND.

*What Land may be acquired, and to what extent.*

Purposes for which private land may be acquired.

1894, s. 4, altered.

6. Private land may, in the manner and subject to the provisions hereinafter contained, be acquired on behalf of Her Majesty under this Act for any of the following purposes, that is to say:—

(1.) Providing land for settlement; or

(2.) Providing land as sites for homesteads for neighbouring pastoral Crown land; or

(3.) Providing low-lying land necessary for the working of neighbouring pastoral Crown land; or

(4.) Exchanging high land suitable only for pastoral purposes for low-lying or agricultural land suitable for settlement; or

(5.) Providing land, by purchase or exchange, but not by compulsory taking, in order to consolidate any estate acquired under this Act, or to readjust its boundaries.

Minister may direct Board to negotiate with owner.

Ib., s. 4.

7. For the purposes of this Act the Minister may from time to time direct the Board to negotiate with any owner of private land for the purchase or exchange thereof, at such price, or for so much equivalent land, as may be agreed upon between the owner and the Board.

8. The total amount of all sums expended and liabilities incurred for the acquisition of land in any one financial year shall not exceed the total amount which may be raised in that year under the provisions of section *thirty-two* hereof, together with the balance for the time being unexpended in the hereinafter-mentioned Land for Settlements Account.

Amount which may be expended in acquiring land. 1894, s. 22, altered.

9. It shall be the duty of the Board to ascertain, by the valuation of one or more competent valuers and by such other means as it thinks fit, the value of any private land proposed to be acquired under this Act, and to report to the Minister as to its character and suitability for settlement, and the demand for land for settlement in the locality where it is proposed to acquire the same.

Board to ascertain value and report to Minister. *Ib.*, s. 3.

*Voluntary Acquisition.*

10. (1.) Upon the written recommendation by the Board that any private land is suitable and should be acquired for any of the purposes of this Act, the Governor, with the advice and consent of the Executive Council, may conclude the acquisition thereof by purchase or exchange, at a price or land-equivalent not exceeding that recommended by the Board, and may execute all deeds and instruments, and do and perform all acts necessary for the completion of any such purchase or exchange.

Upon recommendation of Board Governor may acquire land. *Ib.*, s. 5.

(2.) Such land-equivalent may be either land subject to this Act or Crown land not subject to this Act:

Provided that in the latter case its value shall be fixed by the Minister after considering the report of the Land Board, and the amount of such value shall, on the completion of the exchange, be paid out of the Land for Settlements Account, and be applied in like manner as if the land had been duly sold for cash in terms of the Land Act.

Procedure when land-equivalent given in exchange.

*Compulsory Acquisition.*

11. If the Governor in Council decides to acquire any land so recommended as aforesaid by the Board, and the owner refuses to sell or exchange, or it appears to the Governor that no agreement for sale or exchange can be come to, the Governor may take such land compulsorily in the manner and subject to the conditions hereinafter contained:

Land may be taken compulsorily. *Ib.*, s. 6.

Provided that nothing in this Act shall be deemed to authorise the compulsory acquisition of lands set aside as endowments or reserves.

12. Except in the case of land taken under the *next succeeding* section hereof, the right to take land compulsorily under this Act shall be subject to the following limitations, that is to say:—

Limitations of right to take land compulsorily.

(1.) An estate shall not be taken, in whole or in part, unless its total area is not less than the prescribed maximum of first-, second-, or third-class land.

*Ib.*, ss. 7, 8, altered.

(2.) If the estate comprises not less than the prescribed maximum, the owner shall have the right to select and retain out of the whole estate any area not exceeding the prescribed maximum: Provided, nevertheless, as follows:—

(a.) The right shall be deemed to be waived unless in the hereinafter mentioned claim the owner asserts the right, and also specifies with reasonable particularity the area, situation, and classification of the land he proposes to select and retain. 5

(b.) The land to be selected and retained may consist wholly of one class, or partly of one class and partly of another, as the owner thinks fit, but the area shall be so determined as that the acreage of each class or of all the classes combined shall not exceed proportionately the prescribed maximum. 10

(c.) The right to select and retain shall be so exercised as not to affect the land proposed to be taken, save to the extent necessary in order to enable the owner to select and retain up to the prescribed maximum out of the whole estate. 15

(d.) The area selected and retained shall consist of one block, with frontages and dimensions as specified in section one hundred and nine of the Land Act.

(3.) If the estate is owned in fee-simple by two or more persons who, for a period of two years next prior to the gazetting of the hereinafter-mentioned requisition, have been carrying on business on the estate as farmers in co-partnership, each partner whose undivided share of the estate exceeds the prescribed maximum shall have the right to select and retain any area not exceeding the prescribed maximum, in the same manner and subject to the same conditions as if such share had been owned by him in severalty. 20 25

1894, s. 9.

(4.) If the land proposed to be taken comprises less than the whole of the estate, the owner shall have the right to require the whole of the estate to be taken: Provided that he asserts his right in the hereinafter mentioned claim. 30

Special provisions  
for taking land to  
provide workers'  
homes.  
1899, s. 6, altered.

13. For the purpose of providing workers' homes within easy reach of the large centres of population land may be compulsorily taken within a borough having a population of not less than fifteen thousand inhabitants according to the latest census returns, or within a radius of fifteen miles from the boundary thereof, subject, however, to the following special provisions:— 35 40

(1.) Not more than one hundred acres shall be compulsorily taken under this section in any one year within any one such borough, or within the aforesaid radius from the boundary thereof:

Provided that, where the land proposed to be taken comprises less than the whole estate, the owner shall have the right, if he asserts the same in the hereinafter-mentioned claim, to require the whole of the estate to be taken. 45

(2.) The owner shall have the right to select and retain, out of the whole estate, any area not exceeding *ten* acres if such area is within such borough, or *fifty* acres in any other case: Provided, nevertheless, as follows:— 50

(a.) The right shall be deemed to be waived unless in his claim the owner asserts the right, and also specifies 55

with reasonable particularity the area, situation, and boundaries of the land he proposes to select and retain.

(b.) The right to select and retain shall be so exercised as not to affect the land proposed to be taken, save to the extent necessary in order to enable the owner to select and retain up to the area aforesaid out of the whole estate.

(3.) The right to take land compulsorily under this section shall not be affected by the fact that the whole or any part of another borough is comprised within the aforesaid radius.

(4.) Land shall not be compulsorily taken under this section until after tenders have been called for land suitable for the purposes of workers' homes, nor unless the Board is satisfied that suitable land cannot be acquired by purchase or exchange.

(5.) The provisions of the *last preceding* section hereof shall not apply in the case of land taken under this section.

