

New Zealand.

LAND.

1908, No. 94.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Lands of the Crown in New Zealand.

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

1. (1.) The Short Title of this Act is "The Land Act, 1908."

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments (but subject in every case to the provisions of section three hundred and forty-nine hereof) the following provisions shall apply:—

Short Title.
Enactments
consolidated.

(a.) All districts, Boards, offices, appointments, regulations, rules, by-laws, Proclamations, Orders in Council, orders, warrants, registers, notices, advertisements, instruments, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated:

Savings.

Provided that every such Board shall be deemed to be the same Board under this Act, without change of entity or otherwise:

Provided also that in the case of members elected or appointed for a specified term the current term shall be computed from the date of its commencement.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

(3.) This Act is divided into Parts, as follows:—

PART I.—General Administration. (Sections 20 to 117.)

PART II.—Classification and Sales of Lands. (Sections 118 to 153.)

PART III.—Land on the Optional System. (Sections 154 to 196.)

PART IV.—Special-settlement Areas. (Sections 197 to 207.)

PART V.—Small Grazing-runs. (Sections 208 to 222.)

PART VI.—Lands held for Pastoral Purposes. (Sections 223 to 257.)

PART VII.—National Endowments. (Sections 258 to 268.)

PART VIII.—Land in Mining Districts. (Sections 269 to 281.)

PART IX.—Cheviot Estate. (Sections 282 to 306.)

PART X.—Licenses for cutting Timber, Flax, and for other Purposes. (Sections 307 to 320.)

PART XI.—Reserves. (Sections 321 to 337.)

PART XII.—Native Lands. (Sections 338 and 339.)

PART XIII.—Private Lands. (Sections 340 to 347.)

PART XIV.—Miscellaneous. (Sections 348 and 349.)

2. In this Act, if not inconsistent with the context,—

“Alienate” and “alienation” respectively include a limited disposal by lease or license, as well as an absolute disposal by sale or otherwise:

“Appraiser” means any valuer or other person appointed to value any land or improvements or other matter under this Act:

“Authorised surveyor” means any surveyor acting for or under the direction of the Surveyor-General or his deputy:

“Chief Surveyor” means the principal officer in charge of the surveys in any land district:

“Commissioner” means the Commissioner of Crown Lands for the land district in which are situated the lands affected by the subject-matter:

“Crown grant” includes warrant of the Governor for the issue of a certificate of title under “The Land Transfer Act, 1908”:

“Crown lands” means and includes—

All lands of the Crown vested in His Majesty which have not been dedicated to any public purpose, or which have not been granted to any person in fee-simple; and

All lands heretofore designated waste lands, surplus lands, Crown lands, commonages, and confiscated lands respectively; and

All lands of any of the aforesaid descriptions which have reverted to His Majesty by operation of law, or by any deed of surrender, conveyance, or transfer; and also includes

All Native lands which have been ceded to His Majesty by the Natives, or have been purchased or otherwise acquired in freehold from the Natives on behalf of His Majesty, or have become vested in His Majesty by right of his prerogative:

Interpretation.

1892, No. 37, sec. 3

1895, No. 32, sec. 6

1907, No. 51, sec. 24

- "Cultivation" includes drainage, the felling of bush, or the clearing of land for cropping, or clearing and ploughing for and laying down with artificial grasses:
- "District" means a land district as constituted under this Act:
- "Forfeiture" or "forfeited" means forfeiture or forfeited to His Majesty:
- "Former Land Act" means any Land Act in force prior to this Act:
- "Land Acts" or "Land Act" includes this and every former Act relating to the disposal of Crown lands, and all orders and regulations made under any such Act:
- "Land Board" or "Board" respectively means the Land Board of the district to which the particular matter in the context refers:
- "Land Officer" means an officer or person appointed within any local district to receive applications for land:
- "Lease in perpetuity" means a lease of land granted under "The Land Act, 1892," for a term of nine hundred and ninety-nine years:
- "Local authority" means the Council or Board having the control or administration of the affairs of any borough, town district, county, or road district respectively; and includes any body of persons, corporate or unincorporate, in whom any lands are or may be vested:
- "Local district" means a local land district as established under this Act:
- "Minister" means the Minister of Lands:
- "Occupation-with-right-of-purchase land" means land occupied or open for selection for occupation with a right of purchase for cash prescribed by this Act:
- "Original holder" means the person to whom any lease or license was first granted:
- "Pastoral lands" includes all Crown lands occupied as or adapted for runs, as herein defined:
- "Pasturage license" means a license authorising the occupation of pastoral lands as a run, and includes a lease granted for the same purpose:
- "Principal Land Office" means the office appointed by the Governor at which the Board of the district holds its sittings:
- "Receiver of Land Revenue" or "Receiver" means a Receiver of Land Revenue for the land district wherein is situate the particular land that is the subject of any transaction:
- "Renewable lease" means a lease of land granted under this Act for a term of sixty-six years with a perpetual right of renewal as hereinafter provided:
- "Residence," wherever required by this Act, means the home of a lessee or licensee of any Crown lands, or, with the consent of the Board, the home of the family of such lessee or licensee, and such home shall be a habitable house, to be approved of by the Board:
- "Road" includes street:

“Run” means any portion of Crown lands occupied by virtue of a lease or license for depasturing purposes, or adapted for but not occupied for such purposes :

“Selector” means a person making application for, or having a lease or license to occupy land under any tenure prescribed by this Act, and includes a purchaser for cash :

“Substantial improvements of a permanent character” means and includes reclamation from swamps, clearing of bush, gorse, broom, sweetbriar, or scrub, cultivation, planting with trees or live hedges, the laying-out and cultivating of gardens, fencing, draining, making roads, sinking wells or water-tanks, constructing water-races, sheep-dips, making embankments or protective works of any kind, in any way improving the character or fertility of the soil, or the erection of any building ; and the Board may declare any rabbit-proof fence to be a substantial improvement of a permanent character :

“Survey fee” means the gross estimated cost of the survey of any land or allotment :

“Surveyor-General” means the officer in charge of the technical branch of the Department of Lands and Survey, or his deputy :

“This Act” includes any rules, regulations, or orders made by the Governor under this Act :

“Town” means any parcel of land outside a borough divided into areas for building purposes :

“Under-Secretary” means the principal officer of the Department of Lands and Survey, or his deputy :

Words in this Act referring to any district, place, Board, Commissioner, authority, officer, or office shall be construed distributively as referring to each district, place, Board, Commissioner, authority, officer, or office to which they are applicable.

Preliminary.

Governor may make regulations as to surveys, boundaries, forms, &c.

1892, No. 37, sec. 4
1895, No. 58, sec. 6
1907, No. 51, sec. 25

3. (1.) The Governor may from time to time make rules, regulations, and orders for the purposes of this Act—

- (a.) Imposing any reasonable charge for surveys or fees for any document issued under the authority of this Act ;
- (b.) Providing for the mode by which any land or allotment shall be surveyed and boundaries adjusted ;
- (c.) Prescribing the form of and the conditions and mode of applying for land or for licenses and leases to be issued under this Act ;
- (d.) Providing for all proceedings, forms of leases, licenses, and other instruments, and for the execution of all other matters and things arising under and not inconsistent with this Act, and not herein expressly provided for ;
- (e.) Regulating and arranging for a system of ballot ;
- (f.) Regulating and directing the application and expenditure of moneys appropriated by Parliament for the encouragement of village or other settlements ;

- (g.) Regulating the occupation of the outlying islands of New Zealand, their protection from trespass, and the preservation of the indigenous or introduced fauna frequenting the same ;
- (h.) Regulating the occupation of pastoral lands held under lease or license from the Crown ;
- (i.) Regulating the protection of forests, bush, or growing timber, and the prevention of fires therein ;
- (j.) Regulating the granting of licenses for felling or sawing timber, and other licenses ;
- (k.) Regulating the burning of felled or other timber or wood ;
- (l.) Providing for the care, management, and protection in every manner of all public and other reserves, commonages, hundreds, and other unoccupied Crown lands ;
- (m.) Facilitating the administration of "The Government Advances to Settlers Act, 1908," in so far as it affects mortgages of Crown lands held under any lease or license, or certificate of occupancy, or other form of tenure ; and
- (n.) For the more fully carrying out the objects and purposes and guarding against evasions and violations of this Act.
- (2.) All such regulations shall be signed by the Minister, and upon being published in the *Gazette* shall be valid in law, as if the same were enacted in this Act, and shall be judicially noted ; and all such rules, regulations, and orders shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting, and, if not, then within fourteen days after the commencement of the next ensuing session of Parliament.
4. (1.) The Governor may, under his hand and the Public Seal of New Zealand, from time to time delegate to such persons as he deems fit all or any of the powers vested in the Governor by this Act, except as herein next mentioned, subject or not to any limitations or restrictions as he thinks fit, and in like manner may alter or revoke any such delegation.
- Powers of Governor
may be delegated.
1892, No. 37, sec. 5
- (2.) The Governor shall not have power to delegate any of the powers conferred on him by the following sections, that is to say :—
- Sections three, four, eleven, thirteen, fourteen, twenty-two, one hundred and twenty-three, one hundred and thirty-three, one hundred and thirty-five, one hundred and thirty-six, one hundred and fifty-four, two hundred and twenty-eight, three hundred and twenty-one, three hundred and twenty-nine, and three hundred and thirty-eight.
- Exceptions.
5. Every Proclamation, Order in Council, and other instrument (whether made under or by virtue of this Act or of any former Land Act), and all regulations, by-laws, conditions, or rules made by the Governor, the Minister, or any Land Board, may be altered, amended, or revoked from time to time.
- Proclamations,
Orders in Council,
&c., may be
revoked or altered.
Ibid, sec. 6

Surveys and Survey Marks.

6. All surveys of Crown lands and of Native lands shall be conducted under the direction of the Surveyor-General or his deputy.
7. (1.) The Surveyor-General, or any person authorised, either specially or generally, by him or his deputy,—
- III—15*.
- Surveyor-General
to conduct surveys.
Ibid, sec. 7
Entry upon lands for
purposes of survey.
Ibid, sec. 8

(a.) May enter from time to time, during the daytime, upon any Crown land, Native land, or private land whatever, with such assistants as he thinks fit, for the purpose of making any survey which he is authorised to make, and may affix or set up thereon trigonometrical stations, survey pegs, marks, or poles; or for the purpose of inspecting any such survey or station, or of altering, repairing, moving, or removing any trigonometrical station, survey peg, mark, or pole; and

(b.) May do all things necessary for such survey in accordance with the then existing regulations, or for any inspection, repair, or alteration thereof.

(2.) Before entry, the Surveyor-General, or person authorised as aforesaid, shall, when practicable, give reasonable notice to the owner or occupier of the land of the intention to enter thereon, and shall, if required by such owner or occupier, produce and show the authority under which he claims to enter, or has entered, on such land.

All sites for trigonometrical stations deemed to be reserved.

1892, No. 37, sec. 9

Removing or defacing survey or boundary marks.

Ibid, sec. 10

1907, No. 51, sec. 26

8. The land on which any trigonometrical station is situate, together with a right-of-way to and from the same, shall, for the purposes of survey, and notwithstanding any alienation thereof, be deemed and taken to be Crown land and to have been and to be excepted out of any such alienation.

9. Every person not duly authorised who takes away, or is found in possession of, or removes, destroys, or displaces, or alters the position of any trigonometrical station, boundary, or survey mark, front or ranging peg, post, block, or stone which is fixed, placed, or set up for the purposes of any survey authorised by the Government, or of any local authority, or of any Land Board, or of any survey, or wilfully defaces, obliterates, mutilates, breaks, or destroys any such station, mark, peg, post, block, or stone, is guilty of a crime.

Obstructing, &c., surveyor.

1892, No. 37, sec. 11

10. Every person who wilfully obstructs or hinders any authorised surveyor, or any servant or assistant of his duly authorised by him, in the execution of his duty in or about ascertaining or marking out any boundary or survey lines, or in or about the fixing, placing, restoring, repairing, or setting-up any trigonometrical station, boundary, or survey mark, ranging-peg, post, block, or stone, for the purposes aforesaid, or in any way resists such surveyor or other person as aforesaid in the performance of his duty as aforesaid, is liable to a fine not exceeding fifty pounds, to be recovered in a summary way before any two or more Justices, or, at the discretion of the said Justices, may be imprisoned for any period not exceeding three months.

Roads.

11. (1.) The Governor, by notice in the *Gazette*, may from time to time proclaim as a road—

(a.) Any portion of Crown lands: or

(b.) Any portion of any reserve, endowment, or trust lands, with the consent of the local authority, body, or persons respectively in whom such lands are vested: or

(c.) Any portion of private lands, with the consent of the owner thereof, or his trustees; and if the land under this or the

Governor may proclaim Crown lands as roads &c., dedicated.

Ibid, sec. 13

1893, No. 42, sec. 2 (1)

last preceding paragraphs is leased, then with the consent also of the lessee: or

- (d.) Any portion of Crown lands held under lease or license, or sold under deferred payments, with the consent of the lessee or licensee.

(2.) Paragraphs (b), (c), and (d) hereof shall be applied only with the consent of the Road Board, or of the County Council if there is no Road Board, or other local authority in whose district the lands are situated.

(3.) The land which is proclaimed as such road shall be and be deemed to be thenceforward dedicated to the public.

(4.) By like notice, but subject to the like consent as aforesaid, the Governor may close any road which is not required by reason of any notice as herein first mentioned, and may grant such closed road in exchange for a road proclaimed hereunder, and the Crown grant or other instrument of title may be amended accordingly by indorsement under the provisions of "The Crown Grants Act, 1908," or by indorsement by the Commissioner under the authority of the Board on any lease or license from the Crown; provided that lands given by the Crown in exchange for lands held under lease or license from the Crown shall, unless the Governor otherwise directs, be held by the lessee or licensee only on the same terms and subject to the same conditions as the land given in exchange by him is held.

12. No dedication or grant of a right of way shall be presumed or allowed to be asserted or established as against the Crown, or as against any person or body holding lands in trust for any public purpose, and this whether in proceedings instituted by or on behalf of the Crown or not, by reason only of user, whether such user commenced before or after the coming into operation of this Act, or any Act or regulations at any time heretofore in force.

No dedication or grant of a right of way by user permitted or allowed against Crown or local authorities.
1892, No. 37, sec. 14

13. Notwithstanding any sale or other disposal of any unsurveyed rural or pastoral lands for cash, or on deferred payment, or for occupation with right of purchase, or perpetual lease, or lease in perpetuity, or renewable lease, or in any manner whatsoever, and at any time previous to the approval of the plan of the survey of the same by the Chief Surveyor of the district, the Governor shall have the right to exclude from such sale or other disposal any road-lines which may be required through or over any such lands, and to reserve any of the said lands which are situate on the seashore, the margin of lakes, or on river-banks, or which are required for any of the purposes mentioned in section three hundred and twenty-one hereof, without paying compensation for any land so excluded or reserved.

Lands on seashore or margin of lakes or river-banks excluded from sale.
Ibid, sec. 15
1893, No. 42, sec. 3 (1)

14. (1.) After any rural or pastoral lands have been surveyed and alienated, the right of taking roads through any such lands may, subject to the provisions of sections two hundred and thirteen and two hundred and thirty-four hereof, be exercised only as follows, that is to say:—

Reservation for roads.
1892, No. 37, sec. 16
1893, No. 42, sec. 3 (2)

- (a.) If sold for cash, then within five years after such sale, and on the payment by the Crown for any land taken for roads of an amount equal to twice the amount paid by the original purchaser from the Crown for the land so taken; and

- (b.) If disposed of for occupation with right of purchase, or on deferred payment, or on perpetual lease, or on lease in perpetuity, or on renewable lease, then within five years from the date of the lease or license of such land, and on allowing as against the accruing annual instalments or rent an amount equal to twice the sum paid for the area so taken for roads.

But no improved lands shall be so taken unless compensation for the improvements is made, the amount to be settled by arbitration as provided in section eighty hereof.

- (2.) Notwithstanding any survey of a road taken as aforesaid, it shall be lawful for the Governor at any time, with the consent of the owner, on the recommendation of the local authority, to alter the position of any such road or to deviate from the line first laid out, and it shall not be necessary to close the original road under "The Public Works Act, 1908"; and the Crown grant or other instrument of title may be amended accordingly by indorsement under the provision of "The Crown Grants Act, 1908."

Towns.

Streets and reserves
in towns.

1892, No. 37, sec. 17
1902, No. 57, sec. 2

15. (1.) In all towns which are laid off on any Crown lands, or upon any private lands outside a borough, the main roads shall be of a breadth not less than ninety-nine feet, and the cross or side roads shall be of a breadth not less than sixty-six feet, excepting only in the case of any existing town within or outside a borough having roads of a less breadth than sixty-six feet, with buildings bordering both sides thereof, in which case the Governor may authorise the extension of these roads at the existing breadth thereof:

Provided that in cases where towns have been laid out and have been in existence for a period of seven years since the same were laid out, and where the local authority has approved and formed any road of a less width than sixty-six feet, then in such case the Governor may in his discretion approve of such road:

Provided also that where under the special circumstances of the case it is, in the opinion of the Minister, inexpedient that any main road of any town laid off on private land or on Crown lands should be of a width of ninety-nine feet, he may, by notice in the *Gazette*, authorise the laying-off of such main road of such less width (but not less than sixty-six feet) as he thinks fit.

- (2.) In all towns laid off on Crown lands—

- (a.) Open spaces shall be set apart and reserved for recreation-grounds, the number of such reserves being regulated by the superficial area of the town, being not less than one-tenth of such area, the size of each such reserve in no case being less than twelve and a half square chains.

The "superficial area" means the area divided into town sections and the necessary roads to give access thereto.

- (b.) In addition to any reserves for public purposes made by the Governor, there shall be reserved from sale, as a nucleus of municipal property, to be subsequently vested in the local authority of such town as endowment or for the use thereof,

one acre to every ten acres of Crown town lands already sold and still available for sale in such town.

(c.) In addition to reserves already provided for, there shall be laid out—

(i.) Sufficient land, either outside or inside such town, to be selected on the side of the town opposite to the quarter from which the prevailing summer wind blows, for depositing refuse :

(ii.) Sufficient land, either outside or inside such town, for sites for gravel-pits and stone-quarries, and for depositing gravel, stone, and other materials required for making and repairing roads within such town ; provided that gravel, stone, and other road-materials can be obtained in the locality :

(iii.) Sufficient land, outside such town, but not exceeding two per centum of the whole area thereof, for public cemeteries.

16. In every case where any allotments, or sections, or blocks of land are to be sold or advertised for sale as a town, the proposed name of such town, whether public or private, together with a plan of such town, showing the roads and the width thereof respectively, and the reserves made in such town, shall be prepared by an authorised surveyor, and be approved of by the Governor prior to sale :

Names and plans of towns to be approved by Governor before sale. 1892, No. 37, sec. 18
1895, No. 58, sec. 10 (1).

Provided that no right-of-way in any subdivision of land for a town shall be of less width than sixty-six feet.

17. The Governor may from time to time reserve any lands at the disposal of His Majesty within any existing borough or town district under the provisions of section fifteen hereof, notwithstanding that any such borough or town district may have been laid off as a town previous to the coming into operation of this Act :

Reserves in existing boroughs, &c., may be made in certain cases. 1892, No. 37, sec. 19

Provided that the reserves to be made for any borough or town district under this section shall be made only in cases where reserves for the same purpose do not exist therein, or, if existing, do not equal or exceed the amount of reserves authorised to be made under the said section fifteen.

18. (1.) Wherever any town or other place in New Zealand has subsequently become a borough or a town district, all reserves for public purposes made within such town or place, or granted to or vested in the Council or Board charged with the administration of its affairs, shall be deemed to have been made for such purposes within the borough or town district for the time being existing in the stead of such first-mentioned town or place, or to have been granted to or vested in the Borough Council or Town Board of such borough or town district respectively as from the date when such first-mentioned town or other place, or the Council or Board thereof, ceased to exist.

Reserves in places becoming boroughs or town districts to vest in the latter. Ibid, sec. 20

(2.) Wherever any borough or town district becomes merged in a county, all reserves for public purposes made within such borough or town district, or granted to or vested in the Council or Board thereof, shall be deemed to have been made for such purposes within the county wherein such borough or town district is merged, or to have been granted to or vested in the County Council thereof as from the date when such borough or town district, or the Council or Board thereof, ceased to exist.

Vesting of reserves when borough or town district merged in county.

Land Revenues.

Land revenue
to form part of
Consolidated Fund.
1877, No. 27, sec. 4

19. (1.) Except where otherwise prescribed in this or any other Act, all moneys accruing from the sale, letting, or other disposal of Crown lands under the Land Acts, and generally all land revenue accruing therefrom under any such Act within each district, shall form part of the Consolidated Fund.

Application of
proceeds of sale
of land to repay
loans raised under
certain Acts.
1878, No. 46, sec. 2

(2.) All moneys accruing from the sale, letting, or other disposal of Crown lands which, by any Act or Ordinance for the time being in force, are set apart and appropriated to the repayment of any loan shall be paid over to the Commissioners of the Public Debts Sinking Funds, and shall be applied by them to the repayment of such loan or otherwise as is provided by such Act or Ordinance.

Special appropria-
tions of land
revenue continued.
Ibid, sec. 3

(3.) All revenues accruing from the sale, letting, or other disposal of other Crown lands which, by any Act or Ordinance for the time being in force, are appropriated to or charged with the payment of any proportion of such revenues shall continue to be so appropriated or charged.

PART I.

GENERAL ADMINISTRATION.

Appointments, Districts, &c.

Minister of Lands.
1892, No. 37, sec. 21

20. (1.) There shall be a Minister of Lands, to be appointed from time to time by the Governor, and such Minister shall have charge of the administration of this Act.

(2.) The Minister holding the office of Minister of Lands at the time of the coming into operation of this Act shall be deemed to have been appointed under this Act.

Land districts
constituted.
Ibid, sec. 22

21. (1.) The following ten land districts, as existing at the coming into operation of this Act, are hereby declared to be land districts under this Act, that is to say:—

The Auckland Land District,
The Taranaki Land District,
The Wellington Land District,
The Hawke's Bay Land District,
The Nelson Land District,
The Marlborough Land District,
The Canterbury Land District,
The Westland Land District,
The Otago Land District,
The Southland Land District.

(2.) The limits of such districts shall be the same as those of the land registration districts of the same name respectively constituted from time to time under "The Land Transfer Act, 1908," except that the Hawke's Bay Land District shall comprise the land registration districts of Hawke's Bay and Poverty Bay:

Alterations of
districts.

Provided that the Governor by Order in Council may from time to time alter the boundaries of any land district as he thinks fit.

