

*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,  
21st July, 1903.*

*Hon. Mr. Duncan.*

RO TOKARE DOMAIN ACT REPEAL.

ANALYSIS.

Title.  
1. Short Title.

2. Repeal. Compensation.  
3. Repayment to lessees or holders of agreements to lease.

A BILL INTITULED

AN ACT to repeal "The Rotokare Domain Act, 1899." 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 Rotokare Domain Act Repeal Act, 1903." Short Title.

2. (1.) "The Rotokare Domain Act, 1899," is hereby repealed, and all leases and agreements to let made thereunder are hereby revoked and cancelled: Repeal.

Provided that the holder of any valid lease or valid agreement for a lease of any part of the Rotokare Domain made by the Hawera Borough Council under the authority of the Act hereby repealed shall be entitled to such compensation (not exceeding twice the amount actually expended by him on improvements under his lease or agreement prior to the tenth day of July, one thousand nine hundred and three) as may be agreed on between such holder and the Minister of Lands, or, in default of agreement, as may be assessed under "The Public Works Act, 1894," as in the case of land taken by the Governor for a public work. Compensation.

(2.) The Rotokare Domain shall continue to be a public domain under "The Public Domains Act, 1881," as if the Act hereby repealed had not been passed, and all the provisions of "The Public Domains Act, 1881," shall apply accordingly.

3. All sums received by the Hawera Borough Council from those persons who have been granted leases or agreements shall be repaid to them by the said Hawera Borough Council without any deduction whatever. Repayment to lessees or holders of agreements to lease

Session - 1903 -

Hon. Mr. Carroll.

SAND-DRIFT.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Application of Act.</li> <li>3. Notice to fence and plant.</li> <li>4. Mortgagee may do the work.</li> <li>5. On default local authority may do the work.</li> <li>6. Expenses may be recovered.</li> </ol> | <ol style="list-style-type: none"> <li>7. On default of payment Registrar may sell the land.</li> <li>8. Rights of occupier.</li> <li>9. Work on reserves to be done by local authority.</li> <li>10. Act applied to lands vested in Public Trustee.</li> </ol> |
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A BILL INTITULED

AN ACT to provide against the Encroachment of Sand-drift on Land. 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 Sand-drift Act, 1903." Short Title.
2. The Governor may from time to time by Proclamation declare that the provisions of this Act shall be in force within any Application of Act.
- 10 specified area in New Zealand, and may in like manner declare that any such specified area shall no longer be subject to the provisions of this Act.
3. (1.) Any local authority having jurisdiction within any such Notice to fence and plant.
- 15 specified area may, by notice in writing served on the owner of any land within such area, or if the owner is not known or cannot be found then upon the occupier, require him, within a reasonable time specified in the notice, to fence off and plant with maraama, or some other preventative grass, plants, or trees approved by the local authority, any portion of the land owned or occupied by him within
- 20 such specified area.
- (2.) A copy of such notice shall also be served upon every registered mortgagee of the land.
4. If within fourteen days after service of such notice the owner or occupier fails to proceed with the work required by the notice, Mortgagee may do the work.
- 25 any registered mortgagee of the land may enter on the land and do the work, and may add the cost of so doing to his mortgage debt.
5. If within one month after the service of the notice no action is taken in compliance therewith, the local authority may by its servants enter on the land and do the work at the expense in all things of the owner. On default local authority may do the work.

Expenses may be recovered.

On default of payment Registrar may sell the land.

6. If the owner fails to pay to the local authority the amount of such expenses within thirty days after service on him of a notice demanding payment thereof, the local authority may sue for and recover the same in any Court of competent jurisdiction.

7. (1.) If any judgment obtained by the local authority under the last preceding section is not satisfied, with costs of suit, within three months from the date thereof, the local authority may forward to the Registrar of the Supreme Court a certificate under the seal of the local authority stating the amount due under the judgment and describing the land in respect of which the moneys recovered by the judgment were incurred. 5 10

(2.) Immediately or at any time after the receipt of that certificate the Registrar may, after giving six months' notice in writing to all the persons whom he believes to be owners of the land referred to in such certificate, cause such land, or such part thereof as may be necessary, or any interest therein whether freehold or leasehold, to be sold by public auction, unless the amount of such judgment and costs, and all expenses incurred in recovering the same, together with interest at the rate of six pounds per centum per annum upon the amount of such judgment from the date of judgment until payment, and any charges which the Registrar is entitled to make upon the sale of property, are paid prior to such sale. 15 20

(3.) The sale shall be by public auction, and the Registrar shall have a right to bid for or buy in the property, or place a reserve upon the same, and he may put it up for sale as often as required until it is sold. 25

(4.) The consideration to be given by the purchaser shall be a sum of money to be paid forthwith or by instalments as may be fixed by the Registrar. 30

(5.) The highest bidder at the auction, subject to the rights reserved to the Registrar by subsection *three* hereof, if his bid equals or exceeds the sum required to pay the amount of judgment and the costs incurred, and if he complies with the conditions precedent, if any, fixed by the Registrar, shall be the purchaser. 35

(6.) The purchaser, upon having the transfer or conveyance executed, shall be entitled to and may recover possession of the property so sold to him as against or from all persons.

(7.) The proceeds of such sale shall be appropriated, first, to the payment of the judgment, interest, costs, and expenses; next, to the payment of any encumbrance on the property; and the balance, if any, shall be paid into the Public Trust Office, and shall be paid, together with interest thereon not exceeding four pounds per centum per annum, by the Public Trustee, or where the Public Trustee is not satisfied as to the person entitled to receive the same then, upon the order of a Judge of the Supreme Court (which order may be made upon a summons in Chambers), to the person entitled thereto. 40 45

(8.) On the purchase-money being fully paid the Public Trustee may execute a transfer, conveyance, or such other document as the case requires, in the name and on the behalf of the owner whose interest has been sold, adding after his signature and seal of office the words "under 'The Sand-drift Act, 1903.'"

(9.) The purchaser under any such instrument shall not be bound to inquire whether the sale has been properly made under this Act, or be affected by notice either express or implied that there has been any impropriety or irregularity in connection therewith, and, notwithstanding any such impropriety or irregularity, such sale shall be valid and effectual for all purposes.

(10.) Any instrument under "The Land Transfer Act, 1885," executed for the purpose of carrying into effect any such sale, shall be registered by the District Land Registrar without the production of the duplicate certificate or other document of title relating to the land dealt with by such instrument if the Public Trustee is unable to produce the same.

8. Where any expense is incurred under this Act by any person who occupies the land under a lease for a less term than seven years, the amount of such expense may be recovered by him from the owner in any Court of competent jurisdiction.

Rights of occupier.

9. (1.) In the case of lands vested in the local authority, it shall be the duty of the local authority to take such steps to prevent the encroachment of sand-drift thereon as are necessary for that purpose.

Work on reserves to be done by local authority.

(2.) If the local authority fails so to do, the Minister of Lands may cause the necessary work to be done, and may recover the cost of so doing from the local authority, or may deduct the amount thereof from any subsidy payable to the local authority.

Act applied to lands vested in Public Trustee.

10. In the case of lands vested in the Public Trustee under "The West Coast Settlement Reserves Act, 1892," "The Native Reserves Act, 1882," or "The Westland and Nelson Native Reserves Act, 1887," or any amendments of such Acts respectively, the Public Trustee is hereby authorised to expend on behalf of the Native owners such sums as he deems expedient for the purpose of preventing the encroachment of sand-drift, and any amount so expended shall be a first charge on rents from any grant in which the Native owners have interests, and shall be debited against such rents as they accrue until such expenses have been repaid.