14. (1.) In every case where land is taken compulsorily under this Act, the owner of the land taken, and also every other person having any estate or interest therein (hereinafter referred to as "the claimant"), shall, according to their respective estate or interest in the land taken, or in land injuriously affected thereby, be entitled to full compensation from Her Majesty in respect thereof.

(2.) The land shall be taken, and the compensation in respect thereof shall be claimed, determined, and paid, in the manner and subject to the provisions hereinafter contained.

*Proceedings for Taking Land compulsorily.*

15. (1.) Whenever it is intended to take land compulsorily under this Act the Minister shall cause notice of such intention to be gazetted.

(2.) Such notice (hereinafter called "the requisition") may be in the prescribed form, and shall specify the acreage and description of the land, its classification, and the name and address of its owner, and require every claimant to serve his claim for compensation on the Minister in the form and manner and within the period hereinafter provided.

16. (1.) Within twenty-one days after the gazetting of the requisition the Minister shall serve the same on the owner of the land to be taken, and also on every other person who, so far as is known to the Minister, has any estate or interest therein.

(2.) The service may be effected by serving a copy of the requisition as gazetted.

(3.) The requisition, when served, shall be accompanied by a plan and description, setting forth the acreage, and the Minister's classification of the land to be taken, if it is the whole of an estate, and its acreage, position, and classification if it is part of an estate.

17. Not later than forty-two days after the gazetting of the requisition, in the case of a claimant who at the time of the gazetting was in New Zealand, or one hundred and fifty days in any other case, each claimant shall serve on the Minister a claim in the prescribed form, setting forth, with all such plans, descriptions, and particulars as the circumstances may require,—

1899, s. 9.

Every person having estate or interest entitled to compensation.  
1897, s. 4, (4).

Notice of intention to take land to be gazetted.  
1894, s. 10.

Minister to serve requisition on owner.  
Ib., s. 11.  
1897, s. 4, (5), altered.

Claimant to serve claim on Minister. Particulars to be specified therein.  
1894, s. 12.  
1897, s. 5, (5), altered.

- (1.) In the case of the owner, his classification of the land, if he objects to the Minister's classification thereof;
- (2.) In the case of the owner, his objection (if any) under section *twelve* or *thirteen* hereof, to any land being taken;
- (3.) In the case of the owner, his demand (if any), under section *twelve* or *thirteen* hereof, to select and retain land out of the estate, with the acreage, description, classification, and position thereof, and the acreage and classification of the whole estate; 5
- (4.) In the case of the owner, his demand (if any), under section *twelve* or *thirteen* hereof, that the whole of the estate be taken, with its acreage, description, and classification; 10
- (5.) In every case, the nature and particulars of his estate or interest in the land to be taken, or in the estate from which the land is to be taken, or in land injuriously affected by the taking, and of all incumbrances, liens, and interests affecting the same respectively; 15
- (6.) Each matter on account of which he claims compensation, with full particulars of the nature and extent of the claim; 20
- (7.) The amount claimed respectively for land to be taken and for land thereby injuriously affected, giving the amount for each item separately;
- (8.) The total amount claimed;
- (9.) His full name and address for service; 25
- (10.) Such further or other particulars as are prescribed.

Provisions of "The Public Works Act, 1894," to apply to claim.  
1894, s. 13.  
1897, s. 5, (6).

Proceedings for compulsory taking of land.  
Ib. s. 6.

18. Every claim for compensation under this Act shall be deemed a claim for compensation within the meaning of "The Public Works Act, 1894," and all the provisions of that Act, save in so far as the same are modified by this Act, shall apply thereto for all purposes in like manner as if the land to be taken under this Act were land taken for a Government work under that Act. 30

19. With respect to proceedings for the compulsory taking of land, the following provisions shall apply:—

- (1.) The gazetting of the requisition shall for all purposes be conclusive evidence that all steps and conditions precedent thereto have been duly taken and complied with. 35
- (2.) In any case where the person to be served with the requisition is out of New Zealand, or cannot be found in New Zealand, the requisition may be served on him by delivering a copy thereof as gazetted (together with the accompanying plan and description) to any attorney or agent in New Zealand of such person, or by posting the same in a registered letter addressed to such person, attorney, or agent at his last known place of business or abode in New Zealand. 40 45
- (3.) In no case shall the proceedings for the taking of the land, or the right of any person to claim compensation, be in any way questioned or prejudicially affected by reason merely that the requisition or claim was not duly served, or that the claim was not served within the prescribed period or in the prescribed form: 50



Provided that in any such case the proceedings may be adjourned by the Compensation Court for such period and upon such terms as to costs and otherwise as it thinks fit:

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Provided, further, that in no case shall any claim for compensation be made or entertained after the gazetting of the Proclamation referred to in section *twenty-five* of this Act.

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(4.) The provisions of section forty of "The Public Works Act, 1899 s. 4, 1894," are hereby extended to cases where the claimant fails or neglects to serve his claim for compensation.

(5.) The provisions of section sixty of "The Public Works Act, 1894," in so far as they relate to Assessors, shall extend and apply to the case of an Assessor who resigns or refuses to act.

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(6.) The President of the Court shall in each case be the Chief Justice, or such Judge of the Supreme Court as the Chief Justice deposes in that behalf.

20 20. On the application of the Minister, or of any claimant concerned, the Court shall, if necessary, determine in the first place all questions of disputed classification.

Classification to be first settled by Court.  
1894, s. 14.

25 21. (1.) When the classification has been determined as aforesaid, the claimant and the Minister may, on application to the Court in that behalf, and within such time not exceeding twenty-one days as is fixed by the Court, amend their respective claim and requisition by filing and serving notices of such amendment in the prescribed manner:

Amendment of claim and requisition.  
Ib., s. 15.

Provided that no departure shall be made from the classification as fixed by the Court.

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(2.) The amendment of the requisition need not be gazetted.

22. The claim and requisition, with amendments, as the case may be, and all matters connected therewith, shall then be determined by the Court in manner following, that is to say,—

Claim and requisition then subject to order of Court.  
Ib., s. 16, altered.

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(1.) The Court, having regard to the limitations and provisions of sections *twelve* and *thirteen* hereof, shall in the first place determine, and by order declare,—

(a.) What land (if any) the Minister is entitled or required to take; and

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(b.) What land (if any) the owner is entitled to retain:

(2.) Having duly made such order as aforesaid, the Court shall then determine, and by separate order declare,—

(c.) What sum is to be paid by way of compensation, and to whom; and

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(d.) Whatever else may be necessary for the purpose of adjusting the rights of all parties interested in or affected by the proceedings.

23. (1.) In determining what sum is to be paid by way of compensation in respect of land taken or thereby injuriously affected, the Court shall have regard only to the value of the land, and also the loss, if any, caused to the claimant's business by the taking of the land.