Governor may
establish local
districts and
Land Offices.
Ibid, sec. 23

22. (1.) The Governor, by Proclamation, may from time to time establish and define, abolish, alter, or reconstitute local districts for the sale or disposal of land, and in like manner from time to time may appoint Land Offices and Land Officers or other persons for conducting sales of

land in such local districts, and for receiving applications for the sale, letting, disposal, or occupation of Crown lands, and for generally carrying into effect the provisions of this Act; and may declare any such Land Office to be the Principal Land Office.

(2.) Any local district may overlap the boundaries of any land district and embrace within its limits portions of different land districts.

23. For the purposes of administration, the Kermadec group of islands shall be deemed to be included within the Land District of Auckland, the Chatham Islands within the Land District of Wellington, and Solander Island and Ruapuke Island, in Foveaux Strait, the Snares Islets, the Auckland Islands, Enderby Islands, Campbell Island, the Antipodes Islands, the Bounty Islands, and all other islands or islets within the limits of New Zealand which lie south of the forty-seventh parallel of south latitude, within the Land District of Southland.

Outlying islands
annexed to land
districts.
1892, No. 37, sec. 24

24. The Governor from time to time, in fulfilment of the conditions of the deed of cession of Stewart Island dated the twenty-ninth day of June, one thousand eight hundred and sixty-four, may, after consultation with the Native owners, make special regulations for securing to the Natives the Titi Islands and other islands adjacent to Stewart Island mentioned in the said deed, and for protecting such islands from trespassers, and the birds frequenting them from destruction.

Saving as to
Titi Islands.
Ibid, sec. 25

25. (1.) For each land district there shall be a Commissioner of Crown Lands, and one or more Receivers of Land Revenue, to be appointed from time to time by the Governor.

Commissioners of
Crown Lands and
Receivers of Land
Revenue.
Ibid, sec. 26

(2.) All persons holding the office of Commissioner of Crown Lands or of Receiver of Land Revenue on the coming into operation of this Act shall be deemed to have been appointed under this Act to the districts for which they have heretofore been acting.

26. The Commissioner of Crown Lands shall, *ex officio*, be a member and Chairman of the Land Board of the district for which such Commissioner has been appointed.

Commissioner to
be member and
Chairman of Board
Ibid, sec. 27

27. The powers and duties of a Commissioner of Crown Lands, in respect of all Crown lands within his district, shall be as follow, namely:—

Powers and duties
of Commissioner.
Ibid, sec. 28

For and on behalf of the Crown,—

(a.) To prevent unlawful trespassing or intrusion upon or occupation of Crown lands:

(b.) To remove and expel, or cause to be removed or expelled, all trespassers and intruders on and persons unlawfully occupying Crown lands, and to remove or cause to be removed therefrom all cattle, stock, goods, chattels, and effects whatsoever of such persons, and such cattle, stock, goods, chattels, and effects to impound in some public pound, and sell by public auction, if the same are not replevied or redeemed, within twenty-one days after being so impounded, by payment of all expenses incurred by the removal and impounding thereof and incidental thereto, and also of all penalties which may have been incurred in consequence of the trespass or intrusion by such cattle, stock, goods, chattels, and effects; and the proceeds of any sale (after payment of the costs thereof, of the removal and impounding

of such cattle and incidental thereto, and of all penalties aforesaid) shall be paid to the party entitled thereto on application to the Commissioner :

- (c.) To ascertain the limits and define, according to the laws in force relating thereto, the boundaries of all Crown lands held under or affected by any lease or license :
- (d.) To enter on any Crown lands in order to take possession thereof in the name of the Crown :
- (e.) To distraint, sue for, and recover money due to the Crown for rent, or for use and occupation in respect of any Crown lands, or for injury or damage done to any Crown lands by wrongful entry or occupation, or by wrongful removal therefrom of any thing the property of His Majesty :
- (f.) To enforce contracts respecting sales, leases, licenses, or other disposition of Crown lands, and to compel payment of money due to the Crown in respect thereof :
- (g.) To determine any determinable contracts respecting Crown lands :
- (h.) To resume possession of Crown lands on non-performance of contracts :
- (i.) To recover rents, purchase-moneys, and other moneys due to the Crown in respect of any sales, licenses, leases, or other dispositions of Crown lands.

May prosecute or
defend Crown
suits, &c.
1892, No. 37, sec. 29

28. All actions and proceedings by or on behalf of His Majesty respecting Crown lands within any district, or respecting any contract relating thereto, or any breach of any such contract, or any trespass on such land, or any damages accruing by reason of such trespass, or for the recovery of any rents, purchase-moneys, or other moneys in respect of such land, or in respect of any damages or wrongs whatsoever in any way suffered by the Crown in respect of Crown lands, may be commenced, prosecuted, and carried on by and in the name of the Commissioner on behalf of His Majesty, and the Commissioner may be plaintiff or defendant, as the case may require, in any such action or proceeding.

Rangers of
Crown lands.
Ibid. sec. 30

29. (1.) The Governor may from time to time, as he thinks fit, appoint one or more persons in each district to be Rangers of Crown lands, whose duties shall be to observe and take care that the provisions of the Land Acts are complied with within the district or such portion thereof for which they are appointed, to lay information against such persons as offend against the Land Acts, and otherwise to discharge such duties as the Commissioner prescribes.

(2.) Any Ranger so appointed as aforesaid may be appointed a constable, and required to take the oath prescribed in such cases.

Reports on fulfil-
ment of conditions
of occupation.
Ibid. sec. 31

30. (1.) The Board may from time to time, as it thinks fit, require any Ranger of Crown Lands to report to it upon any breach of conditions of lease or of license, and on the value of improvements upon any land, and generally on any matters incidental to the carrying-out of the provisions of the Land Acts.

(2.) For the purpose of making any such report any Ranger of Crown Lands shall, at all reasonable times, have free ingress, egress, and regress in, to, and over any lands and hereditaments in the occupation of any selector

(3.) Every person who obstructs such Ranger in the performance of his duty, or refuses or wilfully neglects to answer any reasonable question put to him in writing by the Ranger in connection with his duty, or makes to him any wilful misstatement, is liable to a fine not exceeding ten pounds, which shall be recoverable in a summary manner before any two Justices.

31. (1.) The Governor may from time to time by Order in Council agree with any one or more local authorities, separately or united for the purpose, for the execution by such local authority or local authorities of any public work within the district or districts under the jurisdiction of such local authority or local authorities, and about to be undertaken for opening up and developing lands of the Crown recently sold or about to be sold within such district or districts; but so, nevertheless, that the total amount which the Governor may agree to expend in respect of any such public work shall not exceed one-fourth of the revenue derived or to be derived from the Crown lands so sold as aforesaid.

Governor in Council may agree with local body to open up Crown lands recently sold.
1885, No. 49, sec. 7

(2.) After any such agreement has been made, the Minister of Finance may pay over to such local authority or local authorities (if more than one) the amount so agreed to be paid.

32. (1.) When any person, without any right, title, or license, or whose right, title, or license has expired or been forfeited or cancelled, is in occupation of any Crown lands, or of any public reserve not granted to or vested in any local body, trustees, or other persons, whether such lands are in or outside any mining district, the Commissioner, or some person appointed in writing by him, may enter a plaint in any Magistrate's Court within the district in which the land lies to recover possession thereof; and the jurisdiction of the Court or Magistrate shall not be ousted on the plea that a question of title is involved in any such case, or that the value of the premises of which possession is sought to be recovered is in excess of the ordinary jurisdiction of such Court or Magistrate.

Recovery of Crown lands in unlawful occupation.
1892, No. 37, sec. 32

(2.) If on the hearing of such plaint the defendant does not appear, or appears but fails to establish in himself an absolute right or title to the possession of the land, or if it is shown by or on behalf of the plaintiff, to the satisfaction of the Court hearing the plaint, that the title under which the defendant claims has, as between himself and His Majesty, expired or become liable to forfeiture or cancellation, the Court shall declare such title to be extinguished, and may order that possession of the land sought to be recovered be given by the defendant to the plaintiff, either forthwith or on or before such a day as the Court thinks fit to name, and that the defendant do pay the costs.

(3.) If possession is not given pursuant to such order, the Magistrate or any Justice may issue a warrant requiring the bailiff of the Court, or any constable, to give possession of such lands to the plaintiff.

(4.) The provisions of sections one hundred and seventy-five, one hundred and eighty, and one hundred and eighty-one of "The Magistrates' Courts Act, 1908," shall apply to any proceedings under this section.

33. (1.) Every person who, without right, title, or license, wilfully allows any cattle, horses, or other animals to trespass upon any Crown lands, or any public reserve not granted to or vested in any local body,

Trespass of cattle on Crown lands, or unlawfully felling timber, &c.
Ibid, sec. 33

trustees, or other persons, whether within or without a mining district, or who, without right, title, or license, fells, removes, or sells any timber growing or being thereon, or removed therefrom, or otherwise unlawfully trespasses on any such lands or public reserve, is liable to a fine not exceeding fifty pounds, and shall pay in addition thereto the value of the timber so felled, removed, or sold.

(2.) No person shall be convicted under this section except on the information of the Commissioner or some person appointed in writing by him.

Lighting fire in
forest.
1892, No. 37, sec. 34

34. (1.) Every person who, in contravention of regulations, lights a fire in or near to any forest, wood, or growing timber belonging to the Crown or any other person, whereby or through allowing the fire to spread any such forest, wood, or timber is destroyed, is liable to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding six months, and shall, in addition thereto, pay to the Crown or person injured the full amount of the damage done, to be assessed by two Justices or a Magistrate, and to be recoverable in like manner as a fine.

Apprehension of
offenders.

(2.) Any person found committing any offence mentioned in this section may be apprehended, with or without warrant, by any constable, or with warrant by the owner of the property destroyed or injured, or by any person bearing such warrant if authorised in writing by such owner to apprehend persons found committing such offences, provided that the person so apprehended is forthwith taken before some Justice to be dealt with according to law.

In Crown suits,
burden of proof
on defendant.
ibid, sec. 35

35. (1.) In any action or proceeding against any person for or in respect of any alleged unlawful occupation, use of, or trespass on any Crown lands, the proof that the occupation or use in question was authorised by the provisions of this Act, or of any order or regulation made in pursuance thereof, shall lie on the defendant.

(2.) The averment that any lands in question are Crown lands shall be sufficient without proof of such fact, unless the defendant proves the contrary, and all maps, plans, licenses, certificates, and copies certified as true under the hand of the Chief Surveyor of the district, or of any Commissioner of Crown Lands, shall be sufficient evidence of their contents without production of original records, and without the personal attendance of such officers or proof of their signature.

Decrees therein
shall bind Crown.
Ibid, sec. 36
Costs may be
recovered.
Ibid, sec. 37

36. All decrees, orders, and judgments in any such last-mentioned proceedings shall be binding on His Majesty.

37. The Commissioner in any such action or proceeding shall recover and be liable to costs and damages as any plaintiff or defendant in ordinary course of law, and the Commissioner may be indemnified in respect of such costs and damages by the Governor.

In questions of
boundary, Court
may refer to
surveyors.
Ibid, sec. 38

38. If in any action or proceeding touching or concerning any Crown lands, or any grant, lease, or license relating thereto, any question arises as to the limits or extent of, or as to the boundary of any land comprised in, any grant, lease, or license, it shall be competent for the Court before which such action or proceeding is pending to order and direct that such question shall be referred to any person or persons whom the Court thinks fit, subject to such terms and conditions as the Court thinks fit; and the award, order, and determination of such person or persons shall be conclusive in such action or proceeding as to the matter so referred, and shall be binding on the parties, and may

be enforced as a rule of the Court, and the Court may make such rule or order as it deems fit touching such reference or the costs thereof.

39. It shall be the duty of the Board to direct the Commissioner to institute proceedings against every person who commits, or aids, abets, incites, or instigates any other person to commit, a breach of any provisions of this Act, or any other Act relating to the administration of Crown lands.

Board to institute proceedings against all offenders.
1892, No. 37, sec. 39

40. No order or other proceeding made touching or concerning the matters contained in this Act, or touching or concerning the conviction of any offender against this Act, or any other Act relating to the administration of Crown lands, shall be quashed or vacated for want of form only, or be removed or removable by *certiorari* or any writ or process whatsoever into the Supreme Court.

No *certiorari*.
Ibid, sec. 40

Land Boards : Their Powers and Functions.

41. (1.) For each land district there shall be a Land Board, to be called "The Land Board of [*Name of land district*]," which shall consist of the Commissioner of Crown Lands of the district and of four other members.

Land Boards.
Ibid, sec. 41
1907, No. 51, sec 27

(2.) Of the members of every Land Board (other than the Commissioner) three shall be appointed and removable by warrant under the hand of the Governor, and one shall be elected by the persons and in the manner hereinafter mentioned.

(3.) No member of the General Assembly shall be eligible to be a member of the Land Board, and if any member of a Land Board is elected or appointed to the General Assembly during his term of office he shall thereupon vacate his office as a member of the Board.

(4.) The first election under this Act of an elective member shall, in the case of each Board, take place when the seat of the elected member of the Board first becomes vacant, or, if the Board does not comprise an elected member, then when the seat of any member of the Board first becomes vacant. Until such vacancy occurs the constitution of the Board shall continue as before the coming into operation of this Act. Subsequent elections shall take place as often as the seat of any elective member becomes vacant.

(5.) Every elective member shall be elected by the persons who on the first day of January preceding the election were the owners of any lease or license of or in respect of Crown lands situated within the land district of the Board. Every such owner shall have one vote, save that if two or more persons are the owners jointly or in common of any such lease or license they shall have one vote between them.

(6.) The election of elective members of Land Boards shall take place in accordance with regulations made by the Governor by Order in Council gazetted.

(7.) No act done by any Land Board shall be deemed invalid or illegal because of any defect or error in the appointment or election of any member of such Board, or because of the fact that the number of the members of such Board was incomplete at the time at which such act was done.

(8.) Any dispute as to the validity of the election of any member of a Land Board shall be determined by the Commissioner of Crown Lands, whose decision shall be final and conclusive.

Existing Boards
continued in office.
1892, No. 37, sec. 42

42. The several Land Boards existing in the respective land districts on the coming into operation of this Act are hereby constituted the Land Boards for the same districts respectively under this Act, and the members of such Boards who are in office at the aforesaid time shall continue to be members of the said Boards under this Act until the expiration of their term of office by effluxion of time or until their seats otherwise become vacant.

Member to retain
office for two years.
Ibid, sec. 43
1907, No. 51, sec.
27 (9)

43. (1.) Every member of a Land Board shall, subject to the provisions herein contained, remain and continue in office for the term of two years from the date of his appointment or election, but no longer.

May be reappointed
or re-elected.

(2.) Any member may be reappointed or re-elected as a member of any Land Board.

Seat at the Board,
how vacated.
1892, No. 37, sec. 44
1907, No. 51, sec.
27 (10)

44. (1.) If any member of a Land Board resigns his office by writing addressed to the Commissioner, or dies, or becomes of unsound mind, or is adjudicated a bankrupt, or is convicted of any offence which prior to the coming into operation of "The Criminal Code Act, 1893," would have been classed as a felony, or of any infamous crime, or is guilty of any fraudulent conduct which in the opinion of the Governor renders him unfit for the office, or is absent without sufficient cause from three successive ordinary sittings of the Board without the leave of the Board, or otherwise becomes incapacitated to act, his seat at the Board shall be thereby vacated.

Vacancies to
be notified.

(2.) The Commissioner shall forthwith notify every vacancy to the Governor as it occurs, who shall take the necessary steps for the election or appointment, as the case may be, of some other person to supply the vacancy.

Boards to have
powers conferred
by this Act.
1892, No. 37, sec. 45
1907, No. 51, sec.
27 (11)

45. (1.) Every Land Board constituted under this Act shall have all the duties, powers, and authorities in every respect which are conferred upon Land Boards by this Act.

(2.) Every Land Board shall be deemed to be duly constituted, and may enter into office and proceed to the despatch of business, when a sufficient number of members to form a quorum have been appointed or elected.

Liability of
members.
1892, No. 37, sec. 46

46. No member of any Land Board shall be personally liable in any action or other proceeding, except for his own act and deed, nor shall he be liable for anything done by him in the execution of his office, except in cases where he is guilty of wilful neglect or default.

Payment to
members.
Ibid, sec. 47

47. (1.) Out of any moneys that may from time to time be appropriated for that purpose by Parliament, there shall be paid to every member of any Land Board on account of his attendance at any meeting of the Board, or for inspecting any land when requested so to do by a resolution of the Board, any money expended by him in payment for coach, railway, steamboat, or other conveyance, or in lieu thereof an allowance to be fixed by the Board not exceeding sixpence per mile, computed for one way only of the distance over which he may have to travel; and also a sum of ten shillings per day for every day during which he may be necessarily absent from his residence for either of the purposes aforesaid.

Limit; free pass.

(2.) Such payments for attending any meeting of the Board shall be made only in the case of members residing at a distance exceeding three miles from the place of meeting, and no payments for travelling

on any railway shall be allowed to any person who holds a free pass for such railway.

48. In the conduct of business by each Land Board the following provisions shall have effect :—

- | | |
|--|---|
| (a.) The Board shall sit at the Principal Land Office within the district at certain times, to be determined by the Board and approved of by the Governor, and published in the <i>Gazette</i> . | Conduct of business.
1892, No. 37, sec. 48
Meetings of Board. |
| (b.) The Board may adjourn from time to time or from place to place. | Adjournments. |
| (c.) Special meetings of the Board may be held, of which not less than twenty-four hours' notice in writing or by telegram have been given to each member of the Board by the Commissioner or by any two members of the Board. | Special meetings. |
| (d.) The Commissioner, when present, shall preside at every meeting of the Board, and shall have an original as well as a casting vote in all questions coming before the Board. | Chairman of Board. |
| (e.) In the absence of the Commissioner from any meeting some member selected by those present at that meeting shall preside thereat, and the person so presiding shall at such meeting have all the powers of the Commissioner. | Absence of
Chairman. |
| (f.) All questions coming before the Board at any meeting shall be decided by a majority of the votes of the members of the Board present thereat. | Questions decided
by majority. |
| (g.) At all meetings of the Board three members thereof shall form a quorum; and such meetings shall be open to the public, unless the Board deems it necessary for the purpose of deliberation to require strangers to withdraw. | Quorum. |
| (h.) All business connected with the sale, letting, disposal, and occupation of Crown lands shall be transacted by the Board. | Land business
by Board. |
| (i.) All the routine business relating to the sale, letting, disposal, and occupation of Crown lands shall be transacted by the Commissioner. | Ordinary business
by Commissioner. |
| (j.) Every matter, question, doubt, or difference relating or incident to the sale, letting, disposal, and occupation of Crown lands, or to the interpretation or meaning of any enactment relating to or in connection with Crown lands, or to any matter or thing done under any such enactment, shall be heard and determined by the Board. | Disputes settled
by Board. |
| (k.) The decision of the Board on all matters to be by it heard and determined shall, subject to the provisions of this Act relating to Land Board appeals, be final and conclusive. | Appeals. |
| (l.) The Board shall keep a record of all its proceedings, in which shall be entered a full and particular account of all applications and of all business transacted by it, and a minute of the opinion of the members of the Board in cases where they differ and in which any member wishes his opinion to be recorded, which record shall be open to the inspection of any person, at all reasonable hours, on payment of a fee of one shilling for each inspection. | Minutes to be kept |
| (m.) There shall be kept at the Principal Land Office, in a convenient form for reference, every letter, application, report, | And other records. |

and communication received by the Board and copies of those written by order of the Board, also copies of every order made by the Board and by the Commissioner, and a convenient index shall be made thereto; all of which shall be open to inspection by any person at all reasonable times on payment of a fee of one shilling for each inspection.

Rents, &c., paid to the Receiver of Land Revenue.

(n.) All rents, fees, assessments, purchase-moneys, and moneys paid by way of deposit, and other sums of money payable under the provisions of this Act, shall be paid to the Receiver of Land Revenue for the time being, unless herein otherwise provided.

Board may charge fees for decision of disputed questions.

(o.) Every Board, at its discretion, may charge and receive, for the decision of any disputed question which it is authorised to determine, a fee not exceeding five pounds, to be paid by the party against whom its decision is made, to be recovered in a summary way.

(p.) The Board may require such fee to be deposited by each party before entering on the question; and the fee deposited by the party in whose favour the decision is made shall be forthwith returned to him.

Land Board sole judge of fulfilment of conditions in leases or licenses.
1892, No. 37, sec. 49

49. Where a lease or license has been granted to hold land on any system subject to the fulfilment of certain terms and conditions, the Board shall be the sole judge whether such conditions have been complied with, and shall have all the powers and authorities conferred upon any body or person by this Act or the Act under which any such lease or license was granted, or by any other Act relating to forfeitures of leases or licenses, and may proceed in the manner indicated in that behalf by either or any of such Acts notwithstanding the repeal thereof, or may proceed under this Act, to enforce the fulfilment of the conditions of any such lease or license, or to obtain possession of any land, improvements, or money forfeited for breach of such conditions, but shall not have power to vary the conditions under which any such lease or license was granted.

Board may hold inquiry and cancel lease or license in certain cases.
Ibid, sec. 50

50. (1.) Notwithstanding anything in the last preceding section, whenever the Board has reason to believe that any lessee or licensee, under this Act or any former Land Act, is not fulfilling the conditions of his lease or license in a *bona fide* manner according to their true intent and purport, the Board may hold an inquiry into the case, and may declare all the rights of the lessee or licensee under his lease or license to be forfeited in every case where, upon inquiry, and after hearing witnesses, or without such hearing, the Board is satisfied that the lessee or licensee—

(a.) When personal residence is required, has not strictly conformed with the requirements of personal residence during the whole term prescribed; or

(b.) Has not occupied the land comprised in his lease or license exclusively for his own personal use and benefit; or

(c.) In any case has occupied the land comprised in his lease or license for his own use and benefit nominally, but has permitted other persons to derive the virtual use and benefit thereof by depasturing their stock on the land, such stock not being agisted to the lessee or licensee upon adequate terms or for an adequate money consideration, or has occu-

pied such land apparently for his own use and benefit, but virtually has so occupied on behalf of another person who has supplied the lessee or licensee with money or stock in that behalf; or

- (d.) Has left New Zealand or abandoned the land in his occupation, and cannot be found, or evades service of a summons, or, having been served with a summons, neglects or fails to appear thereto at the appointed time or within seven days thereafter without sufficient excuse, or has otherwise evaded or neglected the conditions of his lease or license.

(2.) The Board shall declare every transaction null and void, and may declare all deposit-moneys, rents, or other payments to be forfeited, in any case where any lessee or licensee has purchased or acquired or occupied any lease or license not exclusively for his own personal use, occupation, and benefit.

51. For the purpose of hearing and determining any matter, question, doubt, or difference in relation to any matters within the Board's jurisdiction, or for the purpose of arriving at a decision upon any application submitted to it, or of making any inquiry into breaches of this Act or of any former Land Act, the following provisions shall apply:—

Board may
summon witnesses
and order produc-
tion of documents.
1892, No. 37, sec. 51

- (a.) The Board may, by summons under the hand of the Commissioner or any member of the Board acting as Chairman in his place, require any person to attend as a witness at such time and place as is specified in the summons.
- (b.) Such person may in like manner be required to bring and produce any books, papers, writings, deeds, and documents of which a Court of law could compel the production.
- (c.) The Board may examine on oath any person so summoned and attending touching the matter to be inquired into.
- (d.) Every person on whom any summons has been served who fails or neglects to appear, or to produce any books, papers, writings, deeds, and documents according to the exigency of the summons, or refuses to be sworn or to affirm, or to give evidence, or to answer such questions as are put to him by any member of the Board touching the subject-matter of the inquiry, is liable to a fine not exceeding fifty pounds, to be recoverable in a summary way; and every person who wilfully and corruptly gives false evidence on oath or affirmation is guilty of perjury, and punishable accordingly.
- (e.) If a person refuses to be sworn or affirm, or to give evidence, or to answer questions as aforesaid, he shall be deemed to have committed a separate offence on each day on which he so refuses.
- (f.) A summons may be served by delivering a copy thereof personally or by leaving a copy at the usual place of abode of the person to be served.
- (g.) No person shall be compelled to attend until a reasonable sum is tendered to him to pay the probable expenses of his travelling and maintenance, or, if the summons is not personally served, such sum is paid on his demand by the person at whose instance the inquiry is held.

Procedure and
expenses of inquiry.

- (h.) The amount to which witnesses, other than any party prosecuting a claim before the Board, shall be entitled for such expenses shall be according to the scale allowed to witnesses by the Supreme Court, and the amount thereof shall be fixed by the Board, and the Commissioner shall, as soon as the examination is concluded, give a certificate to the person entitled setting forth the amount allowed.
- (i.) All expenses incident to the conduct of any such inquiry, including the expenses of witnesses, shall be deemed to be expenses incident to the administration of Crown lands, and shall be paid out of any moneys appropriated by Parliament for that purpose.

Rehearing provided.
1892, No. 37, sec. 52

52. Any person aggrieved by the decision of the Board on any matter may, within one month after the making of such decision, apply to the Board for a rehearing, and the Board may, at any time within two months after making the said decision, grant a rehearing of the case if it thinks that justice requires it, and on such rehearing may reverse, alter, modify, or confirm the previous decision in the same case.

Appeal to Judge of
Supreme Court.
Ibid, sec. 53

53. (1.) If any person considers himself aggrieved by any decision of the Board, he may appeal to the Supreme Court, provided that, within thirty days after the giving of such decision, he gives notice of such appeal to the Board, and also to such persons (if any) as have appeared before the Board as opponents of the case or claim or application to which the decision relates, and also gives security, to be approved of by the Registrar of the Court, for the costs of the appeal.

(2.) After hearing the parties the Court shall give its decision, and cause the same to be certified in writing by the Registrar of the Court to the Board, and the Board shall be bound to follow such decision, and shall reverse, alter, modify, or confirm its decision in accordance therewith.

(3.) The Court may make such order as to payment of costs to either party as it thinks fit.

(4.) For following such decision no action or other proceeding by any process of any Court shall lie against the Board or any members thereof.

Appeal to be on
case stated.
Ibid, sec. 54

54. (1.) Such appeal shall be in the form of a case agreed on by the Board and the appellant, and if they cannot agree upon the case to be stated, then such appeal shall not be in the form of a case, but the Court shall hear the appeal, and may receive evidence either orally or by affidavit or by both of such means.

(2.) The Court, if it thinks fit, instead of deciding any question of fact in dispute upon affidavits or personal examination by it of witnesses, may order such question to be found and determined by a jury, and may settle an issue or issues for that purpose.

Questions of law
may be submitted
to Judge.
Ibid, sec. 55

55. (1.) The Board may, either at the instance of a party or of its own motion, in any case of doubt upon a question of law, submit a case thereon in writing to a Judge or Judges of the Supreme Court, who, after hearing the parties or their counsel, or without, as such Judge or Judges think fit, shall certify his or their opinion thereon in writing to the Board, and the Board shall be guided by such opinion.

(2.) For following such opinion no action or any other proceeding by any process of any Court shall lie against the Board or any members thereof.

56. (1.) The Judges of the Supreme Court, or any three or more of them, of whom the Chief Justice shall be one, may from time to time make general rules for regulating the practice and proceedings on such appeals, and on the hearing and deciding of questions stated under the last preceding section :

Judges may make rules for appeals.
1892, No. 37, sec. 56
1906, No. 58, sec. 11

Provided that all such rules shall be subject to the approval of the Governor in Council.

(2.) The rules so approved shall be as valid as if included in this Act.

57. Nothing in the foregoing provisions of this Act relating to appeals shall authorise or permit an appeal from the decision of any Land Board upon any question affecting the title of the Crown to any lands.

No appeal connected with title of the Crown.
1892, No. 37, sec. 57

Applications, Deposits, Purchase-money.

58. (1.) No application whatsoever for the sale, letting, disposal, or other occupation of Crown lands shall be a valid and legal application unless it is made at a duly established Land Office within the land district during the hours when such office is open to the public for the transaction of business, or is sent by letter through the post addressed to the Commissioner at the Principal Land Office, or at any local Land Office within the district.

No application receivable outside of Land Office.
Ibid, sec. 58

(2.) All applications for land shall be in writing, and may be made at any Land Office within the land district, or within any local district which comprises the whole or part of the land applied for.

Form of application.

(3.) Such applications shall be deemed to be made at any Land Office in the district at the time when they are received at such office.

1895, No. 58, sec. 3 (1)

59. (1.) Where an application for land is made at a Land Office within any local district, the officer receiving such application shall note the day and hour at which it is received, and shall without delay transmit such application, together with a note of the time when the same was received by him, to the Commissioner at the local Land Office or at the Principal Land Office of the land district wherein the land applied for is situate.

As to applications at local Land Offices.
1892, No. 37, sec. 59

(2.) The Commissioner may deal with such application as an application made at the Principal Land Office at the time at which it was made at the local Land Office.

60. The Board shall at all times have power, in the public interests and in its discretion, to refuse to receive any application whatsoever, whether referring to cash lands, lands for occupation with right of purchase, lease-in-perpetuity lands, renewable-lease lands, or to land on any other system of tenure ; and in the event of any such refusal the Board shall cause an entry to be made in its minutes of the ground on which such refusal was based.

Board may reject application.
Ibid, sec. 60

61. The Board shall not entertain any application for the purchase of Crown lands situate within mining districts alienated under license or lease for pastoral purposes, although such application is accompanied by the written consent of the pastoral licensee or lessee, unless evidence is first furnished by the applicant that the exact locality, area, and boundaries have been accurately described in an advertisement inserted for three consecutive weeks in some newspaper published or circulating in the district in which the lands so applied for are situate.

Applications to purchase lands upon runs in mining districts to be advertised.
Ibid, sec. 61

Conditions of
application.

1892, No. 37, sec. 62
1893, No. 42, sec.
2 (2)
1907, No. 51, sec. 28

62. (1.) To every application under Parts III, IV, V, or VI of this Act for land under any tenure there shall be annexed or appended a statutory declaration made and signed by the applicant to the effect that the applicant is legally qualified to acquire the land applied for.

(2.) Such declaration shall be in such one of the forms prescribed by regulations made by the Governor from time to time by Order in Council gazetted as is applicable to the case.

(3.) Every such application shall have on the back thereof an agreement to the effect that the applicant will, immediately on being notified by the Commissioner that his application is successful, pay to the Receiver of Land Revenue the deposit required by sections sixty-three and sixty-four hereof.

Simultaneous
applications.

(4.) All applications for land shall be deemed to be simultaneous if made on the same day.

(5.) When simultaneous applications are made for the same land or part of the same land, then the order of selection shall be decided by ballot.

Lands not sold or
disposed of open
for application.

(6.) All lands which have been notified as open for application under any Part of this Act, and which have not been selected on the day mentioned in such notification, shall remain open for selection, and, in case of more than one application at the same time for the same land, the right thereto shall be decided by ballot.

(7.) All rural or pastoral lands which have been offered for sale by auction and not sold shall, on and after the day following such auction, be open for application at the upset price.

Deposit to be made
when application
approved.

1892, No. 37, sec. 63
1893, No. 42, sec.
2 (3)

63. (1.) The Commissioner shall give notice to the successful applicant immediately after the application has been approved, and thereupon the following sums shall be deposited by such successful applicant:—

(a.) In applications to purchase for cash, one-fifth of the price in the case of surveyed lands, and the survey fee in the case of unsurveyed lands:

(b.) In applications for land for occupation with right of purchase, if surveyed, two pounds ten shillings per centum on the cash price of such land, which shall be deemed to be the first half-yearly rent due on the first day of January or July then next ensuing; if unsurveyed, the amount of survey fee:

(c.) In applications for renewable lease, if surveyed land, two per centum on the cash price of such land, which shall be deemed to be the first half-yearly rent due on the first day of January or July then next ensuing, together with the lease and registration fee; if unsurveyed land, the amount of survey fee:

(d.) In applications for land as a small grazing-run, one pound five shillings per centum on the cash price of such land.

1895, No. 58, sec.
3 (2)

(2.) In the case of applications which have been decided by ballot, it shall be sufficient notice if the name of the successful applicant is called out in the room or place in which the ballot is held.

Deposit where only
one application.
1907, No. 51, sec. 30

(3.) Where there is only one application for any land, the deposit shall be calculated on the upset price, and shall be paid not later than the hour fixed for the ballot; and where the hour for the ballot is

not fixed, the deposit shall be paid not later than noon on the first day that the office is opened for business following that on which the application was received, and if not then paid the application shall lapse.

64. (1.) Unsurveyed land shall only be open for application subject to the following conditions :—

- (a.) The estimated cost of the survey shall be deposited by the applicant immediately after the application has been approved by the Commissioner :

Provided that the Minister may, upon the recommendation of the Board, dispense with the survey deposit.

- (b.) The land shall be surveyed by a surveyor employed by the Surveyor-General.
 (c.) If the land is reserved or withdrawn from sale or lease the applicant shall be repaid the survey deposit made by him; but if the applicant in any case refuses or delays to complete the purchase or lease of the land after survey, he shall forfeit the amount of such deposit.

(2.) With respect to such survey deposit the following provisions shall apply :—

- (d.) Such deposit shall be applied in or towards defraying the cost of the survey.
 (e.) The amount to be credited to each selector pursuant to the next succeeding section shall be the amount of his deposit for the estimated cost of the survey.
 (f.) Where the area as surveyed exceeds the estimated area applied for, a deposit of the additional cost of the survey shall be made before the application is finally approved.
 (g.) If the area as surveyed is greater or less than the estimated area applied for, this circumstance shall not exempt the applicant from the forfeiture of his deposit as provided for in paragraph (c) of the last preceding subsection.

65. Such survey deposit shall be credited by the Receiver of Land Revenue to the selector as follows :—

- (a.) In the case of applications for cash lands, as the first payment on account of the whole sum due on the land :
 (b.) In the case of applications for occupation with right of purchase or for a renewable lease, towards the rent which becomes due.

66. The balance of the purchase-money of surveyed cash lands shall be paid within thirty days after the day of sale, and of unsurveyed lands within thirty days after receiving notice from the Commissioner of the completion of the survey thereof, otherwise the part of the purchase-money or the amount of the survey fee, as the case may be, paid by way of deposit shall be forfeited, and the contract for the sale of the land shall thenceforward be null and void.

Sales by Auction, &c.

67. The provisions following relating to sales of lands by auction shall apply to all sales by auction of Crown lands :—

- (a.) The Board shall give notice of the time and place at which any auction of lands is intended to be held, in which notice

Deposit of cost of survey of unsurveyed land.
 1892, No. 37, sec. 64
 1893, No. 42, sec. 2 (4)
 1895, No. 58, sec. 2

Application of deposit on unsurveyed land.
 1907, No. 51, sec. 31

Survey deposit to be credited to selector.
 1892, No. 37, sec. 65

Payment of balance of purchase-money.
 Ibid, sec. 66

Uniform provisions.
 Ibid, sec. 67

Notice of time, place, and upset price to be published.

the allotments of land which are then offered for sale or lease, and the upset price of the same, shall be specified.

(b.) Such notice shall be published in the *Gazette* and in a newspaper printed and circulated in the locality where such lands are situated not less than one month before such auction takes place, or in a newspaper published in the land district for such time as the Board thinks fit.

(c.) No such lands shall be included in any such notice unless the same have been previously surveyed, and have been distinguished by an appropriate number or mark upon a map to be exhibited in the Principal Land Office for public inspection during office hours for one month before such sale.

(d.) The land shall be offered for sale by auction by some person to be appointed for that purpose by the Board, and for the purpose of such sale he shall not require to take out an auctioneer's license.

Terms of payment.

(e.) In the case of a sale of land for cash, immediate payment of one-fifth part of the purchase-money shall be a condition of every such sale by auction, and the remaining four-fifths of the purchase-money shall be paid by the purchaser within thirty days next after the time of such sale, otherwise the part of the purchase-money so paid by way of deposit as aforesaid shall be forfeited, and the contract for the sale of the land shall thenceforward be null and void.

Rent to be paid in advance.

(f.) In the case of a sale of a lease, immediate payment in advance of one half-year's rent shall be a condition of every such sale by auction; and such amount shall be in discharge of the first half-year's rent, due in the case of a pasturage license or lease on the first day of March or September following, and in the case of any other lease on the first day of January or July following.

Maximum area to be offered in one lot.
1892, No. 37, sec. 68
1907, No. 51, sec. 32

68. (1.) No larger quantity of rural land than six hundred and forty acres of first-class land, or two thousand acres of second-class land, or five thousand acres of third-class land shall be put up for sale by auction in any one lot.

(2.) The maximum hereby limited for the sale of rural land shall not be deemed to apply to the sale of leases of land classified within any land district as pastoral or pasture land, or as being unsuited for tillage or agricultural purposes.

Offering money to abstain from bidding.
1892, No. 37, sec. 69

69. Every person who directly or indirectly offers or proposes to accept or receive money or other valuable consideration as an inducement to abstain from bidding or competing as a purchaser or intending purchaser of any Crown land, or of any lease or license of such land, advertised for sale by public auction, and whether or not the land is actually put up for sale, commits an indictable offence, and on conviction is liable to imprisonment for any period not exceeding twelve months with or without hard labour, or to a fine not exceeding two hundred pounds.

Actual receipt of money therefor.
Ibid, sec. 70

70. Every person who actually receives money or other valuable consideration for abstaining to bid for or compete for the purchase of any Crown land which has been advertised for sale by public auction,

and whether or not the land is put up for sale by public auction, commits an indictable offence, and on conviction is liable to imprisonment with or without hard labour for any period not exceeding two years, or to a fine not exceeding five hundred pounds.

71. Every person from whom money or other valuable consideration has been extorted by the means aforesaid may recover the amount or value of the consideration so extorted in an action for money had and received.

Extorted money
recoverable.
1892, No. 37, sec. 71

Valuation for Improvements.

72. (1.) Where Crown lands are to be sold or otherwise disposed of subject to a payment of the valuation of the improvements made on such lands, such valuation shall, in all cases where it is not otherwise provided by this Act, be made one month at least before the expiry of the existing lease or license (if any) in such manner as the Board directs.

Valuation to be
made one month
before expiry of
term.
Ibid, sec. 72

(2.) Where a lease or license is forfeited for breach of conditions, the Board shall cause such valuation to be made on recovering possession of the land.

(3.) Payment of such valuation shall be made to the Receiver of Land Revenue by the purchaser of such land, lease, or license before he is admitted into possession.

(4.) Moneys paid to the Receiver of Land Revenue as value for improvements shall not be deemed land revenue.

73. (1.) Notwithstanding anything in the last preceding section, the Board may, subject to the approval of the Minister, reduce the original price of the land or the valuation of improvements upon any land which cannot be disposed of by reason of the aforesaid valuation being deemed excessive, and may from time to time offer such land for selection, with such reduction of the original valuation as it deems expedient.

Board may reduce
valuation if it
impedes disposal
of land.
Ibid, sec. 73

(2.) No selector shall have any claim against His Majesty, or the Board, or any other body or person whomsoever, by reason of any such reduction of valuation.

74. The amount of the valuation of the improvements, when paid by the aforesaid purchaser, shall, if approved by the Board, be paid by the Receiver of Land Revenue to the original lessee, licensee, or other person entitled, less any moneys due in respect of such land by the outgoing occupier; and, in case of forfeiture, less also the amount of expenses incurred in recovering possession of the land and the sale or other disposal thereof.

Amount to be paid
to outgoing tenant,
less rent in arrear,
&c.
Ibid, sec. 74

75. Where improvements have been made on any land the value of which should, in the opinion of the Board, be secured to the occupant thereof, the Board, with the approval of the Governor, may add to the upset price of the land the value of such improvements.

In certain cases of
unsold lands, value
of improvements
may be added to
upset price.
Ibid, sec. 75

76. In any case where it is determined that any land included in any forfeited lease or license shall not again be offered for further lease or license, then the amount of the valuation for improvements, or such part thereof as the Board determines, shall be paid to the outgoing occupier, less any arrears of moneys due by him in respect of such land, out of any moneys which may be appropriated by Parliament for that purpose.

If land not again
let, valuation to
be paid out of
appropriation.
Ibid, sec. 76

No claim for valuation against the Crown or Board.
1892, No. 37, sec. 77

77. No outgoing occupier shall have any right or claim against the Crown or the Board in respect of the value of any improvements made by him on the land in his occupation in case any person fails to pay such value to the Receiver of Land Revenue; but such outgoing occupier may sue for the value of such improvements, and take all proceedings for the recovery thereof, in the name of such Receiver, on giving him an indemnity to the satisfaction of a Judge of the Supreme Court against costs.

Provision for recording improvements.
1907, No. 51, sec. 33

78. (1.) Where the owner of a renewable lease or lease in perpetuity makes or proposes to make any improvements on the land subject to the lease, he shall be entitled, on application to the Commissioner, to have particulars of the nature of such improvements and of the state and condition of the land before the making of such improvements recorded by the Commissioner in such manner as is prescribed by regulations.

(2.) Every such record shall be permanently preserved by the Commissioner, and shall at all times be receivable as sufficient evidence of the facts therein recorded in all matters and proceedings touching the value of improvements made on the said land.

(3.) The Governor may from time by time, by Order in Council gazetted, make regulations for carrying into effect the provisions of this section, and providing for the payment by lessees of the costs and expenses incurred by the Commissioner in ascertaining the particulars so to be recorded by him.

(4.) Such regulations may provide for the supply to any person interested of a copy of any such record.

Compensation and Arbitration.

Claims for compensation determined by Public Works Act.
1892, No. 37, sec. 78

79. (1.) All claims for compensation in respect of any matters arising under this Act, or for value of improvements or other matters, shall, unless otherwise specially provided, be settled in the manner provided by "The Public Works Act, 1908," in cases of compensation, for which purpose the said Act shall be deemed to be incorporated with this Act.

(2.) In every such claim the Minister shall be the respondent.

References to arbitration.
Ibid, sec. 79

80. (1.) Where it is provided or agreed that any matter arising under this Act shall be referred to arbitration, then such reference, unless herein otherwise provided, shall be to one or more arbitrators appointed by the parties on each side respectively, and an umpire to be appointed by such arbitrators.

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

(3.) If the said arbitrators fail to agree upon the matter referred to them within twenty-eight days of the same having been so referred, then the matter so referred shall be decided by an umpire to be appointed by the said arbitrators, whose decision shall be final and binding on both parties.

(4.) Every such arbitration shall be carried on in the manner prescribed by "The Arbitration Act, 1908," and be subject to such last-

mentioned Act in the same manner as if the reference to such arbitration had been made by consent of parties under a written agreement.

(5.) Each party shall pay his costs of such reference, and any costs incidental to the appointment of an umpire shall be paid equally by the parties to the arbitration.

81. Before any appraiser enters into the consideration of any matters referred to him under this Act he shall, in the presence of a Justice, make and subscribe the following declaration, that is to say:—

Appraisers to make declarations in all cases.

1892, No. 37, sec. 30

I, A. B., do declare that I have no interest, either directly or indirectly, in the matter of [*Here state*], and that I will faithfully and honestly, and to the best of my skill and ability, make the appraisement and valuation required under the provisions of "The Land Act, 1908."

And I make this declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1908."

Leases, Licenses, and Transfers.

82. Upon the due compliance by all parties with the provisions of this Act relating to the leasing or occupation of any class of lands, the Board shall issue leases and licenses, and renewals or transfers thereof, subject to the provisions of this section and of sections eighty-three to ninety-five hereof, which shall apply to all leases and licenses, and renewals or transfers of leases and licenses, under this Act:—

General provisions.

Ibid, sec. 81

1893, No. 42, sec.

3 (10)

1907, No. 51, sec. 34

(a.) Where the Board is authorised to grant a lease or license, the same may be in such form as is prescribed by regulations, and shall be dated as from the day of granting thereof, and shall be signed by the Commissioner, and shall be as valid and effectual if so signed as if executed by or on behalf of His Majesty.

Form of leases, &c., to be approved by Board.

(b.) The rent of surveyed land shall commence on the first day of January or July following the approval of the lease or license thereof, and the rent of unsurveyed land shall commence on the first day of January or July following thirty days' notice from the Commissioner of the completion of the survey.

(c.) Any form of lease, license, or statutory declaration required under this Act may be varied to suit the circumstances of any particular case which may arise.

(d.) There shall be paid for every lease, license, or other instrument a fee of twenty-one shillings; and for every transfer of any lease or license a fee of ten shillings, such fees to include the cost of the registration of the instrument in respect of which they are paid.

Fee on leases, &c.

(e.) The Board may require a deposit to be made of the amount of such fee at the time application is made for any of such instruments as aforesaid, or at any time thereafter; and the Board may at any time refuse to proceed in any transaction if such deposit, when required, is not made.

Deposits thereof.

(f.) The renewal or transfer of a lease or license may be effected by writing on the lease or license a memorandum of the terms, conditions, and covenants to which such renewal or

Renewal may be made by indorsement.

transfer is subject, and signing the said memorandum in the manner herein required in the case of an original lease or license.

Lease or license shall be deemed to be executed by or on behalf of His Majesty.

- (g.) Every lease and license heretofore made or hereafter to be made under the provisions of any Land Act at any time heretofore in force, and signed by a Commissioner in his own name, or signed by him on behalf of any Land Board, shall be deemed to have been made and executed by or on behalf of His Majesty, and shall not be deemed to have been or to be invalid, nor be questioned in any manner by reason only that the same respectively was not signed by any aforesaid Commissioner in the name and on behalf of His Majesty.