Mode of determining compensation payable.  
1899, s. 5.

(2.) The value of the land shall in every case be assessed at its value as at the date of the gazetting of the requisition.

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24. At any time before the gazetting of the Proclamation referred to in section *twenty-five* hereof, the Court may of its own

Court may make supplementary order.

motion, or on the application of the Minister or any party concerned, make a supplementary order for the purpose of remedying any defect in, or of giving fuller effect to, the original order referred to in subsection *one* of section *twenty-two* hereof.

Governor to proclaim lands taken. 1894, s. 17, altered.

25. As soon as conveniently may be after the expiration of twenty-one days after the making of such original order or supplementary order, the Governor shall, by Proclamation, declare that the land specified in that behalf in such order or supplementary order is compulsorily taken under this Act. 5

Land then to vest in Her Majesty. 1894, s. 18.

26. On and from the date of the gazetting of such Proclamation the land therein specified as aforesaid shall by force of this Act become and be deemed to be absolutely vested in Her Majesty for an estate in fee-simple in possession, freed and discharged from all other estates, and from all incumbrances, liens, claims, and interests whatsoever. 10

When compensation payable.

27. The compensation money shall in every case be deemed to be payable on the date on which the effective occupation of the land acquired is given up to Her Majesty by the owner or other the person in actual occupation at the date of the gazetting of such Proclamation. 15

If compensation not paid on proper date, interest payable.

28. In any case where, by reason of such Proclamation having been gazetted before the amount of the compensation is fixed by the Court, or for any other reason not imputable to the act, neglect, or default of the person entitled, any compensation money is not duly paid or satisfied on the date when it becomes payable, then, for the period elapsing between that date and the date when the money is duly paid or satisfied, interest thereon at such rate as is agreed on, or as in default of agreement is fixed by the Court, shall also be payable. 20

Owner may elect to retain possession for a specified period. *Ib.*, s. 19.

29. At any time before the gazetting of such Proclamation, the owner may give notice in writing to the Minister that he elects to remain in possession of the land specified in the Proclamation for a period to be stated in such notice, not exceeding *twelve* months from the date on which the Proclamation is gazetted, and he shall thereupon have a right to occupy such land for the period so stated, subject to the following conditions:— 25

- (1.) No part of the compensation-money shall be payable until the expiration of the said period.
- (2.) At all times during the said period the Minister and any persons authorised by him, either generally or particularly, shall have full and free right of ingress, egress, and regress through, over, and upon such land, for the purposes of survey, road-making, or inspection, in the same manner and to the same extent as if such land were unoccupied Crown lands. 40
- (3.) At all times during the said period the occupier at his own cost in all things shall keep the land, and all buildings, fences, and other erections thereon, in good and substantial condition and repair, and also shall insure and keep insured all buildings and erections of an insurable nature in the name of Her Majesty in such sum and insurance office as the Minister approves; and if the occupier fails or neglects so to do the Minister may do so in his stead and at his cost in all things: 45

Provided that in so far as any such insurance is subsisting in the name of Her Majesty the premiums thereon shall be payable by the occupier. 50

(4.) Whilst in possession of the land under this section the occupier shall be deemed to be an occupier within the meaning of "The Rating Act, 1894."

(5.) Except with the previous written consent of the Minister, and upon such terms as the Minister thinks fit to impose, the occupier shall not,—

(a.) Assign, sublet, or in any way part with possession of the land or any part thereof; nor

(b.) Agist stock thereon; nor

(c.) Plough any part thereof which is in grass, nor take any crop or other produce from any part thereof.

(6.) If the occupier fails or neglects to faithfully observe any of the aforesaid conditions, then, irrespective of any other right or remedy exercisable by Her Majesty, he shall whilst such failure or neglect continues be liable to pay a rental at the rate of five per centum per annum on the amount of the compensation-money; and such rental, together with all costs and expenses incurred by or on behalf of Her Majesty under this section, may be deducted from the compensation-money.

30. At any time within twenty-one days after the making of the separate order referred to in subsection *two* of section *twenty-two* hereof the Court may, of its own motion, or on the application of the Minister or of any party concerned, make a supplementary separate order for the purpose of remedying any defect in, or of giving fuller effect to the original separate order.

Supplementary order remedying defects.  
1894, s. 17, altered.

### (3.) PAYMENT FOR LAND ACQUIRED.

31. All land acquired under this Act may be paid for by money, or (with the assent of the person entitled) by debentures, scrip, or inscribed stock created and issued as hereinafter provided.

Mode of payment for land acquired.  
Ib., s. 21, altered.

32. (1.) For the purpose of providing funds for the acquisition of land under this Act, the Colonial Treasurer, upon being authorised by the Governor in Council so to do, is hereby empowered to raise from time to time by way of loan, in New Zealand or elsewhere, such sums of money, not exceeding in each financial year the sum of *five hundred thousand* pounds, as he thinks fit:

Colonial Treasurer may raise moneys.  
Ib., s. 22, altered.

Provided that to the extent to which the full sum of *five hundred thousand* pounds is not raised in any one financial year, to the same extent the sums raised in any subsequent financial year may exceed *five hundred thousand* pounds.

(2.) As security for the moneys so raised, or (with the consent of the persons entitled to payment) in or towards satisfaction of the purchase-money or compensation payable in respect of land acquired, the Colonial Treasurer may create and issue debentures or scrip under this Act, or inscribed stock under "The New Zealand Consolidated Stock Act, 1877."

Debentures may be issued as security.

33. For the purposes of the *last-preceding* section hereof, the Colonial Treasurer may from time to time exercise all or any of the following powers, that is to say:—

Powers of Colonial Treasurer as to money raised.  
1899, No. 5, s. 2.

(1.) He may prescribe the mode and conditions of repayment of the sums raised as aforesaid, the rates of interest thereon, and the times and places of the payment of principal and interest respectively:

(2.) He may agree that debentures or scrip created and issued by him shall be converted into inscribed stock, and may either specify the terms of such conversion at the time when the money is raised, or the debentures or scrip are

issued, or arrange that such terms shall be subsequently agreed upon, anything in section five of "The New Zealand Consolidated Stock Act, 1877," to the contrary notwithstanding.

Until moneys raised short-dated debentures may be issued 1899, No. 5, s. 3.