Unless lease executed in thirty days, deposit forfeited.
1892, No. 37, sec. 82

83. If any person who has been declared a lessee or licensee fails to execute his lease or license within thirty days after being required by written notice so to do, then the amount of his deposit and the sum paid for the lease or license and registration thereof shall, after a resolution of the Board to that effect has been passed, be absolutely forfeited to His Majesty, and the right of such person to obtain such lease or license shall absolutely cease and determine.

Covenants and conditions as to rents, transfers, statutory declarations, &c., to operate as if inserted in all leases.
Ibid, sec. 83
1907, No. 51, sec. 35

84. (1.) Every lease and license shall be prepared by the Commissioner, and shall contain such covenants, or conditions, or agreements, consistent with the provisions of this Act, as the Board prescribes, and shall be subject to the conditions following:—

- (a.) A lessee or licensee, or the sublessee of a lessee or licensee, shall not be entitled to assign or otherwise dispose of his interest in the land subject to the lease or license except by way of mortgage, or to sublet the land, unless in either case he has resided continuously thereon for a period not less than two years, and then only with the permission of the Board and the Minister:

Provided that where by reason of special and unforeseen circumstances an assignment, sublease, or other disposition becomes in the opinion of the Board and the Minister desirable, such disposition may be permitted although no such residence has taken place:

Provided also that this section shall not apply so as to limit or affect the right of transfer or disposal vested in licensees of pastoral runs under Part VI of this Act.

- (b.) Where a statutory declaration is required from any lessee or licensee, no transferee, or purchaser of the lease or license under any power of sale vested in any mortgagee or assignee or trustee in bankruptcy, shall be admitted into possession or occupation of the land comprised in such lease or license until he has deposited with the Commissioner a statutory declaration in the same form or to the same effect.
- (c.) The following conditions shall be implied in every mortgage, and shall not be varied to shorten the times or to increase the charges therein mentioned:—
- (i.) No power of sale shall arise or accrue until after the expiration of one month following default.
- (ii.) Every sale upon default shall be by public auction.

(iii.) Every sale shall be advertised in at least one newspaper usually circulating in the district where the land is situate.

(iv.) No sale shall take place earlier than fourteen days after the first publication of the advertisement notifying the sale.

(v.) The mortgagor or his agent, at any time before the actual sale, shall be entitled to a release of the security upon payment to the mortgagee or his agent of the principal and any other moneys advanced, or which have been paid to protect the security, and of interest on such principal and other moneys calculated up to the date of such intended sale, together with a sum sufficient to cover the actual disbursements for advertising, and a commission not exceeding one and a quarter per cent. on the sum secured as representing all other charges and expenses. Any sale proceeded with after tender of such amounts shall, but only as between the mortgagor and mortgagee, be null and void if the mortgagor continues ready to pay the amount so tendered.

- (d.) Every lawful transferee or sublessee of any lease or license, or purchaser as aforesaid of any lease or license, shall have all the rights and privileges and be subject to the same obligations as the original lessee or licensee, who shall not be liable for any rent, or for any breach of any covenant or agreement in the lease or license, after the date of approval of such transfer by the Board :

Provided that the transferor shall be liable for the instalment of rent which becomes due next after such transfer.

- (e.) No transfer of any lease or license shall be valid unless all the conditions on which the lease or license was granted have been complied with as to payment of rent and otherwise up to the date of such transfer.
- (f.) Before any proposed transfer is sanctioned by the Board, it may require the transferor to make a statutory declaration to the effect that all the conditions of his lease or license have been fulfilled up to the date of the proposal to transfer, and in such declaration the Board may require the transferor to declare to such other particulars respecting the land as it thinks fit.
- (g.) Before consenting to any application for the purchase of land under section sixteen of "The Land Act Amendment Act, 1887," or the corresponding provisions of any subsequent Land Act, the Board, in the absence of other proof to its satisfaction, may in like manner require a statutory declaration to the same effect as the foregoing.
- (h.) If any lessee or licensee fails to fulfil any of the conditions of his lease or license within sixty days after the day on which the same ought to be fulfilled, his lease or license shall be liable to be forfeited by a resolution of the Board after notice to the lessee or licensee, and he shall be deemed, upon such forfeiture, to be in illegal occupation of the land comprised in the lease or license, and the Commissioner may proceed for recovery of possession thereof.

(i.) No mortgagee under any Part of this Act shall be required to make a statutory declaration unless and until he becomes a purchaser under the provisions of the mortgage, but he shall make such a declaration before the Board sanctions the transfer to him.

(2.) The foregoing conditions as regards leases or licenses shall operate and shall be deemed to bind the Board and the lessee or licensee as fully and effectually as if they were set forth in every lease or license.

Right of transfer
under former Acts
to continue.
1892, No. 37, sec. 84

85. Notwithstanding anything in the last preceding section, every lessee or licensee under any Land Act formerly in force either within the whole of New Zealand or any former province thereof shall have and may exercise any right of transfer granted by his lease or license, or by the Act under which such lease or license was granted.

Powers of executors,
&c., on death of
lessee or licensee.
1907, No. 51, sec. 49

86. (1.) On the death of the owner of any lease or license his executors or administrators shall have power to assign the lease or license to any qualified person, but the consent of the Board shall not be necessary for any such assignment if made to a person named as a beneficiary under the will, or claiming under an intestacy.

(2.) The executors, administrators, or trustees of the deceased owner of any lease or license may continue to hold the same in trust for the persons beneficially entitled thereto under the will or intestacy of the deceased, and the conditions as to residence may be fulfilled by the persons so beneficially entitled, or by any of them, or by any suitable person or persons appointed by such executors, administrators, or trustees during the minority of any beneficiary, as if they were the owners of the lease or license.

(3.) If no probate is granted or no letters of administration are issued within six months after the death of the owner of a lease or license, and the Commissioner of Crown Lands is of opinion that the lease or license is of so small a value that it is expedient to exercise the powers hereby conferred upon him, he may either sell the lease or license and execute a transfer of the same to any qualified person, and receive the purchase-money on account of the persons entitled thereto under the will or intestacy of the deceased, or he may execute a transfer of the lease or license to the persons entitled thereto under the said will or intestacy, or to any one or more of them in trust for all.

Interest of lessee
or licensee not liable
for his debts until
certain period has
elapsed.
1892, No. 37, sec. 85
1893, No. 42, sec.
3 (3)

87. (1.) The interest of a lessee or of a licensee in land held on any tenure under this Act, except as hereinafter mentioned, shall not during the currency of the first twelve months of such lease or license be assignable at law or in equity, or be capable of being charged, incumbered, extended, or taken in execution in any manner; but after that time such interest may be transferred under and subject to section eighty-four hereof.

(2.) Nothing in this section shall be deemed to apply to land within any village settlement under Part IV of this Act, or to land held for pastoral purposes under Part VI of this Act.

Dealings with
estate subject to
incumbrance or lien.
1895, No. 58, sec. 7

88. With respect to any incumbrance, lien, or interest duly registered against the estate or interest of any person in any land held by him under any lease or license, or certificate of occupancy, the following provisions shall apply:—

(a.) Such incumbrance, lien, or interest shall not in any way limit or affect the right of the Board to cancel such lease, license,

or certificate for breach of conditions, and generally to exercise the powers conferred by this Act in like manner as if no such incumbrance, lien, or interest existed.

- (b.) In any case where such holder acquires an estate of freehold in such land, the District Land Registrar, before issuing the certificate of title in respect thereof, shall make all entries necessary in order to record on such certificate every then existing incumbrance, lien, and interest, in the order of their registered priority; and such freehold estate shall be subject thereto in like manner as if they had been created in respect of such freehold estate.

89. (1.) Any lessee or licensee under this Act or any former Land Act may, with the approval of the Board and consent of the Minister, subdivide his holding, and transfer any subdivision thereof to any person who makes the declaration required by this Act in the case of an original application.

Subdivision and
transfer of holding.
1895, No. 58, sec. 12

(2.) For the purpose of giving effect to such transfer, the Board, on the production of a duly approved survey of such subdivision, and on payment of the fees for new leases or licenses and the registration thereof, may cancel the original lease or license, and issue new leases or licenses for the residue of the term of the original lease or license, and subject to the same conditions.

Issue of new leases.

(3.) Where under this section a lessee or licensee, with the approval of the Board and consent of the Minister, subdivides his holding, he may, with the like approval and consent, dedicate any land for roads necessary for such subdivision.

Lessee may
dedicate roads.
1907, No. 51, sec. 74

(4.) This section applies to land subject to or acquired under "The Land for Settlements Act, 1908," as well as to ordinary Crown land.

90. (1.) Every lease or transfer of lease of land under the perpetual-lease system, or the lease-in-perpetuity system, or the renewable-lease system, or occupation license with the right of purchase system, under any provision of this Act or any former Land Act, shall be made in manner provided in section eighty-two hereof; and the Commissioner on behalf of His Majesty, and the lessee or licensee, shall each execute the lease or license in triplicate.

Preparation and
form of lease.
1892, No. 37, sec. 86

(2.) Every such lease or license, after execution thereof, shall be registered by the Commissioner under "The Land Transfer Act, 1908," in like manner as nearly as may be, *mutatis mutandis*, as a Crown grant is registered, and the lease or license which is retained in the office of the District Land Registrar shall form a folium of the register-book in such office, and on it all dealings therewith shall be registered; but no fee shall be payable by way of contribution to the assurance fund on the registration of any such lease or license.

Commissioner to
register it under
Land Transfer Act.

(3.) All dealings with or transmissions of land comprised in such lease or license shall be made in accordance with the provisions of the last-mentioned Act, and be in all respects subject thereto.

Dealings with land
to be under last-
named Act.

(4.) All dealings with or under leases or licenses in contravention of the provisions of section eighty-four hereof as to transfers of leases and licenses shall be absolutely void, and the District Land Registrar shall not register any dealing with or under a lease or license until he is satisfied that the said provisions have been complied with.

Registrars to refuse
to register transfers
until provisions of
Act complied with.

Provisions for
registration of
leases extended.
1893, No. 58, sec. 4

Claims for fouling
of waters of streams
barred.
1892, No. 37, sec. 27

Lessee liable for
rates, &c.
Ibid, sec. 88

Leases, &c., exempt
from stamp duties.
Ibid, sec. 89

In case of loss of
lease, &c., Board
may substitute a
new lease.
Ibid, sec. 90

Lost land orders
or land scrip.
Ibid, sec. 91

Persons above
seventeen may be
selectors.
Ibid, sec. 92

(5.) The foregoing provisions of this section as to registration of the therein-mentioned leases and licenses, and transfers thereof, and dealings with or transmissions of land comprised therein, shall apply, *mutatis mutandis*, to licenses under Part III of "The Land Act, 1885," and also to occupation licenses and certificates of occupancy under this Act or under "The Land Act, 1892."

91. Where any lands sold or leased under this Act have a frontage upon any stream of water, the purchaser or lessee shall have no claim or right of action against the Crown or any other person whomsoever for damage caused by the fouling, pollution, or diversion of the waters of such stream in the prosecution of gold-mining by any tenants or licensees of the Crown, or the Board, or of any local authority:

Provided that, in case of such fouling, pollution, or diversion, there shall be available, or rendered available, by such person or local authority, a supply of clean water sufficient for domestic purposes or other industrial necessity of the freehold or leasehold.

92. The lessee or licensee shall be liable for all rates, taxes, or assessments of every nature or kind whatsoever imposed upon the occupier of the lands included in his lease or license during the term for which he is lessee or licensee, or until a transfer has been approved by the Board.

93. All leases and licenses under this Act, and also all declarations made under this Act, shall be exempt from duty under any Act for the time being in force relating to stamp duties.

94. (1.) The Board, on being satisfied that any lease or license has been lost or accidentally destroyed, may grant a new lease or license in lieu thereof, on such terms and conditions and on payment of such fee in each case as it thinks fit.

(2.) Where any indorsement is required to be made on any lease or license, and the same is lost or destroyed as aforesaid, the Board may grant a new lease or license in lieu thereof, and make the required indorsements thereon, or, if it thinks fit, may incorporate the substance of the indorsements with the terms of the original lease or license and insert them together in the new lease or license.

95. The Board, on being satisfied, by such evidence as it thinks sufficient, that any land order or land-scrip certificate has been lost or accidentally destroyed, and that the party claiming land by virtue of such order or scrip certificate would be entitled to the land if such order or scrip certificate were in existence, may report to the Governor that such party is entitled to the land claimed, and thereupon the Governor may issue a Crown grant in favour of the person so reported to be entitled to the same.

Selectors, Limitations, Penalties, and Forfeitures.

96. (1.) Any person of the age of seventeen years and upwards may become a selector under Parts III, IV, and V of this Act; but no person who has forfeited the right to hold the land selected by him under this or any former Land Act by reason of the wilful breach of any of the conditions of his lease or license shall be allowed, without the consent of the Board, at any time to make a new selection under this Act, within a period not exceeding two years from such forfeiture as may be determined by the Board.

(2.) For all the purposes of this Act, and also of "The Fencing Act, 1908," any minor who holds any land by virtue of any lease, license, certificate of occupancy, or other form of tenure under this Act shall be deemed to be of the full age of twenty-one years.

Minor deemed
of full age.
1895, No. 58, sec. 11

97. (1.) No person shall be capable of acquiring under Part III or Part IV of this Act any land which, together with all other land (whether Crown land or not) owned, held, or occupied under any tenure of more than one year's duration, either severally or jointly or in common with any other person, would exceed a total area of five thousand acres calculated in manner hereinafter provided.

Limit of area to
be acquired.
1907, No. 51, sec. 36

(2.) For the purposes of this section the interest of a Maori in any land that has not been partitioned shall not be deemed to be land owned, held, or occupied by such Maori.

(3.) This section shall apply to the acquisition of any lease or license by assignment, and to the taking of a sublease of land included in any lease or license, in the same manner as to the original acquisition of such a lease or license.

(4.) Nothing in this section shall prevent the acquisition of any lease or license by any executor, administrator, trustee, or beneficiary under any will or intestacy.

(5.) Nothing in this section shall prevent the assignment of any lease or license to any person by way of mortgage.

(6.) In estimating for the purposes of this section the area of land already owned, held, or occupied by any person, no account shall be taken of land vested in such person as a trustee, mortgagee, executor, or administrator only.

(7.) For the purpose of computing the total area mentioned in this section every acre of first-class land shall be reckoned as seven and a half acres, and every acre of second-class land shall be reckoned as two and a half acres.

(8.) Any land which has not been classified shall for the purposes of this section, if of an unimproved value of four pounds per acre or upwards, be deemed to be first-class land, and if of an unimproved value of less than four pounds but not less than two pounds shall be deemed to be second-class land, and if of an unimproved value of less than two pounds shall be deemed to be third-class land.

(9.) Land held under lease the term of which expires within nine months shall not be deemed to be land held or occupied within the meaning of this section, unless the lessee has a right to a renewal of such lease.

98. (1.) The original grantee of any scrip, order, or other authority issued to him under the provisions of any special Act shall be entitled to exercise such authority to its full extent in the purchase of land, notwithstanding that by such purchase he may become the holder of land in excess of the limitation of area mentioned in this Act.

Original grantee
of scrip, &c.
1892, No. 37, sec. 94

(2.) The transferee of any such scrip, order, or other authority as aforesaid, or any other person other than the original grantee thereof, shall not be entitled to exercise any such authority as aforesaid in the purchase of land in excess of any such limitation of area as aforesaid.

Transferee of
scrip, &c.

99. (1.) No person shall, by himself or through any other person for him, be entitled to acquire, obtain, or hold, either by original application or by transfer, or otherwise in any manner, any land under

Land to be acquired
for sole use and
benefit of applicant.
Ibid, sec. 95

any tenure under this Act unless it is exclusively for his own use or benefit.

Who may not be
lessee or licensee.

(2.) No person who at the time of making his application has made any arrangement or agreement to permit any other person to acquire, by purchase or otherwise, the land in respect of which his application is made, or any part thereof, or the applicant's interest therein, shall become a lessee or licensee under this Act.

Breach of Land
Acts punishable by
imprisonment

(3.) Every person who wilfully commits, or incites, instigates, or employs any other person to commit, any breach of the provisions of this Act or of any former Land Act regarding lands disposed of for cash, or on deferred payment, or for occupation with right of purchase, or on perpetual lease, or on lease in perpetuity, or on renewable lease, or as small grazing-runs, or by pastoral lease or license, by obtaining such lands not exclusively for his own use or benefit, is liable to a fine not less than one hundred pounds and not exceeding five hundred pounds, or to imprisonment for any term not exceeding one year with or without hard labour; and every person who aids or abets in such breach is liable to the same punishment.

Companies may
make declarations
by their agents, &c.
1892, No. 37, sec. 97
1907, No. 51, sec.
29 (1)

100. A director, attorney, or agent of a company may make on its behalf any of the declarations required by this Act or any former Land Act.

Making false
declaration.
1892, No. 37, sec. 98

101. Every person who, in any statutory declaration required under this Act or any former Land Act, wilfully declares to anything which is false commits an indictable offence, and is liable to a fine not exceeding two hundred pounds, or to imprisonment for any term not exceeding one year with or without hard labour; and any lease or license acquired through any such declaration shall become thereby absolutely forfeited.

Board may cancel
sale if application
made in fraud or
evasion of Act.
Ibid, sec. 99

102. (1.) Where the Commissioner has reason to believe that the statements in any declaration made by any applicant for land are false, or that the applicant in making the same had in any manner evaded or attempted to evade the requirements of the Land Acts in their true intent and spirit, the Board, on the report of the Commissioner, may, in its discretion, hold an inquiry into the case, and may declare forfeited all the rights of the applicant to the land and all moneys paid in respect thereof; and in such case the land shall again be open for application as if it had never been selected, or, if the applicant has purchased and subsequently parted with the said land, then he shall be liable to a fine of twenty-five per centum of the purchase-money, to be recovered in a summary manner.

(2.) Nothing in this section shall be deemed to exempt any such applicant from any prosecution or penalty he may have become liable to by reason of making a false declaration.

Landless applicants
to have preference.
1907, No. 51, sec. 63

103. (1.) In cases where a ballot is required those applicants who are landless shall have preference over those who are not, and the decision of the Board as to which of the applicants are landless shall be final and conclusive.

(2.) An applicant is landless within the meaning of this and the two next succeeding sections hereof if he does not hold under any tenure such area of land, whether Crown land or not, as is in the opinion of the Board sufficient for the maintenance of himself and his family.

(3.) In the case of a husband and wife (except when they are judicially separated), if either of them is not landless, neither of them shall be deemed to be landless.

104. (1.) The Board may, with the approval of the Minister, on the opening of any land for public selection, set apart not more than one-third of such land as allotments in respect of which preference at any ballot shall be given to applicants who are landless and who belong to any of the following classes:—

- (a.) Married men with children:
- (b.) Widowers with children:
- (c.) Widows with children:
- (d.) Married women with children and judicially separated from their husbands.

(2.) All such applicants shall rank equally with each other.

105. The Board may, with the approval of the Minister, on the opening of any land for public selection, set apart certain allotments in respect of which preference at any ballot shall be given to applicants who are landless and have within the previous two years competed at least twice unsuccessfully at any other land-ballot, whether under this Act or under "The Land for Settlements Act, 1908."

106. (1.) The Governor may from time to time by Order in Council make regulations as to the mode in which ballots are to be conducted in order to render effectual the provisions as to preference contained in this Act.

(2.) Prior to the coming into operation of such regulations the Board shall have power to make any such arrangements for this purpose as it considers fit.

107. The decision of the Board as to the rejection or preference of any applicant shall be final and conclusive.

108. Before taking a ballot or otherwise disposing of applications for land the Board may, in such manner as it thinks fit, inquire into all matters affecting an applicant's suitability or his right of preference under this Act, and may reject any applicant who refuses or fails to answer any inquiries as to such matters to the satisfaction of the Board.

109. Every person who hereafter is successful in any land-ballot, whether under this Act or under "The Land for Settlements Act, 1908," and who makes any disposition of his allotment or any part thereof, whether by way of assignment or sublease, shall be disqualified for the period of five years after the date of such disposition from taking part in any land-ballot, whether under this Act or under "The Land for Settlements Act, 1908."

110. If any lessee or licensee makes default in the payment of rent or other payments, or in the observance or performance of any of the conditions contained in this Act, or which may be implied or expressed in his lease or license, or makes any false declaration in respect of the land comprised therein, his lease or license shall be liable to be absolutely forfeited, with or without inquiry, and the lands included in the same, with all improvements thereon, shall revert to His Majesty, without any payment whatsoever to the lessee or licensee.

111. Subject to the right of appeal under this Act, the production of a copy of the *Gazette* containing a notice, purporting to be signed

Preference in certain cases to married men, &c., who are landless.
1907, No. 51, sec. 64

Preference in certain cases to former unsuccessful applicants who are landless.
Ibid, sec. 65

Regulations as to conduct of ballots.
Ibid, sec. 66

Decision of Board to be final.
Ibid, sec. 67

Board may examine applicants before ballot.
Ibid, sec. 68

Restriction on successful applicant who has disposed of allotment.
Ibid, sec. 69

Lease to be determined in default of observance of conditions, &c.
1892, No. 37 sec. 100

Gazette notice of forfeiture to be evidence thereof.
Ibid, sec. 101

by the Minister, of the revocation or forfeiture of any lease or license, or that any such lease or license has become forfeited and void, shall be conclusive evidence that such lease or license has been lawfully annulled and determined.

In case of forfeiture Registrar may correct register.
1892, No. 37, sec. 102

112. In every case of the forfeiture of any lease or license the Commissioner may send to the District Land Registrar a notice of such forfeiture, which shall be a sufficient authority for the said Registrar to enter upon the register a note of the said forfeiture and of the cancellation of the lease or license, as the case may be.

In case of forfeiture warrant to issue for obtaining possession.
Ibid, sec. 103

113. Where any lease or license whatever, whether granted under this Act or under any former Land Act, is liable to forfeiture for breach of any conditions other than those mentioned in section fifty hereof, the Commissioner may, without making any previous demand for possession of the land comprised in such lease or license, take proceedings for the recovery of such land in manner hereinbefore provided in section thirty-two hereof, as if such land were in the illegal occupation of the lessee or licensee; and if the Magistrate decides that any of the conditions of the lease or license have not been fulfilled, he shall declare the interest of the lessee or licensee to be forfeited, and shall forthwith issue his warrant to the bailiff of the Court or to any constable to give possession of the land to the Board.

Lessee to be liable for rent until recovery of possession.
Ibid, sec. 104

114. In every case of the forfeiture of a lease or license for breach of conditions the lessee or licensee shall be liable for rent or yearly payments in respect of his lease or license up to the time when possession of the land comprised therein has been obtained by or on behalf of the Board, but not afterwards.

On forfeiture Commissioner may sue for arrears.
Ibid, sec 105

115. Where any such lease or license has been declared forfeited the Commissioner may, in his own name, sue, in any Court of competent jurisdiction, the lessee or licensee of such land for the recovery of any arrears of rent or payments which may be due and owing at the time he ceases to occupy such land.

Rebate of Rent.

Interpretation.
1900, No. 57, sec. 2

116. (1.) In this section "Crown tenant" means any holder of a deferred-payment capitalised license held under section one hundred and twenty-six of "The Land Act, 1885," or any holder of a perpetual lease granted under Part IV of that Act, or any lessee or licensee of Crown land held under lease or license granted under Part III or IV of "The Land Act, 1892," or under Part III, IV, or IX of this Act, or any holder of a lease in perpetuity under "The Cheviot Estate Disposition Act, 1893."

Rebate on punctual payment of rent.
Ibid, sec. 3

(2.) The Commissioner and the Receiver may, in their discretion, grant to a Crown tenant not being in arrear with any instalment of rent under his lease or license a rebate not exceeding one-tenth of each half-yearly instalment of rent which he pays within one month after the day appointed for the payment thereof.

(3.) Such rebate may, when agreed to by the Commissioner and Receiver, be deducted and retained by the Crown tenant from the full amount of the instalment when making the payment.

(4.) In any case where the Commissioner and the Receiver do not see their way to grant a rebate of rent as aforesaid their decision shall be final and conclusive.

117. (1.) In the event of any such Crown tenant being unable at any time, through any natural disaster or other sufficient cause, to pay the rent due under his lease or license, then on the recommendation of the Board, and on 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.

(2.) This and the last preceding section shall apply to leases and licenses current on the coming into operation of this Act, as well as to those hereafter granted.

Rent may be remitted in certain cases. 1900, No. 57, sec. 4

PART II.

CLASSIFICATION AND SALES OF LANDS.

Classification, &c.

118. All lands of the Crown shall consist of three classes, as follows, namely:—

- (a.) Town land—being the sites heretofore reserved or which are hereafter reserved for towns or villages :
- (b.) Suburban land—being land in the vicinity of any town lands :
- (c.) Rural land—being lands not reserved for towns or villages or other public purposes.

Classification of Crown lands. 1892, No. 37, sec. 106

119. (1.) All the lands known as the Ellesmere Lake lands, as the same are described in the Second Schedule of "The Ellesmere and Forsyth Reclamation and Akaroa Railway Trust Act, 1876," and in the Second Schedule of "The Railways Construction Act, 1878," and which have not been sold or otherwise disposed of under section ten of the Act last mentioned, or of section six of "The Ellesmere Lake Lands Act, 1888," are hereby declared to be Crown lands subject to the provisions of this Act :

Ellesmere Lake lands declared to be Crown lands, and subject to Act. Ibid, sec. 107

Provided that such lands may not be disposed of except under the system known under this Act as renewable lease.

(2.) All moneys received on account of leases of the said Ellesmere Lake lands shall be paid by the Receiver of Land Revenue into the Public Account to the credit of the Public Works Fund, and shall be applied in manner following: Firstly, in repayment of the expenses of survey and administration of the said lands; secondly, in repayment of the cost of such works as may be necessary for the reclamation of the said lands; thirdly, in repayment to the Public Works Fund of all moneys heretofore paid out of such fund in or towards the construction of the railway from Lincoln to Little River; and the balance shall be applied in manner as provided by section eleven of "The Railways Construction Act, 1878," with respect to moneys received under section ten of that Act.

Proceeds to be paid to Public Works Fund.

(3.) The Governor may, if in his discretion he thinks fit, exchange any part of such land for other land of equal value which he considers better adapted for settlement purposes :

Provided that not more than one-half of such land shall be so exchanged, and the area of land so taken in exchange shall be dealt with under the renewable-lease system.

(4.) There shall be excepted from the operation of this section all the lands first described in the Schedule to "The Taumutu Native

Commonage Act, 1883," containing seven hundred acres, more or less, and the lands comprised within the Native Reserves eight hundred and seventy-eight, eight hundred and eighty-nine, and eight hundred and six, as if they had never been included in the aforesaid Second Schedule.

Board to classify
lands.
1892, No. 37, sec. 108

120. (1.) The Board, subject to the approval of the Governor, at any time and from time to time, by notice in the *Gazette*, may declare that any land not already classified shall belong to any of the said classes, and also that any land already classified shall cease to belong to any of such classes.

(2.) No land which has been declared to be town or suburban land shall cease to belong to such classes respectively without the consent previously obtained of the Governor.

Survey and form
of allotments.
Ibid, sec. 109

121. All sections shall, as far as the features of the country will admit, be of a rectangular form, with due regard, however, to fencing-lines, and, when fronting a road, river, lake, or the sea-coast, be of a depth not less than twice the length of the frontage; but where rural land is open for selection before survey, then, except with the approval of the Commissioner, no application for any section thereof shall be received if the section has a less depth than forty chains from a frontage line, unless it is bounded by other frontage lines or by private lands.

Reserves along sea-
shore and banks of
lakes, rivers, &c.
Ibid, sec. 110

122. There shall be reserved from sale or other disposition a strip of land not less than sixty-six feet in width along all high-water lines of the sea, and of its bays, inlets, or creeks, and along the margins of all lakes exceeding fifty acres in area, and along the banks of all rivers and streams of an average width of not less than thirty-three feet, and, in the discretion of the Commissioner, along the bank of any river or stream of less width than thirty-three feet.

Town and suburban
lands to be sold at
auction.
Ibid, sec. 111

123. All town and suburban lands and village lands (not being within any village settlement) may be offered for sale by auction in sections, the size or extent and upset price of which shall be fixed and determined by the Board, subject to the approval of the Governor, and to the condition that no town lands shall be sold at a rate less than twenty pounds per acre, and no village lands at less than three pounds per acre, and no suburban lands at less than two pounds per acre.

Lease of town,
suburban, and
village lands.
1907, No. 51, sec. 37

124. (1.) All town and suburban and village lands (not being within any village settlement) may be let at a rent not less than five per centum per annum on the value of the land as determined by the Board with the consent of the Minister.

(2.) The lease may, at the discretion of the Board, be either—

(a.) A lease for any term not exceeding ten years; or

(b.) A renewable lease on the same terms and conditions as a renewable lease of rural land, save that the term of such lease and of every renewal thereof shall be thirty-three years instead of sixty-six years, and save also that in the event of such a lease not being renewed the value of any improvements on the land shall not constitute a debt due to the lessee by the Crown, but shall be paid by the incoming tenant or purchaser, as the case may be.

Classification and
cash price of rural
lands.
Ibid, sec. 38

125. All rural lands may be classified by the Board into first-class, second-class, and third-class lands, and the capital value thereof shall be fixed by the Board at the prices following, that is to say:—

- (a.) First-class lands, at a capital value not less than one pound per acre ;
- (b.) Second-class lands, at a capital value not less than ten shillings per acre ; and
- (c.) Third-class lands, at a capital value not less than two shillings and sixpence per acre.

126. The Governor may at any time, by warrant under his hand, appoint the time at which any town, suburban, or rural lands shall be offered for sale, whether or not any such lands have at any time previously been offered for sale ; and may classify and reclassify such lands, and fix the price thereof, being a price not less than the minimum prescribed for land of the same class.

Governor may
appoint time of sale
of land, and fix
class and price.
1892, No. 37, sec. 113
1907, No. 51, sec. 39

Bush, Swamp, and Scrub Lands.

127. (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 this Act, provide—

Encouragement of
settlement on bush
and swamp land.
1903, No. 25, sec. 2

- (a.) That no general rate shall be levied or collected by any local authority 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 swamp land, or two years in the case of scrub land, from the date from which such land was disposed of ; and no local authority shall have power to levy or collect any such rate from such land during such period :
- (b.) That, after the first half-year's rent has been paid by the selector, the further instalments of rent 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 swamp land, or two years in the case of scrub land, shall not be demanded :

Provided that if at any time during the first five years of his occupancy the selector disposes of his interest in the land the rent conceded under this section shall be paid by him in full, and thereupon the Land Board may remit such instalments of rent payable by the incoming tenant, not exceeding in the aggregate the amount of rent previously conceded to the selector, as the Board thinks fit.

(2.) 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 this Act.

(3.) The Board may exempt any tenant of swamp lands from the conditions of residence for five years 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 sixty-two hereof, anything therein to the contrary notwithstanding.

(4.) The Governor, in any notification setting apart any lands under this section, may declare what portions of such lands shall for the purposes of this section be "heavy-bush land," "light-bush land," "scrub land," or "swamp land" respectively.

Miscellaneous Provisions as to Disposal of Lands.

Application for
additional area of
land.

1892, No. 37, sec. 114

128. (1.) Any selector of less than six hundred and forty acres of land under Part III of this Act, or under the provisions of any former Act relating to occupation of land on similar tenure, may apply to the Board for an additional area of surveyed or unsurveyed land contiguous to the land in his selection; and the Board, if it thinks fit, but subject to the limitations of this Act, may dispose of such land to the applicant without competition, at such price not being in any case less than twenty shillings per acre, to hold the same on the same tenure as that of his original selection.

(2.) Lands which are separated only by a road or a stream shall be deemed to be contiguous for the purposes of this section.

Unsurveyed land
may be disposed of
if Board thinks fit.
Ibid, sec. 115

129. (1.) On the application of any person who may be desirous of acquiring under any tenure a section of unsurveyed land not exceeding six hundred and forty acres in area, and on deposit of the estimated cost of the survey thereof, the Board in its discretion, but subject to the approval of the Governor, may dispose of such section to him, at a price to be fixed by the Board.

(2.) Before disposing of any land under this section the Board shall advertise the application at least three times in some newspaper circulating in the district.

Application for
unsurveyed land to
be advertised.

1907, No. 51, sec. 40

Rural land which
may not be required
for settlement
may be let for
occupation from
year to year.

1892, No. 37, sec. 116

1907, No. 51, sec. 41

130. The Board may from time to time grant, or offer for sale by public auction or by tender, a license for occupation for grazing or other purposes, from year to year, on such conditions and at such rental as it thinks fit, any area of Crown lands, whether or not situate within any hundred, or within any commonage, mining, or other reserve; subject, however, that, without any notice to that effect being necessary to be given to the licensee, and without entitling the licensee to any compensation, any such license shall cease and be determined at any time in respect of the whole or any portion of the land over which it was granted, in the event of a breach of any of the conditions of such license, or in the event of the whole or such portion of the said land being required for settlement, reservation, sale, or other purposes under this Act, or for any other public or mining purposes, or for coal-mining.

Outlying pieces of
land may be sold to
adjacent owners.

1892, No. 37, sec. 117

131. In cases where there is no convenient way of access to any portion of the Crown land, or in which any portion of Crown land is insufficient in area for public sale, or where a portion of Crown land lies between land already granted and a road which forms or should form the way of approach to such granted land, or in any other cases of a like kind, the Board may, with the consent of the Minister, sell such land, if not exceeding fifty acres in area, to the holder or holders of adjacent lands without competition, and at a price to be determined by an appraiser to be appointed by the Board:

Provided that no such land shall be sold at a less price than one pound an acre.

Board may sell or
lease lands of
special value.
Ibid, sec. 118

132. (1.) The Board may at any time offer for sale or lease by auction, in such manner and at such price as it thinks fit, not being less than the price for the time being authorised by law within the land district, any land which may be deemed to possess special value owing to its superior quality for agricultural purposes, or to proximity of constructed or projected lines of railway, or on account of minerals

or timber, or from improvements or otherwise, or in respect whereof compensation has been paid to any person under any Act.

(2.) In every such case there shall be entered on the minutes of the proceedings of the Board the cause for which the Board deems such land to possess special value.

(3.) In the case of timber land the Board may add to the upset price of the land the estimated value of the timber growing thereon, such value to be paid down at time of sale.

133. (1.) The Governor, by Proclamation, may from time to time declare any Crown lands within any mining district not held under lease or license at the date of such Proclamation, or over which the lease or license has been cancelled, to be open for disposal as provided in section one hundred and thirty-five hereof, in sections of such size and form, or as unsurveyed land, and on such date as he may determine.

Disposal of land
within mining
districts.
1892, No. 37, sec. 119

(2.) The Governor may from time to time alter, amend, or revoke any such Proclamation.

(3.) Before any such Crown land is offered for disposal as provided in section one hundred and thirty-five hereof, the Board shall require the Chief Surveyor to report whether in his opinion any watercourse running through or bounding such land will be thereafter probably required for the purpose of discharging therein tailings, mining *debris*, or waste water; and if in the opinion of the Chief Surveyor such watercourse will be so required, the same shall be duly notified accordingly, and a right to holders of miners' rights and mining privileges to use such watercourse for any such purpose without liability to pay compensation therefor shall be reserved in the Crown grant or in any lease or license for the occupation of such land.

Saving as to right
to watercourses.

134. (1.) Where any mineral, mineral oil, gas, metal, or valuable stone has been or hereafter is discovered on any Crown lands held under lease or license for pastoral purposes, the Governor at any time may cancel the lease or license over any such lands, and over such areas adjacent thereto, as may from time to time be required for the proper working of the mines or for granting access thereto.

Lease or license
over mineral lands
may be cancelled.
Ibid, sec. 120

(2.) No lessee or licensee holding a lease or license for pastoral purposes granted under this Act or any former Land Act shall be entitled to any compensation in respect of any land whereof the lease or license is cancelled as hereinbefore provided.

135. Where any mineral, mineral oil, gas, metal, or valuable stone has been or hereafter is discovered on or adjacent to any Crown land, whether open for selection or not, or on any Crown lands heretofore reserved or hereafter to be reserved for coal-mining, or in case where the presence of such mineral, mineral oil, gas, metal, or valuable stone is probable, the Governor in Council may withdraw such lands from sale, and may thereafter deal with such lands by special regulations, but always subject as follows:—

Mineral lands may
be withdrawn from
sale.
Ibid, sec. 121

(a.) The surface of the land may be leased on renewable lease under Part III, or under Part V, or under Part VI of this Act.

(b.) No right to any mineral, mineral oil, gas, metal, or valuable stone under the surface shall pertain to the lessee.

(c.) A covenant shall be inserted in every lease or license specially excepting such minerals, oils, gases, metals, and valuable stones from all claims or right of the lessee or licensee, and

limiting such right to the surface soil of the land comprised in his lease or license ; and reserving a right of ingress, egress, and regress to all persons lawfully engaged in working any such minerals, oils, gases, metals, or stones.

Board may
withdraw land
from sale, subject
to reversal by
Governor.

1892, No. 37, sec. 122

136. (1.) The Board may withdraw any land from sale which it deems would be prejudicial to the public interest, notwithstanding that application may have been made to purchase the same.

(2.) The Board shall forthwith report its reasons for such withdrawal to the Governor, who may affirm or overrule the decision of the Board.

(3.) In the event of the Governor overruling such decision, notice thereof shall be given to the original applicant (if any), who shall thereupon be entitled to all his original rights.

Governor may
withdraw any land
from sale or lease.
Ibid, sec. 123

Selector may acquire
additional land.

1907, No. 51, sec. 70

137. Notwithstanding anything in this Act, the Governor, if he thinks fit, may withdraw from sale, leasing, or licensing any land or allotment.

138. In any case where in the opinion of the Board the land held by a selector 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, whether contiguous or not, without such land being first opened for public selection, and notwithstanding any restriction in this Act as to the number of sections which any selector may hold.

Board may create
easements.
Ibid, sec. 71

139. The Board shall have power in granting any lease or license to create thereby any right of way, water-rights, or other easements so as to make the same appurtenant to the land comprised in the lease or license, or so as to make that land subject thereto.

Sale of Crown lands
for certain purposes.
Ibid, sec. 62

140. (1.) The Board may, with the consent in each case of the Minister, dispose of any Crown lands by way of sale in fee-simple as a site for a dairy factory, cheese-factory, fruit-preserving factory, or creamery, or for a church, manse, or parsonage, and for a glebe in connection therewith, or for any other purpose which in the opinion of the Board and the Minister renders such a sale expedient in the public interest.

(2.) No allotment so disposed of shall exceed five acres, or be sold at a less price than one pound per acre.

(3.) The provisions of this Act relating to declaration, formal application, or public auction shall not apply to a sale of land under the provisions of this section.

Encouragement
of wood-pulp
industry.

Ibid, sec. 72

141. (1.) In order to aid in the establishment of the wood-pulp industry for paper-making, the Governor may from time to time set apart land not suitable for close settlement or for leasing under the small-grazing-run system, of a total area not exceeding fifty thousand acres.

(2.) The land so set apart may be disposed of by way of lease, in such areas and on such terms and conditions as may be fixed by special regulations to be made under this section :

Provided that no person shall be granted a lease over a greater area than thirty thousand acres of such land, and no lease shall be for a longer term than twenty-one years or shall include any right of renewal.

(3.) The provisions of this Act relating to the limit of area that may be held by any applicant shall not apply to the granting of a lease hereunder.

(4.) The right to utilise the water-power of any stream on the land so disposed of, and the right to cut, fell, remove, or in any way utilise any timber growing thereon, may be provided for in the regulations to be issued under this section.

(5.) Any land set apart under this section, if situated within the boundaries of a mining district under "The Mining Act, 1908," shall remain subject to the provisions of that Act.

142. (1.) It shall be lawful for the Governor, whenever he deems it expedient in the public interest, to grant in fee-simple any area of Crown land which is subject to the provisions of this Act in exchange for the fee-simple of any other land which in his opinion is of approximately equal value, and on any such exchange to pay or receive by way of equality of exchange any sum not exceeding ten per centum of the estimated value of the Crown land so granted.

Crown land in
exchange for
private land.
1907, No. 51, sec. 73

(2.) Any sum so payable by the Crown by way of equality of exchange shall be paid out of moneys to be appropriated by Parliament, and any sums so receivable by the Crown shall be paid to the Receiver of Land Revenue.

(3.) All land acquired by the Crown by any such exchange shall become Crown land and be subject to the provisions of this Act.

143. (1.) No Crown lands held under this Act under any tenure other than freehold shall be capable of being sold for non-payment of rates by the occupier thereof.

Crown lands not
to be sold for non-
payment of rates.
1892, No. 37, sec. 124
1907, No. 51, sec. 42

(2.) The non-payment of any rates on land held from the Crown for which the lessee or licensee is liable under any law shall be deemed to be a breach of the conditions of his lease or license, for which such lease or license shall be liable to forfeiture, as in the case of non-payment of rent.

(3.) If any lessee or licensee of Crown lands fails to pay to a local authority any rate on Crown lands for which he is liable, for fourteen days after demand thereof by such authority, the said authority may apply to the Board for redress.

(4.) In such case the Board may, if such rate remains unpaid for thirty days after notice served by the Board, declare such lease or license to be absolutely forfeited.

(5.) The Board may in any case declare that any rates (not exceeding two years' arrears) due by an outgoing lessee or licensee are a charge upon any moneys received or receivable by the Board from an incoming lessee or licensee for improvements on the land, and may pay to any local authority out of such moneys the amount of the rates so charged thereon.

(6.) The provisions of this section shall apply to all lessees or licensees under this Act or under any Act heretofore in force.

Resumption of Land for Public Purposes.

144. (1.) The Governor in Council may by Proclamation resume possession of the whole or any portion of any land held under lease or license under Part III, IV, V, or VI of this Act or under any corresponding Part of "The Land Act, 1892," which in his opinion is required for any public purpose, or which is deemed by him to be auriferous or argentiferous, or required for mining or coal-mining purposes, and on

Governor in Council
may resume lands
required for public
purposes, &c.
1892, No. 37, sec. 125

How lessee or licensee dealt with on resumption.

the gazetting of such Proclamation the lease or license shall be determined as far as relates to the lands mentioned in the Proclamation.

(2.) Upon such resumption of any part of the land so held, the rent or periodical payments payable by the lessee or licensee shall be abated in the proportion to the whole rent payable under the lease or license which the area so resumed bears to the whole area so held; and upon resumption of the whole or any part of the land held by him the lessee or licensee shall be entitled to be paid compensation, valued by arbitration, for any substantial improvements of a permanent character then in existence on the land which has been so resumed.

(3.) If by reason of such resumption any portion of the land is so severed from the rest as in the opinion of the lessee or licensee to greatly diminish the value thereof, he shall be entitled to surrender any portion so severed, and shall be entitled to a further proportionate abatement of rent or of periodical payments and to compensation as if the portion so surrendered had been actually resumed.

Thirds and Fourths for Road-making.

Thirds and fourths of price or rent of land to be paid to local authority for road-making.

1892, No. 37, sec. 126
1895, No. 58, sec. 10 (2)

145. (1.) For or towards the construction or maintenance in any district of roads and bridges leading to or opening up the land disposed of under this Act or under any Act heretofore in force, there shall be handed over to the local authority having the control of roads in such district one-third of the price or value of the periodical payments and rental of all land disposed of on deferred payments under any Act, or on perpetual lease, under any Act repealed by "The Land Act, 1892," or on a lease in perpetuity under that Act, or on renewable lease under this Act, or on a lease under section eight of Appendix C of "The Land Act, 1885," or for occupation with right of purchase under this Act or "The Land Act, 1892," and one-fourth of the rent of every grazing-run leased under Part V of this Act or "The Land Act, 1892."

(2.) The money so handed over to a local authority shall be expended by such local authority for the purposes aforesaid, and such expenditure shall be first sanctioned by the Land Board of the district as being for the benefit of the selectors from whose lands such moneys are derived.

(3.) The price or value of land upon which such third or fourth is to be paid to local authorities under this section shall be deemed to be and to have been the net price or value before any addition has been made thereto under the provisions of "The Local Bodies' Loans Act, 1908," and after there has been deducted therefrom all sums credited to the selector under the provisions of section sixty-five hereof.

1907, No. 51, sec. 43

(4.) The right of local authorities to thirds and fourths under this section shall not be affected by the allowance of any rebate under section one hundred and sixteen or one hundred and seventeen hereof.

Duration of payments.

1892, No. 37, sec. 127

146. (1.) The aforesaid payments of thirds and fourths in respect of such lands shall be deemed to have commenced and shall continue as follows:—

(a.) In respect of deferred-payment lands, for a period of ten or fourteen years, as may be the case, from the commencement of rent; and of lands occupied with right of purchase, for a period of fifteen years from the date of the license:

(b.) In respect of lands disposed of under section eight of the aforesaid Appendix C, for the whole term of the lease:

- (c.) In respect of perpetual-lease lands, for a period of fifteen years from the first day of January, one thousand eight hundred and eighty-five, in respect of leases then existing; and in respect of any such leases granted thereafter, and in respect of leases in perpetuity and of renewable leases, for a period of fifteen years from the commencement of the rent: and
- (d.) In respect to leased grazing-runs, for a period of fifteen years from the first day of March or September next following the entry into occupation under the lease.

(2.) For the purposes of this section all payments made before the coming into operation of this Act shall be taken into account.