34. Pending the raising, under section *thirty-two* hereof, of the moneys thereby authorised to be raised, the Colonial Treasurer may from time to time raise such sums as he thinks fit by the sale, hypothecation, or mortgage of short-dated debentures; and with respect to such short-dated debentures the following special provisions shall apply:—

- (1.) They shall bear interest at such rate (not exceeding four per centum per annum), and be for such amounts, and have such currency (not exceeding seven years from the date of issue), and be in such form (with or without coupons), and be payable, both as to principal and interest, at such times and places, and be transferable and negotiable in such manner, as the Colonial Treasurer prescribes. 10
- (2.) The Colonial Treasurer may accept short-dated debentures in payment or exchange for any debentures, scrip, or inscribed stock created or issued under section *thirty-two* hereof, and may also (with the consent of the person entitled to payment) issue short-dated debentures in or towards satisfaction of the purchase-money or compensation payable in respect of land acquired. 15
- (3.) In order to provide for the payment of the principal sum named in any short-dated debenture, or whenever any short-dated debenture is accepted in payment or exchange, as provided in the *last-preceding* subsection hereof, the Colonial Treasurer may issue short-dated debentures for an amount equal to the short-dated debentures to be or which have been paid off or accepted in payment or exchange as aforesaid. 25
- (4.) The amount of all outstanding short-dated debentures under this section, together with the amount of all outstanding debentures, scrip, or inscribed stock under section *thirty-two* hereof, shall at no time exceed the total sum which for the time being is authorised to be raised under the *last-mentioned* section. 30

Agents for raising moneys outside colony. *Ib.*, s. 4.

35. In the event of it being deemed convenient that any of the moneys authorised to be raised under this Act should be raised in Great Britain, or elsewhere than in New Zealand, the Colonial Treasurer may from time to time, by warrant under his hand, appoint any two or more persons as Agents for raising the same, and may also in like manner confer upon such Agents all such powers as he deems necessary in order to carry into effect the purposes of this Act. 40

Powers of Agents. *Ib.*, s. 5.

36. In addition to the powers conferred upon such Agents by the Colonial Treasurer in the warrant appointing them, or in any subsequent warrant, they shall have all the powers by this Act hereinbefore conferred upon him, including the power to raise from time to time, by the creation and issue of debentures (whether short-dated or otherwise), or scrip, or of inscribed stock under "The New Zealand Consolidated Stock Act, 1877," such sums as they think fit, not exceeding in the whole the total sum which for the time being is authorised to be raised under section *thirty-two* hereof: 45

Provided that the expressed inclusion of the last-mentioned power shall not be construed to in any way limit the operation of this section.

37. (1.) All or any of the powers conferred upon such Agents by this Act, or by the Colonial Treasurer, may by them be delegated from time to time to two or more other persons, as delegated Agents, in such manner and subject to such conditions as the delegating Agents think fit.

Delegation of powers.  
1899, No. 5, s. 6.

(2.) The Colonial Treasurer may from time to time remove or accept the resignation of any Agent, whether appointed by him or by the aforesaid delegating Agents; and in any such case, or if any such Agent dies, the Colonial Treasurer may appoint another person in his stead.

Removal of Agents.  
Ib., s. 7.

38. (1.) All or any of the powers by this Act conferred upon the Colonial Treasurer (including the powers relating to Agents) may from time to time be delegated by him to the Agent-General of New Zealand in London.

Delegation of powers to Agent-General.  
Ib., s. 8.

(2.) Notice of any such delegation as last aforesaid may be given to the Agent-General by telegraphic message from the Colonial Treasurer, and the fact that the Agent-General exercises any such powers shall be conclusive evidence of his authority so to do.

Notice thereof.

39. No debenture, scrip, or inscribed stock created or issued in respect of any moneys raised under this Act shall be sold or otherwise disposed of by the Colonial Treasurer, the Agent-General, or the aforesaid Agents at a price that will yield to the purchaser a higher rate of interest by the year than four pounds for every hundred pounds of principal:

Maximum rate of interest.  
Ib., s. 10.

Provided that such debentures or scrip may, for the purpose of temporary advances pending the raising of the aforesaid moneys, be hypothecated or mortgaged upon such terms as to interest and otherwise as are deemed expedient.

40. The principal sum named in any such debenture, scrip, or other security, and the principal sums represented by all such inscribed stock, together with all interest payable in respect thereof, are hereby declared to be a charge upon and to be payable out of the public revenues of New Zealand.

Charge on public revenues.  
Ib., s. 11, (3).

41. (1.) Except in the case of inscribed stock, every debenture, scrip, or other security created or issued in respect of moneys raised under this Act shall be signed by the Colonial Treasurer, or (as the case may be) by the Agent-General or the aforesaid Agents by whom the moneys are raised, and shall be countersigned by the Controller and Auditor-General, or by an officer of Audit to be appointed from time to time for that purpose by the Controller and Auditor-General.

How debentures, scrip, &c., to be signed.  
Ib., s. 11.

(2.) The fact that any officer of Audit so countersigns shall be conclusive evidence of his authority so to do.

42. All the powers by this Act conferred upon the Colonial Treasurer for the raising of the aforesaid moneys, and the creation and issue of the securities in respect thereof, shall continue to be exercisable by him notwithstanding the fact that he may have appointed Agents under section *thirty-five* hereof, or delegated all or any of his powers to the Agent-General under section *thirty-eight* hereof, or that the Agents or Agent-General may have acted or may be acting under such appointment or delegation.

Colonial Treasurer may exercise powers although Agents appointed.

43. (1.) Without limiting the sources from which the aforesaid moneys may be raised, they may be raised in whole or in part from

Sources from which moneys may be raised.

1894, s. 22, altered.

the Public Works Fund, or any of the accounts mentioned in Part VIII. of "The Public Revenues Act, 1891."

Authority to lend moneys.

(2.) This Act shall be sufficient authority to the Colonial Treasurer or other the respective persons having the control of the aforesaid fund and accounts to lend money therefrom for the purposes of this Act, not exceeding in any one financial year the total sum which for the time being is authorised to be raised under section *thirty-two* hereof. 5

Security for persons lending moneys. 1899, No. 5, s. 12.

44. No person from whom any money is raised, or who is the holder of any debenture, scrip, or inscribed stock created or issued under the respective powers in that behalf conferred by this Act, shall be concerned to see or inquire whether or to what extent such powers have been previously exercised, or are intended to be exercised; and all moneys raised or purporting to be raised, and all debentures, scrip, and inscribed stock created or issued, or purporting to be created or issued, under such powers shall, so far as concerns the lender or holder, be deemed to have been lawfully raised, created, or issued under such powers. 10 15

Prior securities not affected. *Ib.*, s. 13.

45. Nothing in this Act contained shall be construed to alter or affect or vary any security heretofore charged on the public revenues of New Zealand. 20

Moneys raised to be paid to Land for Settlements Account. 1894, s. 29.

46. All moneys raised as aforesaid shall, as and when raised, be paid into the Public Account to the credit of a separate account called "The Land for Settlements Account"; and, with respect to such separate account and the moneys therein, the following provisions shall at all times apply:— 25

Cost of raising moneys.

(1.) The costs and expenses incurred in raising the aforesaid moneys shall be charged to and paid out of that account.

1899, No. 5, s. 14, altered.

(2.) Any of the moneys in that account may from time to time be applied in paying off short-dated debentures, nevertheless to the extent only to which the proceeds of such debentures have been paid into that account. 30

(3.) All sums payable in respect of the acquisition of land or in respect of interest on moneys raised under this Act shall be paid out of that account. 35

Temporary investment of moneys.

(4.) Any of the moneys in that account may, until required for the purposes of this Act, be temporarily invested from time to time, as the Colonial Treasurer directs, in any Government securities, or in any securities wherein for the time being any balances in the Public Account may lawfully be invested; and all interest received in respect of any such investment shall be paid into the Land for Settlements Account. 40

#### (4.) DISPOSAL OF LAND ACQUIRED.

##### *General.*

Land acquired to be Crown land subject to Act. 1894, s. 32, altered.

47. (1.) All land acquired under this Act shall, on and from the date on which the acquisition is completed, be deemed to be Crown land subject to this Act. 45

(2.) A notification in the *Gazette* by the Minister that any Crown land is subject to this Act shall be sufficient evidence of the fact. 50

48. (1.) Land acquired under this Act, whether the same is classed as rural, suburban, or town land, shall, subject to the provisions of this Act and of the regulations under this Act, be disposed of under the lease-in-perpetuity system, or, if pastoral, under the small-grazing-run system of Part V. of the Land Act.

Disposal of such land.  
1894, s. 32.

(2.) All land acquired under any former Land for Settlements Act shall, for the purposes of their disposal and administration, be deemed to have been acquired under this Act, and shall be subject to this Act accordingly.

10 *Disposal by way of Lease.*

49. In every case where land acquired under this Act is to be disposed of by way of lease (other than leases under sections *fifty-five* to *fifty-seven* or *sixty-six* hereof), the following provisions shall apply, that is to say :—

Provisions regulating leasing of land.  
1896, s. 2, altered.

- 15 (1.) The block of land to be disposed of shall in each case be divided into such allotments as the Minister determines.
- (2.) An allotment may comprise less or more than a surveyed section, but no allotment shall exceed the area prescribed by the Land Act.
- 20 (3.) The allotments shall be numbered, and, where ballot is required, shall be balloted for in accordance with the Land Act.
- (4.) Applicants for allotments shall be not less than twenty-one years of age.
- 25 (5.) Irrespective of the limitation of area prescribed by the Land Act, an application may comprise more allotments than one, but no applicant shall be entitled to obtain more than one allotment.
- 30 (6.) If there is only one applicant for any allotment, he shall be entitled to that allotment, and thereupon his application shall be void as to all other allotments.
- (7.) If there is only one applicant for more than one allotment, he shall be entitled to select any one of such allotments, and thereupon his application shall be void as to all other allotments ; but he shall declare his selection before the
- 35 commencement of the ballot.
- (8.) If a person is one of several applicants for more than one allotment, he shall be entitled to the allotment for which he is first successful in the ballot, and thereupon his application shall be void as to all other allotments.
- 40 (9.) In cases where there is more than one applicant for the same allotment, applicants who are landless shall have preference over those who are not, and the decision of the Land Board by which the land is being disposed of, as to who of the applicants are landless and who are not, shall be final and conclusive.
- 45 (10.) An applicant for town or suburban land shall be deemed to be landless if at the time of his application he does not hold, under any tenure, such area of town or suburban land as, in the opinion of the Land Board, is sufficient for a home for himself and his family.
- 50 (11.) An applicant for rural land shall be deemed to be landless if at the time of his application he does not hold, under any tenure, such area of rural land as, in the opinion of the Land Board, is sufficient for the maintenance of himself and his family.
- 55

- (12.) In the case of the husband or wife, if either of them is not landless, neither of them shall be deemed to be landless.
- 1896, s. 3. (13.) The applicant shall state in his application whether he is landless or not, and also, in the case of an applicant for rural land, the means he possesses for stocking and cultivating the land, and erecting suitable buildings thereon. 5
- Ib., s. 4. (14.) Before taking the ballot, or otherwise disposing of the applications, the Land Board—  
 (a.) Shall ascertain and determine who of the applicants are landless and who are not; and also 10  
 (b.) May call on any applicant to appear and give evidence as to his compliance with the foregoing provisions of this Act, and also as to his general ability to properly cultivate the land and fulfil the conditions of the lease. 15
- Ib., s. 5. (15.) If any such applicant fails to satisfy the Land Board on any material point, the Land Board may by resolution reject his application, and in such case the rejection shall be final, and the application shall be deemed to be void. 20
- (16.) If at any time any holder of a lease under this Act shall satisfy the Board that the area held by him is too limited, having regard to the quality of the land, for the sufficient maintenance of himself and his family, the Board may, with the consent of the Minister, allow him to take up such additional adjoining area as the Board shall think fit. 25
- Ib., s. 6. (17.) Every application shall be accompanied by a deposit of one half-year's rent of the land applied for, together with the sum of one guinea to defray the cost of the lease: 30  
 Provided that where the application comprises more allotments than one, it shall be sufficient if the deposit is equal to the half-year's rent of the allotment whose rent is the highest.
- (18.) If the applicant is successful in obtaining an allotment, the deposit, or a sufficient portion thereof, shall be retained as the first half-year's rent thereon in advance, computed from the date of the commencement of the term of the lease, and the residue shall be returned to him. 35
- (19.) If the applicant is unsuccessful, or if the application is rejected, the deposit shall be returned to him. 40
- Special provisions as to allotments for workers' homes. Ib., s. 13, altered. 50. The Minister may from time to time direct allotments to be disposed of by way of lease for workers' homes, and with respect to allotments to be disposed of for that purpose the following special provisions shall apply:— 45
- (1.) The area of each allotment shall in no case exceed *five acres*.
- (2.) The application shall be made in such form and shall contain such particulars as are prescribed by regulations. 50
- Ib., s. 12. (3.) Subject to regulations, advances may be made out of the Land for Settlements Account to successful applicants in aid of the cost of fencing and planting the allotments and building dwelling-houses thereon:



Provided that in no case shall the total advance to any one applicant exceed fifty pounds, nor shall any advance exceed pound for pound of the sum expended by him in fencing, planting, and building as aforesaid.