(3.) Nothing in this section shall authorise the payment in respect of any land of any sum greater than the third or fourth, as the case may be, of fifteen years' rent, notwithstanding that the land may be let in succession to two or more different tenants or that the lease or license thereof may be renewed. 1907, No. 51, sec. 44

147. (1.) All such moneys as aforesaid shall be paid as follows:—
Where the land in respect whereof such money arises—

To whom paid.
1892, No. 37, sec. 128

- (a.) Is situated in a borough or town district, it shall be paid to the Borough Council or Town Board thereof; but if the land is outside a borough or town district, then the money shall be paid to the Council of the county or to the Road Board of the road district wherein the land is situate, or to the Road Board of the adjacent district if the access is from or through that district, as the Minister determines it would be most advantageously expended in each case: or
- (b.) Is situated in any of the counties which are excepted from the operation of "The Counties Act, 1908," and in counties where there is no County Council, and wherein there are no road districts, it shall be expended under the direction of the Minister, or any person whom he may appoint, for the objects directed.

(2.) When any land in respect whereof any thirds are payable as aforesaid is acquired in freehold, then the whole amount of the aliquot parts of the rents or payments which would become payable under this or any other Act in respect of the said land had it not been purchased shall be paid by the Receiver of Land Revenue as mentioned in the next succeeding section.

148. Every Receiver of Land Revenue, from time to time as he receives the same, shall pay into a deposit account the aliquot parts of all rents and purchase-moneys for land which, under any law for the time being in force, are made payable to any local authority; and on the first day of the months of February, May, August, and November in each year shall, on the certificate of the Land Board that it has approved the works whereon such money is intended to be expended, pay the money accrued from the said deposit account to the local authority entitled thereto by cheque to be signed by himself and countersigned by the Commissioner, and not otherwise.

Payments to be made quarterly.
Ibid, sec. 129

149. Any moneys which by section one hundred and forty-five hereof are authorised to be expended in the construction or maintenance of roads and bridges may from time to time be expended in or towards the construction of water-races for the supply of water to or for the drainage of such lands, if the Minister gives his written consent to such expenditure.

Payments may be applied for water-supply or drainage.
Ibid, sec. 130

The local authority entitled to receive payments to satisfy Land Board as to the completion of roads.

1892, No. 37, sec. 131

150. (1.) Where a local authority entitled to receive the third or fourth of the annual payments under section one hundred and forty-seven hereof arising from lands held on deferred payments or lease satisfies the Land Board that such local authority has completed the making of the roads of access to open up the said lands, also all works of water-supply and drainage, to which purpose the aforesaid payments are by law applicable, or that it proposes to complete the same out of moneys then proposed to be borrowed for such purpose, then and in either of such cases the Board may grant a certificate to the local authority to such effect as the case may be, and the said local authority shall thereafter be entitled to apply the recurring annual payments aforesaid as ordinary revenue of the district in the first above-mentioned case, and in the second case may pledge such annual payments, or so much thereof as is necessary in lieu of or in reduction of special rates as security for any such loan as aforesaid.

(2.) In case any selector of land on deferred payments pays the capitalised value of the land in his occupation, the third of such value shall in every case be applicable in the same manner as provided in this section in respect of the recurring annual payments, and shall be so applied.

Payments not properly applied may be recovered as debt due to the Crown.

Ibid, sec. 132

151. Where it appears that any moneys paid to any local authority under this Part of this Act have not been properly applied to the objects for which they were so paid, the Minister of Finance may proceed for the recovery of such moneys as a debt due to the Crown by the said authority, or in his discretion may deduct the amount of such moneys from any subsidy or other moneys payable at any time to the said local authority under any Act.

Payments in respect of land on Main Trunk Railway line.

Ibid, sec. 133

152. Notwithstanding anything to the contrary in section four of "The North Island Main Trunk Railway Loan Application Act Amendment Act, 1889," the local authorities shall be entitled to receive, for the purpose of making roads and bridges, the thirds and fourths hereinbefore mentioned which have accrued, and as they accrue, from lands disposed of within the areas described in the Second Schedule to the said Act as amended by "The North Island Main Trunk Railway Loan Application Acts Amendment Act, 1892."

Rents of Clutha River Trust lands may be applied towards road-making.

Ibid, sec. 134

153. The Board constituted under "The Clutha River Conservators' Board Act, 1875," and its amendments, shall be deemed to have had conferred on it, as from the date of the passing thereof, power to apply any proportion of the rents, license fees, or other moneys arising from the lands mentioned in that Act, or any accumulation thereof respectively, in payment for the survey of such lands or in road-making for the improvement thereof:

Provided that all sums to be hereafter expended in such road-making shall be subject to the approval of the Governor, and shall not exceed the sum of five shillings per acre.

PART III.

LAND ON THE OPTIONAL SYSTEM.

Opening Rural Land for Selection.

Governor, by notification in Gazette, may declare

154. (1.) The Governor may from time to time, by notification in the *Gazette*, declare that any rural land, including land now open

for selection, but not being lands now or hereafter to be open under Part V or VI of this Act, shall be open for sale or selection in the manner and upon the conditions mentioned in this Part of this Act.

(2.) Before gazettement any such notification the Governor shall require the Under-Secretary to report upon the nature, class, and value of such land.

155. (1.) Every such notification shall fix the price at which, and the time when, the land mentioned therein shall be open for selection.

(2.) The time shall not be less than thirty days after the date of the notification.

(3.) The price shall not be less than twenty shillings per acre for first-class land, and five shillings per acre for second-class land.

(4.) The Governor may, in any such notification, assign a price per acre to each block, or to each section within a block, and he may, subject to a new notification being given, and to the provisions of this Act fixing the minimum prices of land, raise or reduce such price.

156. Any notification as aforesaid shall declare that the lands mentioned therein—

(a.) May, at the option of the applicant, be purchased for cash, or be selected for occupation with right of purchase or on renewable lease; or

(b.) May, in respect of any lands containing or supposed to contain any metal, mineral, or valuable stone, be selected on renewable lease only.

157. Notwithstanding anything in the last preceding section, no cash sales of rural land shall be made in any financial year exceeding in area two hundred and fifty thousand acres.

158. The Minister shall open or keep open for sale or lease in every financial year, under Parts III and IV of this Act, land in the proportion in which the maximum areas of the land are authorised to be opened.

Compulsory Residence.

159. Residence on any land, not being land purchased for cash, selected under this Part of this Act or under the corresponding Part of "The Land Act, 1892," shall be compulsory, and shall commence in bush lands or on swamp lands within four years, and in open or partly open land within one year, from the date of selection; and thereafter such residence shall be continuous,—

(a.) On lands occupied with right of purchase, for six years on bush lands or on swamp lands, and for seven years on open or partly open land;

(b.) On lease-in-perpetuity lands or renewable-lease lands, for a term of ten years;

but these conditions of residence shall not apply to any person who has acquired an interest in any lease or license under an intestacy or by virtue of a will.

160. (1.) The Board may dispense with residence if the lessee or licensee resides and continues to reside on lands contiguous to the lands held under lease or license.

(2.) Lands shall be deemed to be contiguous to each other if only separated by a road or stream, or by such interval of space as the Board determines in each case.

lands open for selection.

1892, No. 37, sec. 136
1907, No. 51, sec. 45

Price of land to be stated in notification.

1892, No. 37, sec. 137

Lands to be open at option for cash or license.

Ibid, sec. 138

Limit of cash sales in every year.

Ibid, sec. 139

Proportion of land to be open in every year.

Ibid, sec. 140

Residence to be compulsory.

Ibid, sec. 141

Board may in certain cases dispense with residence.

Ibid, sec. 142

(3.) The Board may also dispense with residence for four years after the commencement of the term where residence is otherwise compulsory in cases where the lessees or licensees are youths or unmarried women living within the land district, and residing with their parents or near relatives.

(4.) In case of the death of either or both parents of a child or children, residence may be dispensed with until such child or one of such children respectively attains the age of seventeen years.

Dispensation in
cases of marriage.
1892, No. 37, sec. 143

161. Personal residence may also be dispensed with by the Board in the cases hereinafter mentioned :—

- (a.) Whenever any two persons, being licensees with right of purchase or lessees in perpetuity or under renewable lease, have lawfully intermarried at some period not sooner than twelve months after the issue of the last of such licenses or leases, such persons may reside on such one of the selections of land made by them as they think fit.
- (b.) Whenever any two persons, one of whom has become a selector of land with right of purchase or a lessee in perpetuity or under renewable lease, and the other is an owner or occupier of freehold land, have lawfully intermarried at some period not sooner than twelve months from the issue of the license or lease held by such selector, such selector may reside on such freehold.
- (c.) Residence on such selection or on such freehold, as may be the case, shall be deemed compliance with the conditions of section one hundred and fifty-nine hereof in respect of residence by such several persons.
- (d.) The Board, however, shall have a discretionary power to dispense with personal residence on sufficient and satisfactory grounds being shown for non-residence.

Improvements.

162. (1.) Every selector of lands under this Part of this Act whether for occupation with right of purchase or for renewable lease, shall put on the land comprised in his license or lease, as the case may be, substantial improvements—

Improvements to
be made on first-
and second-class
lands respectively.
Ibid, sec. 144
1893, No. 42, sec.
3 (5)
1907, No. 51, sec. 46

- (a.) Within one year from the date of his license or lease, to a value equal to ten per centum of the price of the land :
- (b.) Within two years from the date of his license or lease, to a value equal to another ten per centum of the price of the land :
- (c.) And thereafter, but within six years from the date of his license or lease, to a value equal to another ten per centum of the price of the land :

And in addition thereto, within six years from the date of his license or lease, he shall put on the land substantial improvements of a permanent character to the value of one pound for every acre of first-class land, ten shillings for every acre of second-class land, and two shillings and sixpence for every acre of third-class land.

(2.) Every selector shall be bound at any time when so required by the Board to make and sign a statutory declaration as to his fulfil-

ment of the conditions of occupation and improvement of the land in his occupation up to the time of making the said declaration.

163. The provisions of the last preceding section, in so far as concerns the condition as to improvements to be made on land by the selector, shall be read subject to the following modification, that is to say:—

Board may modify conditions as to improvements.
1895, No. 58, sec. 8

In any special case where, having regard to the nature or situation of the land, or the extent to which it was already improved at the date of selection, the Board is of opinion that it would be unreasonable to require the selector to fully comply with such conditions, it may modify those conditions to such extent as, with the approval in writing of the Minister, it thinks fit:

Provided that in no case shall the selector be relieved from the obligation to effect at least one-half of the improvements prescribed by that section.

164. In the case of suburban lands the Board in its discretion may dispense with conditions as to improvements of special monetary value, where such substantial improvements have been effected as in the opinion of the Board are reasonable in the circumstances.

Improvements on suburban lands.
1892, No. 37, sec. 146

165. The Board, on compliance with the provisions of section eighty-four hereof, or on being satisfied by a statutory declaration that the transferor is unable or not in a condition to make the improvements, on the land required by this Act, may sanction a transfer, either by way of mortgage or otherwise, of land other than cash land, or of any interest in such land, held under this Part of this Act or under the corresponding Part of "The Land Act, 1892," at any time after the first selection thereof, to any person not disqualified who makes the declaration required by this Act for the particular system under which the land is held.

Transfer of interest by selector.
Ibid, sec. 147

Cash Lands, Crown Grants, Exchanges.

166. (1.) No Crown grant shall issue to any purchaser of cash land under this Part of this Act or the corresponding Part of "The Land Act, 1892," until the Board is satisfied that such purchaser has, at any time within seven years from the date of his purchase, expended in substantial improvements of a permanent character on the land a sum equivalent to twenty shillings per acre on first-class lands and ten shillings per acre on second-class lands.

Cash lands must be improved before issue of grant.
Ibid, sec. 148
1907, No. 51, sec. 29 (2)

(2.) Any purchaser of cash lands who holds the same under a certificate of occupation may at any time, with the sanction of the Board, transfer such land by application to the Board, who may indorse on such certificate the name of the transferee, but in every such case the said transferee shall be bound by all the conditions of the original purchase which have not been fulfilled by the transferor; and every such transferee shall make a statutory declaration in the same form, subject to all necessary modifications, as if he were a purchaser of cash lands, before the certificate of occupation is indorsed by the Board.

Transfer of cash lands.

167. Immediately on the payment of the purchase-money for cash land to the Receiver of Land Revenue, the purchaser shall receive a certificate of occupation, in the form in the Second Schedule hereto; and as soon as the Board is satisfied, either by the report of a Ranger

Certificate of occupation to cash purchaser pending improvements on land
1892, No. 37, sec. 149

or by any other evidence it requires in proof, that the improvements required by the last preceding section have been put upon the land, the Crown grant for the land shall be issued to the purchaser, who shall return to the Commissioner the certificate when the Crown grant is issued.

Purchaser failing to fulfil conditions liable to forfeiture of interest in cash lands.
1907, No. 51, sec. 47

168. (1.) If any purchaser of cash lands under this Part of this Act or under the corresponding Part of "The Land Act, 1892," holding the same under a certificate of occupation, fails to fulfil the conditions as to improvements contained in section one hundred and sixty-six hereof within the time therein limited, the Board may declare that his estate and interest in the said land is forfeited, and the said estate and interest shall thereupon cease and determine.

(2.) In the case of any such forfeiture the improvements on the land shall be dealt with as provided in sections seventy-two to seventy-seven hereof.

(3.) This section applies to persons who became purchasers of such lands as aforesaid before the twentieth day of November, one thousand nine hundred and seven (being the date of the coming into operation of "The Land Laws Amendment Act, 1907"), but in the case of such persons no such forfeiture shall take place if within the period of seven years after that date they fulfil the said conditions as to improvements.

Deferred-payment license or perpetual lease under former Acts may be exchanged for renewable lease on certain conditions.
1892, No. 37, sec. 150

169. Any deferred-payment licensee or any lessee of perpetual-lease lands held under any Land Act in force prior to "The Land Act, 1892," may, with the consent of the Board, surrender his license or lease, and obtain from the Board in exchange a renewable lease of the same land under this Act, subject as follows:—

- (a.) All conditions of the license or lease proposed to be surrendered shall have been duly fulfilled to date to the satisfaction of the Board.
- (b.) The lease shall be antedated to the date of the license or lease which is surrendered.
- (c.) The rent under the lease shall be an amount equal to four per centum on the net price of the land under the license or lease.
- (d.) The payments made in respect of the surrendered license or lease shall be reckoned as back-rent and rent in advance under the new lease, commencing from the date of the original license or lease.
- (e.) The payments made to any local authority in respect of thirds up to the time of such surrender shall be deemed to be moneys paid in advance under the new lease, in terms of section one hundred and forty-five hereof; and no further payments of such thirds shall be made until the said advances have been exhausted.

Land selected under former Acts to continue thereunder.
Ibid, sec. 151
1907 No. 51, secs. 3, 48

170. (1.) No land shall be selected under the deferred-payment or perpetual-lease or lease-in-perpetuity systems in force at any time prior to the coming into operation of this Act, but all licensees and lessees under such systems respectively shall continue in occupation of their respective selections, subject to the Acts under which their licenses or leases were granted respectively, as if this Act had not been passed, subject, however, also to any special provisions of this Act relating to deferred-payment lands and licensees thereof, or to perpetual-lease lands and lessees thereof, or to lease-in-perpetuity lands and lessees thereof.

(2.) In the case of any lease or license granted under the authority of any former Land Act which contains provisions for the renewal of such lease or license on its expiration by effluxion of time, nothing in this Act or "The Land Act, 1892," shall take away or affect such right of renewal.

(3.) The last preceding subsection shall, in so far as concerns "The Land Act, 1892," be deemed to have been contained in that Act as from the date of the passing thereof.

Lands for Occupation with Right of Purchase.

171. Lands selected under this Part of this Act or under the corresponding Part of "The Land Act, 1892," for occupation with right of purchase shall be held on the following conditions:—

Conditions of license, and terms to be observed.
1892, No. 37, sec. 152

- (a.) The license shall, in the case of rural land, be for a period of twenty-five years, to be reckoned from the next first day of January or July following the date thereof.
- (b.) The yearly rental in respect of such license shall, in the case of rural land, be an amount equal to five per centum of the cash price of the land, and shall be payable in equal parts half-yearly in advance, on the first day of January and the first day of July in each year, to the Receiver of Land Revenue.
- (c.) The licensee shall, after not less than ten years from the date of his license, have the option at any time during the residue of the term of his license to purchase for cash the freehold of the land comprised in his license, or to exchange such license for a renewable lease under this Act without power of purchase, or to continue in occupation under his license until the expiration of the term.

172. (1.) No licensee with right of purchase shall be capable of becoming the licensee under more than one license, or the lessee of a lease-in-perpetuity or renewable-lease allotment, unless the lands comprised in the several licenses or the license and lease adjoin each other:

No person may hold more than one license.
Ibid, sec. 153

But a licensee under not more than one license who, during a period of three years from the date of his license, has duly fulfilled the conditions thereof shall, subject to the limitations of this Act, be capable of becoming the licensee with right of purchase of another allotment, or the lessee of an allotment under a then subsisting lease in perpetuity issued under "The Land Act, 1892," or under a renewable lease issued under this Act, or a second such lease if he already holds one, whether such new allotment adjoins the original allotment or not; and residence on either one or other of such allotments shall be a sufficient compliance with the requirements of this Act as to residence.

(2.) Any license held by any person who holds or occupies by himself or by other persons under him in breach of the last preceding subsection shall be forfeited, and be deemed to be and to have been, from the issue thereof, absolutely void and of no effect; and the land comprised in the forfeited license may be dealt with forthwith by the Board as in the case of unoccupied Crown lands.

(3.) The provisions of this section do not apply to persons who become licensees or sublicensees by marriage, or under a will, or by virtue of an intestacy.

Periodical reports
on fulfilment of
conditions.
1892, No. 37, sec. 155

On fulfilment of
conditions of license
grant may issue.
Ibid, sec. 156
1893, No. 42, sec.
3 (6)

173. At the end of one, two, six, and ten years respectively from the date of the license, or as soon as conveniently may be thereafter, and at any such other times during the currency of such license as the Board thinks necessary, the Board shall ascertain, by such means as it thinks fit, whether or not any licensee has, during any of the said years or times, fulfilled the conditions of his license.

174. (1.) Upon the application of a licensee at any time after the expiration of ten years of the term of his license, but before the expiry thereof, the Board, on being satisfied that all the conditions of such license up to that time have been fulfilled, and on payment of the cash price of the land, shall certify to the Minister that the licensee is entitled to a Crown grant of the land held by him, and a Crown grant accordingly shall in due course be issued to him.

(2.) At the expiration of the term of the license, if the licensee has not exercised his right of purchase, he shall have a prior right to have a renewable lease of the same land issued to him under this Act, subject to a yearly rent of four per centum on the cash price of the land at the time of the expiration of the license, which shall be ascertained by a revaluation of such land, without buildings or fencing, to be made in such a manner as the Board directs, but no license issued under section one hundred and seventy-one hereof shall be renewed in any case.

Lease-in-perpetuity Lands under "The Land Act, 1892."

As to terms of
leases.
1892, No. 37, sec. 157

175. Land selected under Part III of "The Land Act, 1892," on lease in perpetuity shall be held on the following conditions:—

(a.) The lease shall be for a term of nine hundred and ninety-nine years, reckoned from the next first day of January or July following the date thereof, and shall, in addition, include the period between the date of lease and such day.

How rent paid.

(b.) The yearly rental in respect of such lease shall be an amount equal to four per centum of the cash price of such land, and shall be payable in equal parts half-yearly in advance, on the first day of January and the first day of July in each year, to the Receiver of Land Revenue.

No person to hold
more than one lease.
Ibid, sec. 158

176. (1.) The holder of a lease in perpetuity shall not be capable of becoming the lessee under more than one such lease, or the licensee of an allotment with right of purchase or lessee under a renewable lease, unless the lands comprised in the several leases or in the lease and license adjoin each other:

But a lessee under not more than one lease, whether a lease in perpetuity under "The Land Act, 1892," or a renewable lease under this Act, who during a period of three years from the date of his lease has duly fulfilled the conditions thereof shall, subject to the limitations of this Act, be capable of becoming the lessee of another allotment under a then subsisting lease in perpetuity issued under the first-mentioned Act or under a renewable lease issued under this Act, or the licensee of an allotment with right of purchase, or a second such license if he already holds one, whether such new allotment adjoins the original allotment or not; and residence on either one or other of such allotments shall be a sufficient compliance with the requirements of this Act as to residence.

(2.) Any lease held by any person who holds or occupies by himself or by other persons under him more than one lease, in breach of the last preceding subsection, shall be forfeited, and be deemed to be and to have been, from the issue thereof, absolutely void and of no effect; and the land comprised in the forfeited lease may be dealt with forthwith by the Board as in the case of unoccupied Crown lands.

(3.) The provisions of this section shall not apply to persons who become lessees or sublessees by marriage, or under a will, or by virtue of an intestacy.

177. (1.) The owner of a lease in perpetuity shall have a right at any time hereafter during the existence of the lease to purchase the fee-simple of the land comprised in the lease at a price equal to the capital value of the said land at the time of the purchase thereof.

Owner of lease in perpetuity may purchase fee-simple. 1907, No 51, sec. 20

(2.) The said capital value shall be determined by valuation or arbitration in the manner provided in this section, and shall include the value of all minerals other than gold and silver, but shall not include the value of any improvements placed on the land during the continuance of the lease.

Capital value determined by valuation or arbitration.

(3.) The right of purchase hereby conferred shall be exercised by giving to the Commissioner a notice in writing of the intention of the lessee to purchase the land.

(4.) The delivery of such notice shall constitute a contract between the lessee and the Crown for the purchase and sale of the said land at a price to be determined by valuation or arbitration in manner hereinafter provided, and the full purchase-money of the said land shall be due and payable by the purchaser within one year after the date of the said notice.

(5.) As soon as practicable after the receipt of any such notice the Board shall cause the fee-simple of the said land to be valued by an appraiser to be appointed by the Board, and a copy of the valuation so made shall be delivered to the lessee.

(6.) The valuation so made shall be conclusive unless the lessee, within two months after the delivery of such copy thereof, gives written notice to the Board that he requires the value of the said land to be determined by arbitration.

(7.) If such notice is given as is mentioned in the last preceding subsection, the value of the said land shall be determined by arbitration in manner provided by section one hundred and eighty-seven hereof.

(8.) If the lessee makes default in the payment of the said purchase-money, the Board may in its discretion cancel and determine the said contract of purchase, but such cancellation shall not prevent the lessee or his assigns, at any time after the expiration of ten years thereafter, from giving a further notice of intention to purchase, and on such notice the same proceedings may be taken as in respect of a first notice.

Default in payment of purchase-money.

(9.) All costs and expenses incidental to the exercise of the right of purchase conferred by this section shall be paid and borne by the lessee.