- 5 (4.) All such advances, together with interest thereon at the rate of five per centum per annum, shall be repayable by equal half-yearly instalments extending over such period, not exceeding ten years, as, subject to regulations, the Minister thinks fit to prescribe, and, until paid, shall be deemed to be a charge on the land and on the lessee's interest therein. 1896, s. 12, (2), altered.
- 10 (5.) The lease shall contain such special provisions for insurance and otherwise as, subject to regulations, the Minister thinks fit to prescribe. Ib., s. 13.
- 15 (6.) Such regulations may also prescribe,—  
     (a.) The mode in which applications shall be dealt with by the Land Board; and also  
     (b.) The qualifications to be possessed and the conditions to be fulfilled by each applicant, failing which the application shall be void.
- 20 (7.) Subject to the provisions of this section and the aforesaid regulations, the provisions of the *last-preceding* section hereof shall apply.

#### *Rentals.*

- 25 51. (1.) The rental of land disposed of by way of lease shall be at a rate to be fixed by the Minister, being not less than five per centum per annum on the capital value of the land. Rental and capital value.  
1894, s. 30, altered.
- (2.) Such capital value shall be fixed by the Minister, and shall be at a rate not less than sufficient to cover the cost of the acquisition of the land, together with the cost of survey, roading, subdivision, and other works and operations done on the land, the value of so much of the land as is absorbed by roads and reserves (being other than reserves made under section *sixty-three* hereof), and the estimated cost of administration.
- 30 (3.) Such rental shall, as and when received, be paid into the Land for Settlements Account.
- 35 52. In order to encourage the punctual payment of rent, the following special provisions shall apply in the case of land heretofore or hereafter disposed of by way of lease:— Rebate on punctual payment of rent.
- 40 (1.) The Commissioner of Crown Lands and the Receiver of Land Revenue may in their discretion grant to the lessee not being in arrear with any previous instalment of rent or other money payable under his lease a rebate not exceeding one-tenth of each half-yearly instalment of rent which after the commencement of this Act he pays within one month after the day appointed for the payment thereof.
- 45 (2.) Such rebate may, when agreed to by the said Commissioner of Crown Lands and Receiver of Land Revenue, be deducted and retained by the lessee from the full nominal amount of the instalment when making the payment.
- 50 (3.) This section shall apply to leases current at the commencement of this Act as well as to leases hereafter granted; and in any case where the Commissioner of Crown Lands and the Receiver of Land Revenue do not see their way to grant a rebate of rent as aforesaid such decision shall be final and conclusive.
- 55

Rent may be remitted in certain cases.  
1894, s. 33.

53. In the event of any lessee being unable at any time, through any natural disaster, or other sufficient cause, to pay the rent due under his lease, the following provisions shall apply:—

- (1.) Upon the recommendation of the Land Board, and upon being satisfied that it would be reasonable and equitable to afford relief, the Minister may remit a year's rent, or such portion of a year's rent as he deems reasonable: 5

Provided that the sum to be remitted shall first be appropriated by Parliament.

- (2.) The sum remitted shall be placed to the credit of the Land for Settlements Account, in liquidation of the rent remitted. 10
- (3.) Relief under this section shall not be given to any lessee who is over twelve months in arrear with his rent.
- (4.) This section shall apply to leases current at the commencement of this Act as well as to leases hereafter granted. 15

*Special as to Buildings.*

Special provisions where buildings situate on land.  
1896, s. 7, altered.

54. In every case where buildings are situate on the land at the time when it is to be disposed of by way of lease, then, notwithstanding anything to the contrary contained in this Act, the following special provisions shall apply:— 20

- (1.) The Minister shall cause the buildings to be valued separately from the land, and the rental shall be computed on the capital value of the land apart from the buildings. 25

- (2.) The value of the buildings shall, together with interest thereon at the rate of five per centum per annum, be paid by the lessee by equal half-yearly instalments in advance, extending over such period, being not less than seven nor more than twenty-one years, as, subject to the approval of the Minister, the Land Board in each case thinks fit to determine, and, until paid, shall be deemed to be a charge on the land and on the lessee's interest therein. 30

- (3.) Subject to the approval of the Minister, the Land Board may, if it thinks fit, postpone the commencement of such period, and the payment of the first half-yearly instalment as aforesaid, until the expiration of the second year of the term of the lease; and in such case the lessee shall in the meantime pay interest on the value of the buildings at the rate aforesaid by equal half-yearly instalments in advance. 35 40

- (4.) All moneys received from the lessee in respect of value of buildings or in respect of interest shall be paid into the Land for Settlements Account. 45

- (5.) The lease shall be in such form, and shall contain such provisions for insurance and otherwise, as the Minister prescribes in order to give full effect to this section.

*Leases in Special Cases.*

Land may be disposed of as homestead sites for neighbouring pastoral land.  
1896, s. 11.

55. In any case where land acquired under this Act is suitable for a homestead site for neighbouring pastoral Crown land, the following special provisions shall apply, anything in this Act to the contrary notwithstanding:— 50

5 (1.) Such land may, with the approval of the Land Board, be disposed of to the lessee or licensee of such neighbouring pastoral Crown land, and on the same tenure, save that the rent shall be fixed in manner prescribed by this Act, and that the term shall be deemed to expire contemporaneously with the expiration or sooner determination of the lease or license of such neighbouring land.

10 (2.) Upon the expiration of the term of the lease or license of the homestead site, the outgoing lessee or licensee thereunder shall be entitled to valuation for improvements to the extent and in manner prescribed by sections seventy-two to seventy-seven of the Land Act.

15 (3.) For the purposes of this section, the conditions of the Land Act relating to limitation of area shall not apply to any such lease or license; and for the purposes of the conditions of that Act relating to residence and improvements, the homestead site shall be deemed to be comprised in the lease or license of the neighbouring land.

20 56. (1.) In any case where land when acquired under this Act contains a homestead, the owner from whom the land was acquired may, out of the land acquired, obtain a lease in perpetuity of the homestead and land surrounding it, not exceeding in all six hundred and forty acres of first-class land or one thousand acres of mixed classes of land, as he may select: Provided—

Owner may, on application, be granted lease in perpetuity of homestead site.  
1895, s. 4.

25 (a.) That he makes application to the Land Board in writing within fourteen days after the acquisition of the land;

(b.) That in the application he sets forth by description and plan the area so selected;

30 (c.) That the Land Board approves of the application, and is satisfied that the grant of the lease will not prejudicially affect the settlement of the residue of the land so acquired.

35 (2.) The lease shall contain such conditions as to insurance, maintenance, and repair of buildings and otherwise, as with the approval of the Minister the Land Board prescribes.

(3.) The Land Board is hereby empowered to deal with the application, and to issue the lease in perpetuity without previously notifying the land as open for application, anything in the Land Act or this Act to the contrary notwithstanding.