(10.) On the completion of such purchase the lease shall determine, but the fee-simple so purchased shall be subject to any right, title, interest, or incumbrance which is vested in any person other than the lessee, and by which at the time of such completion the lease is affected.

Determination of lease.

Section 97 to apply to right of purchase by lessee.

Regulations.

Saving.

Conditions on which lessees may surrender with consent of Board.
1892, No. 37, sec. 159

Existing leases of rural land may be exchanged for lease under Act.
Ibid, sec. 160
1895, No. 58, secs. 10 (3), 15
1907, No. 51, sec. 50

No Crown land to be leased in perpetuity.
1907, No. 51, secs. 3, 4, 17, 23

References to leases in perpetuity.

(11.) The provisions of section ninety-seven hereof as to the limitation of areas shall apply to the exercise of a right of purchase under this section as if the purchaser were not already in occupation of the land in respect of which the right of purchase exists.

(12.) The Governor may, by Order in Council gazetted, make such regulations as he considers necessary for carrying into effect the provisions of this section.

(13.) The proceeds derived from any sale of land under the provisions of this section shall be paid into the Land for Settlements Account.

(14.) The provisions of this section do not apply to land which is subject to the provisions of "The Land for Settlements Act, 1908."

(15.) All proceedings for purchase commenced under section twenty of "The Land Laws Amendment Act, 1907," and pending on the coming into operation of this Act, may be continued, completed, and enforced under this section.

Surrenders.

178. (1.) The holder of a lease in perpetuity or of a renewable lease may, with the consent of the Board, surrender the lands comprised in his lease, and thereupon valuations shall be made, and a new renewable lease of the said lands shall be open for application as provided for forfeited leases.

(2.) It shall not be competent for the surrendering lessee for the period of one year from the date of such surrender to become the lessee of the new lease, either originally or by transfer or sublease, in case there is any other applicant for such new lease.

179. (1.) Any lease of rural lands issued under the authority of any other Part of this Act or any former Land Act, or under "The Mining Act, 1908," or any previous Act in force relating to mining, may be surrendered by the lessee thereof, and a new renewable lease thereof granted by the Board under this Part of this Act, on such terms and conditions in all respects as are not inconsistent with the said Part, save that the same need not be notified as open for application.

(2.) The provisions of this section shall apply and be deemed to have applied to leases held under any special Act affecting leases of Crown lands, and in respect of any leases granted under Parts V or VI of "The Land Act, 1892," or of any prior Act, whether general or special, containing provisions of similar purport:

Provided that no area shall be leased in excess of the area authorised under Part III of this Act.

(3.) The provisions of this section do not apply to leases of small grazing-runs or pastoral runs, whether granted under this Act or "The Land Act, 1892," or any Act thereby repealed.

Renewable Leases.

180. (1.) No Crown land shall be leased by way of a lease in perpetuity, but all Crown lands which might have been so leased under "The Land Act, 1892," or under any other Act, may be leased by way of a renewable lease under the provisions hereinafter contained.

(2.) Subject to the provisions of this Act relating to renewable leases, all the provisions of this Act prescribing the conditions to be

fulfilled by the owners of leases in perpetuity shall, with the necessary modifications, apply to the owners of renewable leases, and all references to leases in perpetuity and to the owners thereof shall, with respect to land held under renewable leases, be deemed to be references to renewable leases and to the owners thereof.

(3.) A renewable lease is a lease for the term of sixty-six years, with a perpetual right of renewal in manner hereinafter set forth. Renewable lease defined.

(4.) The said term of sixty-six years shall be reckoned from the next first day of January or July following the date of the lease, and there shall be added to the said term the period between the date of the lease and the said day.

(5.) The yearly rental payable under a renewable lease shall be an amount equal to four per centum of the capital value of the land as determined by the Board. Rental under renewable lease.
1907, No. 51, sec. 5

(6.) The said rent shall be payable in equal parts every half-year in advance, on the first day of January and the first day of July in each year, to the Receiver of Land Revenue.

(7.) With the first half-yearly payment rent shall also be paid for the period elapsing between the date of the lease and the due date of such half-yearly payment.

181. The owner of a renewable lease shall have a right at the expiration of the said term of sixty-six years to a renewal of the said lease for a further term of sixty-six years, subject in all respects to the same conditions and provisions as the original lease, including the right of renewal, save that the rent shall be determined at the first and at each subsequent renewal in manner hereinafter provided. Right of renewal
Ibid, sec. 6

182. Not earlier than three years and not later than two years before the expiry of a renewable lease, the Board shall cause the following valuations to be made by an appraiser appointed by the Board, and for that purpose the following provisions shall apply:— Valuation prior to expiry of lease.
Ibid, sec. 7

- (a.) A valuation of the substantial improvements of a permanent character which are then in existence and unexhausted on the land included in the lease, and which have either been put on the land during the continuance of the lease or have been purchased by the lessee or his predecessors in title as existing at the commencement of the lease;
- (b.) A valuation of the fee-simple of the said land, not taking the said improvements into account;
- (c.) A valuation of the yearly rental for the term of the new lease, having regard to what would be at the time of the valuation a fair market rental for that land under a lease granted for the same term and on the same conditions, but not taking into account the value of the improvements aforesaid;
- (d.) The rental so fixed shall in no case exceed four pounds per centum of the value of the fee-simple of the land determined as aforesaid.

183. Not later than eighteen months before the expiry of a renewable lease the Commissioner shall deliver to the lessee a notice in writing requiring him to elect whether he will accept a renewed lease at the rent so fixed as aforesaid, and the notice shall contain or be accompanied by a copy of the aforesaid valuations. Notice to be given by Commissioner requiring election by lessee.
Ibid, sec. 8

Notice of election
by lessee.
1907, No. 51, sec. 9

184. Within six months after the receipt of the notice referred to in the last preceding section, notice in writing shall be given to the Commissioner by the lessee to the effect either—

- (a.) That he accepts the offer of a renewed lease at the rental so fixed; or
- (b.) That he does not desire a renewed lease, and agrees to the aforesaid valuation of improvements; or
- (c.) That he does not desire a renewed lease, but requires the improvements to be valued by arbitration; or
- (d.) That he desires a renewed lease, and requires the value of the land and improvements and the amount of the rental, or any of these matters, to be determined by arbitration.

Omission by lessee
to give notice of
election.
Ibid, sec. 10

185. If the lessee of a renewable lease omits to give to the Commissioner within the time limited therefor the notice referred to in the last preceding section, he shall be deemed to have agreed to accept a renewed lease at the rent mentioned in the notice of the Commissioner, and to have agreed to the valuations contained or referred to in that notice.

Omission by Board
to make valuation.
Ibid, sec. 11

186. If the Board or Commissioner omits to cause any such valuation to be made or notice to be given as is hereinbefore referred to within the proper time therefor, the lessee may require such valuation to be made and notice to be given at any time thereafter so long as he remains in possession of the land, whether the term of his lease has or has not already expired, and his right to a renewal of the lease shall not be affected by any such omission or delay.

Appointment of
arbitrators.
Ibid, sec. 12

187. (1.) If the lessee, in accordance with the foregoing provisions, requires any matter to be submitted to arbitration, it shall be determined accordingly by three arbitrators, one to be appointed by the Commissioner, another by the lessee, and the third by the two other arbitrators; or, in the event of their failing to agree in any such appointment, then by a Judge of the Supreme Court on the application of the Commissioner or of the lessee.

(2.) If the lessee fails to appoint an arbitrator within two months after being required so to do by notice in writing from the Commissioner, the lessee shall lose his right of having the matter determined by arbitration, and shall be bound by the valuations already made.

(3.) Subject to the provisions of this Act, the powers and duties of the arbitrators, their mode of appointment, and the procedure to be observed in any such arbitration, and the payment of the costs thereof, shall be determined by regulations made by the Governor in Council in that behalf.

(4.) In making their determination the arbitrators shall be subject to the provisions hereinbefore contained as to the valuations made by an appraiser.

(5.) The determination of the arbitrators as to the value of the land and of the improvements thereon shall be final and conclusive, and shall be binding on the parties, and the lessee shall have a right to a renewal of the lease at the rental so fixed by the arbitrators.

Notice of election
by lessee on
determination of
Arbitrators.
Ibid, sec. 13

188. (1.) The lessee shall, within two months after receiving notice of the determination of the arbitrators, elect whether he will accept a renewed lease at the rent so fixed by the arbitrators, and give notice of his election to the Commissioner.

(2.) If he fails to give such notice within the time aforesaid, he shall be deemed to have elected to accept a renewed lease at the said rent.

(3.) Any such election to accept a renewed lease shall amount to a binding agreement to accept such lease.

(4.) If the lessee fails without reasonable excuse to execute a lease accordingly within one month after the same has been presented to him for execution, the Board may declare that his right of renewal is forfeited, and his right shall thereupon determine.

189. (1.) If the lessee refuses or omits to accept a renewed lease or forfeits his right to obtain the same, the value of the improvements on the land, as determined by valuation or arbitration as aforesaid, shall become a debt due by the Crown to the lessee.

Lessee entitled to value of improvements if lease not renewed.

1907, No. 51, sec. 14

(2.) If the said improvements have become for any reason appreciated or depreciated in value between the date of the valuation or arbitration and the date on which the lessee gives up possession of the land, the amount of this appreciation or depreciation shall be assessed in manner provided by section one hundred and eighty-seven hereof, and shall be added to or deducted from the value as so determined.

190. (1.) A renewable lease shall not confer upon the lessee any right to extract or remove any minerals from the land.

Lessee to have no right to minerals without license.

Ibid, sec. 15

(2.) The term "minerals" in this section includes all minerals, mineral oils, metals, clay, stone, or other valuable materials existing below the surface of the land, but does not include kauri-gum.

(3.) The value of minerals shall not be taken into account in any determination of the value of the land for the purpose of fixing the rental thereof, either at the commencement of the lease or on any renewal thereof.

(4.) It shall be lawful for the Board, with the consent of the Minister, to grant to the owner of a renewable lease a license to extract or remove any minerals (except gold and silver) from the land, in consideration of such royalties or other payments, and on such terms and conditions, as the Board and the Minister think fit:

Provided that nothing herein shall interfere with the operation of any enactment relating to mining in respect to the land subject to the lease.

(5.) Nothing herein shall be construed to prevent the owner of a renewable lease from using on the land subject to the lease any minerals for any agricultural, pastoral, household, road-making, or building purpose.

191. (1.) Any owner of a renewable lease or of a lease in perpetuity may at any time make payments to the Receiver of Land Revenue in sums of not less than ten pounds and not exceeding in the whole ninety per centum of the capital value of the land comprised in his lease.

Lessee may pay up to 90 per centum of capital value of land.

Ibid, sec. 16

(2.) The capital value of the land for this purpose means the value in respect of which the rent payable under the said lease is calculated.

(3.) On any such payment being made the rent reserved by the lease shall thereafter abate proportionately.

(4.) When and so long as the payments so made are not less in the aggregate than thirty-three per centum of the said capital value, the lessee shall for the residue of the term have possession of the land freed

from all covenants and conditions contained or implied in the lease, other than the covenant to pay rent and the conditions as to residence, but the lessee shall not thereby obtain any right to extract minerals as hereinbefore defined or commit any other waste or depreciation of the land.

(5.) All moneys so paid shall be a debt due by the Crown to the owner of the lease for the time being, and such debt shall run with the lease, and shall be payable when the lease is renewed or is determined by effluxion of time, forfeiture, surrender, or otherwise.

(6.) At any time during the currency of the lease any moneys so paid shall, so far as they exceed thirty-three per centum of the capital value, be repaid on the application of the person entitled thereto, and thereupon the rent payable under the lease shall be adjusted proportionately.

(7.) All moneys so paid by a lessee shall be paid into the Land for Settlements Account, and shall be available for the purposes of "The Land for Settlements Act, 1908."

(8.) Interest at the rate of four per centum (less one-tenth thereof) shall be paid half-yearly out of the said account on all moneys so paid into it, other than in respect of land under the provisions of "The Land for Settlements Act, 1908."

(9.) The said interest shall be paid into the Public Account to the credit of the same fund or account as the rent reserved by the lease.

(10.) All moneys repayable by the Crown under the foregoing provisions shall be paid out of the Land for Settlements Account without further appropriation than this Act.

(11.) Nothing in this section shall so operate as to affect the right of any local authority to the payment of thirds as provided by section one hundred and forty-five hereof. Such payments shall, in the case of lands the rent of which is reduced under the provisions of this section, be payable in such manner and either out of the rent received from such land or out of the interest payable under subsection eight of this section as the Governor from time to time prescribes by regulations made under the authority of this Act.

Owner of lease in
perpetuity may
obtain renewable
lease in lieu thereof.
1907, No. 51, sec. 18

192. (1.) The owner of a lease in perpetuity under "The Land Act, 1892," or "The Land for Settlements Consolidation Act, 1900," may at any time surrender his lease and obtain in lieu thereof a renewable lease of the same land.

(2.) The annual rental payable under any renewable lease so obtained shall be four pounds ten shillings per centum of the capital value of the land in the case of land subject to the provisions of "The Land for Settlements Act, 1908," and four per centum of the said value in the case of all other land.

(3.) The capital value of the land for the purposes of the last preceding subsection shall be deemed, at the option of the lessee, to be either the original value of the land as determined at the date of the surrendered lease or the present value of the land (excluding the value of improvements) at the time at which application is made for a renewable lease under the provisions of this section.

(4.) The said present value of the land shall be determined by valuation or arbitration in the same manner (subject to any necessary

modifications or any regulations made in this behalf by the Governor in Council) as is hereinbefore provided in the case of the renewal of a renewable lease.

(5.) The determination of the arbitrators under the last preceding subsection shall be binding upon the parties; and the lessee shall, so soon as the said determination has been made, be deemed to have agreed to accept a renewable lease at the rental so determined and to surrender his existing lease.

(6.) Where any person has within two years after the twentieth day of November, one thousand nine hundred and seven (being the date of the coming into operation of "The Land Laws Amendment Act, 1907"), accepted or agreed to accept a renewable lease under the provisions of this section, or the corresponding section of that Act, and the rental payable thereunder is less than the rental payable under the lease surrendered in exchange therefor, the smaller rental shall be deemed to have been the rental payable by him under the lease so surrendered as from the commencement of the term thereof, and any amount already paid by way of rent in excess of this smaller rental by the lessee (but not by his predecessors in title) shall be credited to him in part payment of the rent payable by him under the renewable lease so obtained by him.

(7.) The term of a renewable lease granted under the provisions of the last preceding subsection shall be calculated from the day on which the term of the surrendered lease commenced.

(8.) In the case of land subject to the provisions of "The Land for Settlements Act, 1908," a renewable lease obtained in pursuance of this section shall be subject to the provisions of section forty-five of that Act.

193. The owner of a lease issued under any of the following provisions, that is to say :—

"The Mining Districts Land Occupation Act, 1894," or the corresponding provisions of this Act :

Regulations for the occupation of pastoral lands within a mining district made under section four of "The Land Act, 1892," section thirty-eight of "The Mining Act, 1898," section thirty-nine of "The Mining Act, 1905," or the respective corresponding regulations made under this Act or "The Mining Act, 1908,"—

who has complied with all the conditions thereof to date, shall, with the consent of the Board, have a right to surrender his lease and to obtain in lieu thereof a renewable lease of the same land under the provisions of this Part of this Act :

Provided that the Warden of the mining district in which such land is situate approves of such renewable lease being granted.

194. (1.) In order to facilitate the settlement of land which in the opinion of the Board is not likely to be immediately productive or profitable, any such land may, with the consent of the Minister, be opened for selection by way of renewable lease on the special conditions contained in this section.

(2.) A renewable lease of any such land shall contain a provision that no rent shall be payable thereunder during such period as the Board, with the consent of the Minister, determines, not exceeding

Owner of lease
in mining districts
may obtain renew-
able lease in
lieu thereof.
1907, No. 51, sec. 19

Special provision
as to renewable
leases of land not
immediately
productive.
Ibid, sec. 21

ten years after the commencement of the first term of sixty-six years.

Modification of
residence conditions
in special cases.
1907, No 51, sec. 22

195. For the benefit of persons who desire to select rural land for themselves or their families, but whose vocations are such as to prevent them from complying with the residence conditions of this Act, the following provisions shall have effect with respect to rural lands:—

- (a.) The Governor may from time to time make special regulations under which such persons may select land with absolute or qualified relief from the residence conditions of this Act.
- (b.) Such regulations may impose special conditions as to the area which may be selected and the improvements which must be effected, and special limitations or restrictions on the disposal of the land or any part thereof by sale, lease, mortgage, devise, or otherwise.
- (c.) Such regulations may modify the provisions of this Act in the case of lands to which they relate.
- (d.) In the case of lands selected under such regulations, the provisions of this Act shall be deemed to be modified in so far as they are inconsistent with the regulations, but not further or otherwise.
- (e.) All such regulations shall be laid before Parliament; and no such regulation shall come into force until referred to the Lands Committee of each House of Parliament, and approved of by resolution of each House.

Joint Application for Occupation with Right of Purchase or on Renewable Lease.

Two or more
selectors may hold
an allotment as
tenants in common.
1892, No. 37, sec. 161

196. Two or more selectors may make a joint application to hold as tenants in common an allotment or group of allotments of rural land for occupation with right of purchase or on renewable lease; and if the application is granted,—

- (a.) One of the lessees or licensees only shall be required to reside on the land; but in all other respects each selector in a joint application shall be subject to the same conditions, limitations, restrictions, and disqualifications as prescribed in the case of any one licensee.
- (b.) Any lessee or licensee in a joint application may transfer his interest in the land to a co-lessee or co-licensee, or to some one other person, as provided in section one hundred and sixty-five hereof; and, in the event of the death of a lessee or licensee in a joint application, the executors or administrators shall have the same powers to transfer the land of the deceased lessee or licensee as is provided in the case of the decease of any lessee or licensee.
- (c.) On the licensees with right of purchase becoming entitled to a Crown grant for the land held by them as tenants in common the Governor may issue a grant to them of such land as tenants in common, or may, on the joint request of the licensees or their assigns, and on the production of an approved subdivisional survey of an allotment or group of allotments, not exceeding in number the number of tenants

in common, issue a Crown grant for each of the subdivisions in favour of the respective licensees or assigns, as may be agreed on among themselves, or may, on a like request, issue a grant to any one or more of them.

PART IV.

SPECIAL-SETTLEMENT AREAS.

Special-settlement Associations.

197. (1.) The Governor, by Proclamation, may from time to time set apart such blocks of rural lands as he thinks fit, and declare the same open for special settlement.

Governor may set apart blocks of rural land for special settlement. 1892, No. 37, sec. 162

(2.) The total area of land set apart as special settlements shall not exceed two hundred and fifty thousand acres in any one financial year.

198. (1.) The Governor in Council may from time to time make regulations fixing the terms and conditions on which the lands in any special settlement shall be disposed of by renewable lease, but subject in every case to the following rules:—

Terms and conditions of occupation. Ibid, sec. 163

- (a.) The price of land in a special settlement shall be fixed by valuation, not being less than ten shillings per acre.
- (b.) The annual rental thereof on renewable lease shall not be less than four per centum on such price, subject to such conditions as may be prescribed by regulations.
- (c.) Residence, occupation, and permanent improvements of the land shall be in accordance with Part III of this Act.
- (d.) Neither the whole nor any part of any block of land shall continue set aside as a special settlement for a period of more than three years from the date of the Proclamation setting aside the same; but every contract made with respect to any such block or any part thereof whilst the same remains so set aside shall be performed notwithstanding that the block has ceased to be so set aside.

(2.) The provisions of this section shall apply and be deemed to have applied to all lands disposed of as special settlements under the regulations contained in two Orders in Council dated respectively the twenty-seventh day of February and the fifteenth day of December, one thousand eight hundred and ninety-one, as if the said provisions had been specially incorporated in such regulations respectively at the date thereof.

199. No person shall be capable of becoming the holder of any land within a special settlement exceeding five hundred acres in area.

Holdings limited. Ibid, sec. 164 1907, No. 51, sec. 51 Block may be set apart under any systems of Part III. or IV. 1892, No. 37, sec. 165

200. (1.) A block of five thousand acres may be disposed of in suitable-sized lots under any of the systems of Part III or IV of this Act to persons desirous of working the same under regulations to be made by the Governor in Council.

(2.) The Governor in Council may from time to time make regulations for fixing terms and conditions upon which this land shall be occupied.

(3.) A report shall be laid before Parliament within ten days after the commencement of every session, giving full information as to any

proceedings taken under this section during the then preceding financial year.

Settlements formed under Land Act, 1885, by regulations of 5th December, 1885, deemed subject to that Act.
1892, No. 37, sec. 166

201. It is hereby declared that the provisions relating to the deferred-payment and perpetual-lease systems respectively contained in Parts III and IV of "The Land Act, 1885," shall apply, and be deemed to have applied, to all lands disposed of as special settlements under the regulations contained in an Order in Council dated the fifth day of December, one thousand eight hundred and eighty-five, or any amendment of the said regulations made before the twenty-seventh day of February, one thousand eight hundred and ninety-one, as if the said provisions had been specially incorporated in such regulations respectively at the date thereof.

Unoccupied lands in former settlements may be disposed of otherwise.
Ibid, sec. 167

202. All lands within any special-settlement block formed before the first day of November, one thousand eight hundred and ninety-two (being the date of the coming into operation of "The Land Act, 1892"), which, at the expiration of two years from the same being set aside, had not been taken up on the conditions of such settlement may be notified as open for application under Part III of this Act.

Village Settlements.

Governor may set apart Crown lands for village settlements.
Ibid, sec. 168
Terms and conditions of occupation.
Ibid, sec. 169

203. (1.) The Governor, by Proclamation, may from time to time set apart and declare open for sale or lease as village settlements such blocks or allotments of Crown lands as he thinks fit.

(2.) The Governor in Council may fix the terms and conditions on which any village-settlement lands shall be disposed of, and the mode of payment for the same, subject to the rules following:—

- (a.) Every village settlement shall be surveyed, and divided into village allotments not exceeding one acre each, and village-homestead allotments not exceeding one hundred acres each; or, if the Governor so directs, a village settlement may be divided into village allotments only or into village-homestead allotments only.
- (b.) The Governor may fix a day on which allotments within a village settlement shall be open for application, and may appoint the manner in which any of such allotments shall respectively be disposed of.
- (c.) Village allotments may be disposed of at public auction amongst the applicants at an upset price of not less than three pounds for each allotment, or may be notified as open for application under Part III of this Act.
- (d.) Village-homestead allotments shall only be offered for renewable lease under Part III of this Act.
 - (i.) Applications for leases shall be made in manner as provided in Part I of this Act.
 - (ii.) Improvements and residence on the land comprised in the lease shall be as provided in Part III of this Act.
 - (iii.) The annual rental to be paid in respect of every such lease shall be a sum equivalent to four per centum on the cash price of the land comprised in the lease, which shall be not less than ten shillings per acre.