40 57. In any case where land when acquired contains a homestead in the *bona fide* occupation of a tenant, then, subject to the prior rights created by the *last-preceding* section hereof, such tenant may, in the manner and subject to the conditions prescribed by that section, obtain a lease in perpetuity of the homestead and  
45 land surrounding it not exceeding in all six hundred and forty acres, and the provisions of that section shall, *mutatis mutandis*, apply accordingly.

Tenant in occupation may obtain lease.  
1896, s. 10.

#### General Provisions as to Leases.

50 58. Neither the provisions of the Land Act as to the payment of "thirds" or "fourths" to local authorities, nor the provisions of section one hundred and ten of that Act, shall apply to land acquired under this Act.

Exemption from certain provisions of Land Act.  
1894, s. 35.  
1896, s. 15.

Occupier liable for rates or taxes. 1894, s. 36.

59. Every lessee of land acquired under this Act shall be deemed to be an occupier of Crown lands under the Land Act within the meaning of all Acts relating to the payment of rates or taxes.

Restriction on dealings with leases. 1896, s. 9.

60. Except on the recommendation of the Land Board and with the approval of the Minister, it shall not be lawful for any lessee to transfer, sublet, or in any way part with, mortgage, or charge his lease, or any portion of his interest therein, until the expiration of the fifth year of the term of the lease :

Provided that any lease may at any time be surrendered on such conditions as the Land Board recommends and the Minister approves.

Provisions of Land Act as to lessees to apply. 1894, s. 38.

61. Subject to the provisions of this Act and the regulations thereunder, all the provisions of the Land Act (including the provisions as to penalties, forfeiture, and otherwise) relating to lessees of Crown lands shall, *mutatis mutandis*, in so far as they are applicable, apply to and may be enforced against lessees of land acquired under this Act.

#### Reserves.

Portions of land acquired may be used for State farms. 1896, s. 14.

62. (1.) Notwithstanding anything to the contrary contained in this Act, it shall be lawful for the Minister, out of any lands acquired under this Act, to reserve from time to time such blocks as he thinks fit, and to use the same for the purposes of State or experimental farms, under such conditions as, subject to regulations, he thinks fit.

(2.) So long as any block is so reserved, there shall be payable in respect thereof the same rent and other payments in all respects as if the block had been disposed of by lease to private persons.

(3.) All such rent and other payments shall be paid out of moneys appropriated by Parliament from the Consolidated Fund, and shall be credited to the Land for Settlements Account.

Reserves for public purposes. 1894, s. 34.

63. (1.) The Governor may from time to time, as he thinks fit, set aside reserves for any specified public purpose out of land acquired under this Act; but no land acquired under this Act shall be set aside for endowments.

Payment therefor.

(2.) When any land is set aside as a reserve under this section, a sum equal to the capital value thereof shall be credited to the Land for Settlements Account out of moneys appropriated by Parliament from the Consolidated Fund, and thereupon the land shall cease to be subject to this Act.

#### Disposal by way of Sale in Special Cases.

Power to sell sites for churches, dairy factories, or creameries. 1899, s. 8.

64. Notwithstanding anything to the contrary in this Act, land acquired under this Act may be disposed of by way of sale in fee-simple in the cases and subject to the conditions following, that is to say:—

(1.) With the consent in each case of the Minister, land may be sold in fee-simple as sites for churches, dairy factories, or creameries.

(2.) The area of each site shall not exceed one acre in the case of a church, and five acres in the case of a dairy factory or creamery.

- (3.) The price shall in each case be fixed by the Minister, and shall be not less than the cost of the land (including in the cost all expenses incurred under this Act in connection with the land).
- 5 (4.) For the purposes of any such sale the provisions of the Land Act relating to declaration, formal application, or public auction shall not apply.
- (5.) The proceeds of the sale shall be paid into the Land for Settlements Account.

10 *Special Powers of Minister in respect of Land acquired.*

65. For the purpose of utilising and developing land acquired under this Act and preparing it for settlement, the following special provisions shall apply:—

Power to utilise and develop land acquired, and prepare it for settlement.

1896, s. 8, altered.

- 15 (1.) As soon as practicable after any estate has been acquired, the Minister shall, where necessary, cause it to be surveyed, classed, and subdivided, and may lay off such roads and set aside such reserves as he thinks expedient.
- (2.) Pending the disposal of the land by way of lease, the Minister may deal therewith and carry on operations thereon in such manner in all respects as he deems expedient.
- 20 (3.) If the land contains deposits of coal, lime, or valuable stone, the Minister may deal with and dispose of the land (otherwise than by sale) and do or contract for the doing of such works and operations in such manner and on such terms and conditions as, subject to regulations, he deems expedient for the purpose of most advantageously developing and utilising such deposits.
- (4.) All moneys expended by the Minister under this section shall be paid out of the Land for Settlements Account, and all moneys received by him under this section shall be paid into that account.
- 30 (5.) The difference between the moneys so expended and received in respect of any land, or of the deposits therein, shall be taken into account in computing the total capital value of the land, and the rental shall be fixed accordingly.

35 66. The powers by subsection *three* of the *last preceding* section hereof conferred upon the Minister shall, subject to regulations, be deemed to include power to do any of the following things in respect of land containing deposits of coal, lime, or valuable stone, that is to say,—

Powers where land contains mineral deposits.

1897, s. 7, altered.

- 40 (1.) To construct, maintain, and work, or arrange for the working of, railways, tramways, and roads:
- (2.) To construct, acquire, and maintain buildings, plant, kilns, appliances, and chattels, carry on mining, quarrying, and lime-burning operations, and treat, sell, and dispose of the produce of such operations in such manner and on such terms as he thinks fit:

Provided that the Minister shall only carry on such operations on land which is not occupied under lease:

- 45 (3.) To grant leases of the land, plant, appliances, chattels, and works, or any part thereof, for any term not exceeding twenty - one years, at such rent, royalty, or other con-

sideration, and on such terms and conditions, as he thinks fit, anything in this Act or the Land Act to the contrary notwithstanding :

- (4.) To prescribe the form of such leases, and to execute the leases in the name and on behalf of Her Majesty. 5

(5.) MISCELLANEOUS PROVISIONS.

Power of sale given to trustees when land acquired from them.

1899, s. 7.

67. In the case of land vested in trustees without power of sale the following special provisions shall apply, anything in the instrument containing the trust or in this Act to the contrary notwithstanding :— 10

- (1.) Such land may be acquired under this Act by purchase or exchange in the same manner in all respects as if the trustees were the beneficial owners thereof with power of sale.

- (2.) In particular, but without in any way limiting the operation of the foregoing provisions of this section, the trustees may execute valid instruments of assurance for the purpose of vesting the land in Her Majesty, if acquired by purchase or exchange. 15

- (3.) All moneys received by the trustees in respect of the purchase of the land by Her Majesty, and all land vested in them by Her Majesty by way of exchange, shall be held by them upon the same trusts as affected the first-mentioned land immediately prior to its being so purchased or exchanged; and, for the purpose of giving effect to the trusts, the trustees may when necessary apply the moneys in the purchase of other land : 20 25

Provided that this subsection shall not affect the jurisdiction of the Supreme Court to vary or modify the trusts in any case where such jurisdiction would have existed if the land had remained vested in the trustees. 30

- (4.) The land so acquired by Her Majesty shall be deemed to be discharged from the trusts theretofore affecting the same.

- (5.) This section shall not apply to lands held in trust for persons of the Native race. 35

Power to deal with small areas of Crown land adjacent to land acquired.

1895, s. 12, altered.

68. (1.) In any case where any small area of Crown land not acquired under this Act lies within or adjacent to any land acquired under this Act, and can conveniently be disposed of therewith, the Governor, on the recommendation of the Land Purchase Board, and after considering the report of the Land Board, may by notice in the *Gazette* declare such area to be subject to this Act, and thereupon it shall be deemed to be portion of the land acquired as aforesaid, and may be disposed of accordingly. 40

(2.) With respect to such area the proviso to subsection *two* of section *ten* hereof shall, *mutatis mutandis*, apply. 45

Unused road-lines may be closed.

Ib., s. 11, altered.

69. In any case where, on the report of the Surveyor-General, it appears that unformed and unused road-lines intersect any land acquired under this Act, and are not suitable to the subdivision of the land, the Governor by notification in the *Gazette* may close such road-lines and declare them to be subject to this Act, and thereupon they shall be deemed to be portion of the land acquired as aforesaid and may be disposed of accordingly. 50

70. (1.) Notwithstanding any right accrued or reserved to any lessee or licensee of pastoral land under "The Nelson Crown Lands Leasing Act, 1867," or "The Marlborough Waste Lands Act, 1867," to purchase such land, the Governor, on the recommendation of the Land Purchase Board, may, by notification in the *Gazette*, declare any such land to be required for purposes of settlement under this Act.

Governor may prohibit sale of pastoral land in Nelson and Marlborough. 1894, s. 20, altered.

(2.) After the publication of such notification no sale of any land described therein shall be made by any Commissioner of Crown Lands until the expiration of *twelve* months after notice has been given to the Minister of such intended sale.

(3.) At any time within twelve months after the receipt of such notice the land specified therein, or any part thereof, may be acquired under this Act in the same manner, *mutatis mutandis*, as if it were private land.

71. Except where hereinbefore otherwise provided, all moneys payable under this Act shall be paid out of the Land for Settlements Account without further appropriation than this Act.

All moneys payable out of Land for Settlements Account.

72. The Governor may from time to time make regulations for all or any of the following purposes, that is to say:—

Ib., s. 31. Regulations. Ib., s. 37.

- (1.) Prescribing the forms of notices, requisitions, and claims in respect of land to be taken compulsorily under this Act;
- (2.) Fixing the time within which and the manner in which shall be done any act, matter, or thing for which under this Act a prescription is contemplated or required;
- (3.) Prescribing the mode, terms, and conditions in and subject to which land acquired under this Act may be disposed of;
- (4.) Prescribing the forms of leases;
- (5.) Prescribing the conditions of occupation of any such land, and the maximum area of rural or suburban land which may be applied for or occupied by any one person;
- (6.) Regulating the meetings of the Board, and the conduct of its business;
- (7.) Generally any other purpose for which regulations are contemplated or required.

73. Within twenty days after the close of each financial year, if Parliament is in session, or, if not, then within twenty days after the commencement of the first ensuing session, the Minister shall lay before both Houses of Parliament,—

Annual accounts and reports to be laid before Parliament. Ib., s. 39.

- (1.) A statement (duly certified by the Controller and Auditor-General) of the moneys received into and paid out of the Land for Settlements Account during the financial year;
- (2.) A statement showing the area of each estate acquired under this Act during the financial year, its locality and quality, the mode of acquisition, the name of the person from whom it was acquired, and the price or compensation paid for the same, together with the particulars of each transaction for the acquisition of land concluded within the financial year, and the report and valuation of the Board on each transaction, and a report on the condition and settlement of all lands acquired under this Act.

Renewal of  
debentures at  
maturity.  
1899, s. 10, altered.

74. (1.) For the purpose of paying off or renewing at maturity any debentures created and issued under this Act or any former Land for Settlements Act, the Colonial Treasurer may create and issue new debentures for the like amount, with such currency as he thinks fit, and for the purpose of paying off or renewing at maturity any such new debentures, other new debentures may in like manner be created and issued by him : 5

Provided that the currency of any new debentures created or issued under this section shall not exceed forty years, computed from the date of the issue of the original debentures. 10

(2.) All such new debentures shall be deemed to be created and issued under this Act, and the provisions of this Act (other than the limitations in subsection *four* of section *thirty-four* hereof) shall, *mutatis mutandis*, apply thereto accordingly.

Repeal.

75. The Acts specified in the Schedule hereto are hereby 15  
repealed :

Saving.

Provided, nevertheless, as follows :—

(1.) The Board as constituted under the repealed Acts shall be deemed to have been constituted under this Act, and the members in office at the commencement of this Act shall be deemed to hold office under this Act. 20

(2.) All proceedings for the acquisition or disposal of land under the repealed Acts which are pending or in progress at the commencement of this Act may be continued and completed under this Act in like manner in all respects as if they had been duly commenced under this Act. 25

(3.) All regulations made under any power contained in the repealed Acts, and in force at the commencement of this Act, shall be deemed to have been made under this Act, and shall continue in force until revoked by the Governor under this Act. 30

(4.) All debentures, scrip, inscribed stock, or other securities created or issued under the powers in that behalf contained in the repealed Acts, or any former Land for Settlements Act, and outstanding at the commencement of this Act, shall, in so far as relates to the security and protection of the holder thereof, be deemed to have been created or issued under the corresponding powers in this Act, and the provisions of sections *forty* and *forty-four* of this Act shall, *mutatis mutandis*, apply thereto accordingly. 35 40

Schedule.

## SCHEDULE.

### ACTS REPEALED.

1894, No. 37.—“The Land for Settlements Act, 1894.”

1895, No. 41.—“The Land for Settlements Amendment Act, 1895.”

1896, No. 36.—“The Land for Settlements Act Amendment Act, 1896.”

1897, No. 21.—“The Land for Settlements Act Amendment Act, 1897.”

1899, No. 6.—“The Land for Settlements Acts Amendment Act, 1899.”