(iv.) No such lease shall be liable to be seized or sold by legal process for debt or in bankruptcy.

(3.) Any village-settlement selector who under the Land Acts has taken up less than the maximum prescribed area of village allotment or village-homestead allotment, as the case may be, may, if the Board recommends and the Minister approves, obtain without competition an additional area of similar land contiguous to his holding, but not exceeding with such holding the maximum prescribed area.

Village-settlement selector may obtain additional area without competition in certain cases. 1895, No. 58, sec. 13

(4.) Such additional area shall be held on the same tenure and terms as the original holding, and at a price to be fixed by the Board, being not less than the minimum price of similar land :

Provided that in cases where the tenure of the original holding is on the perpetual-lease or lease-in-perpetuity system the additional area so obtained after the coming into operation of this Act shall be on the renewable-lease system.

204. The Minister of Finance may from time to time appropriate from any sums voted for the purpose by Parliament, and, in accordance with regulations which the Governor in Council is hereby authorised to make, make advances of money to occupiers of land under the last preceding section for the purpose of enabling them to profitably occupy their respective allotments.

Advance of money for improvements. 1892, No. 37, sec. 170

205. The Governor may, under section two hundred and three hereof, from time to time set apart any Crown lands as village settlements for occupation exclusively by Maoris and half-castes ; and by special regulations, which he is hereby authorised to make, may fix the terms and conditions on which the land therein shall be disposed of for exclusive occupation as aforesaid.

Governor may set apart village settlements for Maoris exclusively. Ibid, sec. 171

Industrial and other Homes.

206. For the purpose of encouraging the establishment of industrial, rescue, and reformatory homes, it is hereby declared that, notwithstanding anything to the contrary in this Act or "The Land for Settlements Act, 1908," the following provisions shall apply :—

Crown lands may be leased for establishment of industrial and other homes. 1895, No. 58, sec. 14

- (a.) On the application of any society of persons desirous of establishing any such home, and on being satisfied that such home is for the exclusive use and benefit of persons who have been resident in New Zealand for a period of not less than twelve months previous to such application being made, and of its intention and ability so to do, the Minister may grant it the exclusive right to select on lease, as a site and for the purposes of such home, an area not exceeding one hundred acres of Crown lands, whether acquired under "The Land for Settlements Act, 1908," or otherwise.
- (b.) Every such lease shall be for twenty-one years, with perpetual right of renewal for the like term, at an annual rental of five per centum of the capital value of the land, subject to such stipulations and conditions as in each case the Minister thinks fit to prescribe.
- (c.) Every such lease shall be determinable without notice or demand if default for six months is made in the punctual payment of rent or the faithful performance of any condition or stipulation subject to which the lease is granted, or if the

land ceases to be used for the proper purposes of such home as aforesaid; and in case of the lease being determined as aforesaid the land shall revert to the Crown without any right or claim to compensation for improvements or otherwise.

Regulations.

1895, No. 58, sec. 14

207. The Minister may from time to time make such regulations as he thinks necessary for the purpose of carrying out the provisions of the last preceding section.

PART V.

SMALL GRAZING-RUNS.

Proclamation of Small Grazing-runs.

Pastoral lands
may be set aside as
small grazing-runs.

1892, No. 37, sec. 172

208. (1.) Any pastoral lands in New Zealand may be classified by the Surveyor-General into first- and second-class pastoral lands; and the Governor from time to time may by Proclamation set aside any such lands, and subdivide the same into small grazing-runs to be disposed of under this Part of this Act.

(2.) The area of a first-class small grazing-run shall not exceed five thousand acres, and the area of a second-class small grazing-run shall not exceed twenty thousand acres.

Disposal of
lease of run.
Ibid, sec. 173

209. (1.) Such runs may be declared to be open for lease on application at a yearly rent of not less than two and a half per centum of such price as the Board, subject to the approval of the Governor, thinks fit, being not less than the price at which second-class land may be sold as provided in section one hundred and twenty-five hereof.

(2.) The term of the lease shall be twenty-one years, with right of renewal or valuation for improvements as hereinafter provided.

Limited and dis-
qualified occupiers.
Ibid, sec. 174

1907, No. 51, sec. 52

210. (1.) Except on the recommendation of the Board and with the approval of the Minister, no person shall be a lessee under this Part of this Act—

(a.) Of more than one run; or

(b.) Who holds any run under Part VI of this Act; or

(c.) Who owns any freehold land, or land held by lease or license of any kind whatever from the Crown, or land held by lease from any other person, or from any company or corporation or local authority, whereby such person, either by himself or jointly with any other person or persons, would become the owner or occupier of lands anywhere in New Zealand which taken together would exceed in area one thousand acres exclusive of the lands comprised in the run for which he is a bidder or applicant.

(2.) The provisions of this section shall not apply to persons who become lessees or sublessees by marriage, or under a will, or by virtue of an intestacy.

Illegal lease
forfeited.

1892, No. 37, sec. 175

211. Any lease acquired or held by any person in contravention of the provisions of the last preceding section shall be forfeited, and shall be deemed to be and to have been from the issue thereof absolutely void and of no effect; and the lands affected may be dealt with forthwith by the Board as if such lease had not existed.

212. A lease of a small grazing-run shall entitle the lessee to the exclusive right of pasturage over all the lands included in the lease, and to all crops which he takes off any part of the lands he has put into cultivation, in manner not in contravention of regulations. Rights under lease.
1892, No. 37, sec. 176

213. Every lease of a small grazing-run shall be drawn so as to expire on the first day of March, and shall be subject to the covenants expressed or implied by sections eighty-four and eighty-five of "The Property Law Act, 1908," in relation to the payment of rent and the power of distress, and shall also be subject to the stipulations following:— Conditions of lease
Ibid, sec. 177

- (a.) No right of purchase of any part of the land comprised in a lease shall be conferred by such lease.
- (b.) The lessee may, with the approval of the Board, select not exceeding one hundred and fifty acres of land, immediately adjoining and including his homestead, through which no road may be taken without his consent.
- (c.) Such roads and rights-of-way as are in common use shall remain open to the public, and the Governor or the Board may at any time and from time to time take, without compensation, such other roads as may be deemed necessary through any part of the lands comprised in the lease, not being part of lands immediately adjoining the homestead which the lessee has previously selected with the approval of the Board.
- (d.) The lands comprised in the lease shall be subject to the provisions of any law relating to mining in force at the time when such lease was or is granted, and to all regulations made thereunder; and every holder of a miner's right may exercise the same over the said lands.

214. Every lessee of a small grazing-run shall reside on some portion of the land leased by him, if bush or swamp land, within three years from the date of the lease, and if open or partly open land within one year from such date, and such residence shall be continuous to the end of the term; but the conditions of such residence may be relaxed on the same conditions as provided in Part III of this Act. Residence compulsory.
Ibid, sec. 178

215. (1.) Every lessee of a small grazing-run shall put on the land comprised in his lease substantial improvements of a permanent character to a value equal to the amount of one year's rent of the land within one year from the date of his lease; and to a value equal to another year's rent within two years from the date of his lease; and thereafter, but within six years from the date of his lease, to a value equal to the amount of other two years' rent; and on bush land, in addition thereto, he shall put substantial improvements of a permanent character on the land comprised in the lease to the value of ten shillings for every acre of such land if first-class land, or of five shillings if second-class land. Improvements necessary.
Ibid, sec. 179

(2.) Any money paid for value of improvements by a purchaser of a lease on entering into occupation shall be allowed as substantial improvements put upon the land by such purchaser, to the amount of such value, within the meaning of this section.

216. (1.) The lessee of a small grazing-run shall pay the rent reserved by his lease to the Receiver of Land Revenue of the district wherein the land leased by him is situate, by equal half-yearly instal- Payment of rent.
Ibid, sec. 180

ments in advance, on the first day of the months of March and September in each year.

(2.) The half-year's rent paid on the day of sale shall be in discharge of the rent due on the first day of March or the first day of September which ensues first after the commencement of the term.

After conditions
fulfilled, lessee may
subdivide run
amongst family.
1892, No. 37, sec. 181

217. After compliance with the conditions as to improvement, and of residence for a term of three years, any such lessee may, with the approval of the Board, subdivide his run amongst the members of his family not being under the age of seventeen years; and the Board, on production of a duly approved survey of such subdivisions, and on payment of the fees for the leases and their registration, may issue new leases in terms similar to the original lease, and subject to the same conditions of residence and improvement.

Renewals of Leases of Small Grazing-runs.

Renewals.
Ibid, sec. 182
1893, No. 42, sec.
3 (7)
1907, No. 51, sec. 53

218. On the expiry or other determination of the lease of any small grazing-run, a new lease shall be offered to the existing lessee not earlier than three years and at least twelve months before the expiration of his lease, at a rent to be ascertained in manner following, that is to say:—

- (a.) A valuation shall be made by an appraiser to be appointed by the Board of the then value of the fee-simple of the lands then included in the lease, and also a valuation of all substantial improvements of a permanent character made and then in existence on the said lands.
- (b.) After the making and publishing of the valuations made as aforesaid, which shall be effected by serving a copy of the same on the lessee and another copy on the Commissioner, but not later than twelve months before the expiry of the term for which the lessee then holds the lands, the lessee shall elect, by notice in writing delivered to the Commissioner, whether he will accept a fresh lease of the lands for a further term of twenty-one years from the expiration of the then term, at a rental equal to not less than two and a half per centum of the value of the fee-simple as fixed, less the value of improvements, by the said valuation; such fresh lease to be subject to conditions similar to the previous lease, excepting as to the amount of rent payable thereunder.
- (c.) In the event of the lessee not agreeing to the valuations made as aforesaid, then the rent to be paid shall be determined by arbitration in manner provided by section eighty hereof.

Provisions in case
lessee elects not to
accept renewal.
1892, No. 37, sec. 183

219. If the lessee does not elect to accept a renewal as above mentioned, or refuses or neglects to execute a lease within thirty days after the same is tendered to him for the purpose, then a lease of the said lands shall, not later than one month before the end of the term for which the existing lease was granted, be sold by auction for a further term of twenty-one years, on the following terms and conditions:—

- (a.) The rent shall be such rent as is fixed by the Board, not being a greater sum than that at which the lease was offered to the existing lessee.

- (b.) The amount of such rent shall be stated in the advertisement, and it shall be a condition of application that the applicant shall, together with his application, deposit the amount of one half-year's rent, which shall be returned to him if he fails to obtain the lease.
- (c.) If any person other than the existing lessee is declared the purchaser, he shall within thirty days, and before being admitted into possession, pay over to the Receiver of Land Revenue the amount of the value of the substantial improvements of a permanent character, as fixed by the valuation, and on failing to make such payment all his right to the lease shall be deemed to be forfeited, as well as any deposit he may have made in respect thereof.
- (d.) On the day of the expiry of the existing lease, or thereafter, if the Commissioner has satisfied himself that the outgoing lessee has let the new lessee into quiet possession of the lands to be leased, and that none of the improvements on the land which were thereon when the valuation mentioned was made have been destroyed or appreciably damaged, the Receiver shall, on the certificate of the Commissioner, pay over to the outgoing lessee the amount received by him from the incoming lessee as aforesaid.
- (e.) If any of the improvements have been destroyed or appreciably damaged, then the value of the improvements so destroyed, or the cost of repairing such damage, shall be decided by the Commissioner or some person appointed by him; and the amount so fixed, with the costs attending such decision, shall be deducted from the amount payable as aforesaid to the outgoing lessee, and, save the amount so deducted for costs, shall be returned to the incoming lessee.

220. The Board in disposing of any new lease shall make provision that the right to take possession under such new lease shall commence on the first day of March in any year, and that no such disposal shall be made without the existing lessee having been given not less than one month's notice thereof, and that the existing lessee shall during such period of notice have a right to elect to accept a new lease as aforesaid.

Notice to lessee
of sale.
1892, No. 37, sec. 184

221. If such lease is not disposed of as above mentioned to some person other than the lessee, or if such person fails to execute the lease in duplicate within thirty days, or to pay the half-year's rent and the value of the improvements as aforesaid, then the lessee may again, within thirty days, elect in manner aforesaid to accept a fresh lease as aforesaid; and if he does not elect to accept the same, or refuses or neglects to execute such lease for thirty days as aforesaid, then he shall continue as tenant of the said lands from year to year, and shall pay the rent reserved by his expired lease, and observe and perform the covenants and conditions contained in the same, or until the Board succeeds in finding an applicant for the new lease unless, prior to the finding of such applicant by the Board, he elects to accept a new lease for the said further period of twenty-one years as aforesaid.

If lease not sold,
lessee to continue
in occupation.
Ibid, sec. 185

Crown and Board
not liable for value
for improvements.
1892, No. 37, sec. 186

222. No outgoing tenant of a small grazing-run shall have any right or claim against the Crown or the Board in respect of the value of any improvements made by him on the lands in his occupation in case any incoming tenant fails to pay such value to the Receiver of Land Revenue; but such outgoing tenant may sue for the value of such improvements, and take all proceedings for the recovery thereof, in the name of such Receiver, on giving him an indemnity to the satisfaction of a Judge of the Supreme Court against costs.

PART VI.

LANDS HELD FOR PASTORAL PURPOSES.

General Provisions as to Runs.

Existing leases on
expiry to be sold
at auction.
Ibid, sec. 187

223. (1.) All Crown lands which, on the coming into operation of this Act, are occupied for pastoral purposes by virtue of any lease, license, or other authority may, on the determination or surrender of any such lease or license, be exposed to auction in runs of such extent as the Governor in Council approves.

Also leases of
unoccupied lands.

(2.) All pastoral Crown lands which are unoccupied, and all pastoral Crown lands the licenses for which are forfeited or surrendered, may in like manner be exposed to auction as aforesaid.

Runs limited.

(3.) Unless in extraordinary circumstances, and on the recommendation of the Board, with the approval of the Governor, no larger extent of such lands than will be sufficient to carry all the year round twenty thousand sheep or four thousand head of cattle shall be offered at auction in one lot under the provisions of this Act.

Saving as to
pasturage on
hundreds.
Ibid, sec. 188

224. Notwithstanding anything in the last preceding section, the right of pasturage on Crown lands within hundreds now subsisting in Otago and Southland may be managed and regulated in accordance with the provisions of the Third Schedule hereto, or under the provisions of section one hundred and thirty hereof, as the Board in its discretion thinks best in each case.

Pastoral lands to
be classified.
Ibid, sec. 189

225. (1.) The Governor may cause all rural lands which are wholly or partly suited for pastoral purposes, and whether or not occupied as runs, to be classified into—

- (a.) Pastoral lands, being lands suitable exclusively for pasturage, and not capable of being used with profit in areas of a carrying capacity of less than five thousand sheep; and
- (b.) Pastoral-agricultural lands, being lands adapted in part for pasturage and in part for agricultural purposes, but suitable for subdivision in areas not exceeding five thousand acres.

(2.) For the purpose of such classification the Governor may from time to time appoint in any district three Commissioners, of whom the Chief Surveyor of the district shall be one, to report to him upon any rural lands in the district.

(3.) The said Commissioners shall furnish to the Governor accordingly a report of the lands classified by them as pastoral and pastoral-agricultural land respectively.

(4.) Such classification shall be submitted to the Board and, after approval by the Governor, published in the *Gazette*.

226. (1.) Pastoral lands in areas exceeding five thousand acres may on the recommendation of the Board, with the approval of the Governor, be disposed of for occupation as runs under this Part of this Act for any term not exceeding twenty-one years in any case.

Leases for large runs, twenty-one years.
1892, No. 37, sec. 190

(2.) The aforesaid Commissioners shall secure as far as possible that there shall be in every such run sufficient low country to insure the proper working of the run, whether such low country is or is not contiguous to any other portion of the run, and may declare the high and low country together to form one run.

Runs to have sufficient low country for working.

227. Pastoral-agricultural lands may be disposed of under this or any other Part of this Act in such manner as the Governor from time to time appoints by notification in the *Gazette*.

Disposal of pastoral-agricultural lands.
Ibid, sec. 191

228. (1.) The Governor may at any time and from time to time resume any pastoral-agricultural lands by giving to the lessee or licensee thereof twelve months' notice in writing of his intention to resume the whole or any part of the land comprised in any such lease or license.

Resumption of pastoral-agricultural lands.
Ibid, sec. 192

(2.) At the expiration of such notice the lease or license in respect of the land specified in such notice shall determine and be void.

(3.) If part of the land only comprised in any lease or license is affected by any such notice, the lessee or licensee may at any time, either before or after the expiration of such twelve months' notice as aforesaid, on giving not less than six months' notice of his intention to do so, surrender his lease or license as to the whole or part of the land therein comprised but not affected by such first-mentioned notice.

(4.) No lessee or licensee holding a lease or license granted prior to the fifteenth day of September, one thousand eight hundred and eighty-two, and no transferee of any such lease or license, shall be entitled to any compensation in consequence of his lease or license being determined as to the whole or any part of the land therein comprised.

229. (1.) Before any run is offered at auction the Board shall determine the upset amount of rent at which the same will be put up to auction, and notify the same by advertisement.

Rent to be advertised before sale.
Ibid, sec. 194

(2.) Notice of such auction shall be given in the same manner in all respects as herein enacted with regard to lands about to be sold by auction, as provided in section sixty-seven hereof.

230. (1.) The person who bids the highest sum by way of annual rent for any run sold at auction shall be entitled to receive a lease or license to occupy the same for pastoral purposes, provided he pays in advance at the time of such auction the amount of one half-year's rent and makes the declaration required by this Act.

Highest bidder to be purchaser.
Ibid, sec. 195.
1907, No. 51, sec. 29 (3)

(2.) In default of such payment and declaration the run shall be forthwith again put up to auction.

231. It shall not be competent for any person, except on the recommendation of the Board and with the approval of the Minister, to hold more than one run of any kind under this Part of this Act, and such recommendation and approval 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 by one person.
Ibid, sec. 54.

232. The term of every lease or license of a run purchased at auction as aforesaid shall, if the run is held under license at the time of sale, bear date on the first day of March next following the determination of such license, and, in respect of lands not held under license, shall bear date on the first day of March next following the date of such

Date of license.
1892, No. 37, sec. 196

auction, but shall include, in addition, the whole period between the date of possession and the said first day of March.

If no bidders, run
may be again offered
at reduced rent.
1892, No. 37, sec. 197

233. Where any lease or license of pastoral lands under this Act or any other Act has been offered for sale by public auction and is not disposed of, the Board may reduce the rent, and may at any time and from time to time offer the same at auction until it is sold, or may, after thirty days' public notice thereof has been given, declare such lease or license open for application at the original rent or at such reduced rent.

Rights granted by
pasturage license.
Ibid, sec. 198

234. (1.) A pasturage lease or license shall entitle the holder thereof to the exclusive right of pasturage over the lands specified therein, but shall give no right to the soil, or timber, or minerals, and shall immediately determine over any land which may be leased, licensed, purchased, granted, or reserved under this or any other Act.

(2.) Such roads and rights-of-way as the Governor or the Board deems necessary may at any time be taken through any run without compensation.

Conditions to be
contained in license.
Ibid, sec. 199

235. Every pasturage lease or license shall contain the following conditions:—

- (a.) A condition for the payment of the rent at the times herein mentioned;
- (b.) A condition that, if the lessee or licensee, or any person claiming an interest through or under the lessee or licensee in the run for which the lease or license has been issued, makes or causes to be made any agreement or contract, or gives or causes to be given or taken any negotiable security, for the purpose of defeating or evading the provisions of this Act, or in any way whatsoever, directly or indirectly, commits or is privy to a fraud upon this Act, the lease or license shall be liable to be forfeited and revoked;
- (c.) A condition that the lessee or licensee shall prevent the destruction or burning of timber or bush on the land comprised in his lease or license;
- (d.) A condition that the lessee or licensee shall prevent the growth or spread of gorse, broom, and sweetbriar on the land comprised in his lease or license;

Every condition of a similar nature inserted in any lease or license granted before the passing of "The Land Act, 1892," shall be deemed to have been inserted under the authority of "The Land Act, 1885," and shall operate accordingly:

- (e.) A condition that the lessee or licensee shall destroy the rabbits on the land comprised in his lease or license, and prevent their increase or spread; and
- (f.) Such other conditions and provisions, not inconsistent with the provisions of this Act, as the Board approves of and directs to be inserted therein.

On violation of
conditions, license
may be revoked.
Ibid, sec. 200

236. (1.) If at any time whilst any such lease or license is in force it is shown to the satisfaction of the Board that any condition of such lease or license has been violated, the Board may, after notice in writing to the lessee or licensee, declare forfeited and revoke such lease or license, and may dispose of the run to which such lease or license applied as if the same had never been issued.

(2.) In such case the lessee or licensee, and his executors, administrators, and assigns, shall be taken to have forfeited all right, title, and interest under such lease or license, and to be, as against the Crown or the Board, or any person claiming under the Crown or the Board, a mere trespasser or mere trespassers.

(3.) The production of a copy of the *Gazette* containing a notice, purporting to be signed by the Commissioner, of the forfeiture and revocation of any such lease or license shall be evidence that the same has been lawfully forfeited and revoked.

(4.) The lessee or licensee shall have three months from the date of forfeiture to remove his stock and other chattels, subject to his being liable to pay rent for such period as he occupies the said run, based on the rent previously payable by him.

237. (1.) With the consent of the Minister the Board may permit the holder of any pasturage lease or license under this Part of this Act or the corresponding Part of any former Land Act to do any one or more of the following things:—

Holder of pasturage lease or license may cultivate portion of his run.

1907, No. 51, sec. 55

(a.) To cultivate any portion of his run for the purpose of growing winter feed for the stock depastured on the run:

(b.) To plough and sow in grass any portion of his run not exceeding three thousand acres:

(c.) To clear by felling and burning bush or scrub any portion of his run, and sow the same in grass:

(d.) To surface sow in grass any portion of his run.

(2.) The provisions of section two hundred and forty-four hereof extend and apply to any improvements made under the authority of paragraphs (b), (c), and (d) of the last preceding subsection, provided that the value payable in respect of such improvements shall be in addition to the value of the improvements provided for by that section.

(3.) The holder of any such pasturage lease or license may, with the permission of the Land Board, bring such area of his run under crop as is sufficient for the use and maintenance of himself and family and his employees, subject to conditions to be prescribed by the Board as to cultivation thereof by means of a proper rotation of crops.

(4.) The powers conferred by this section on the lessee or licensee shall be exercisable only on the condition that he shall, on the termination of such lease or license, leave the whole of the area ploughed or cultivated properly laid down in good permanent grasses and clovers to the satisfaction of the Board.

238. The interest in a run held under any lease or license issued under this Part of this Act or the corresponding Part of any former Land Act to occupy for pastoral purposes may be transferred in writing, attested by a Justice, either indorsed upon the lease or license or on a separate document; and on production to the Board of the instrument of transfer, and on payment of a fee of twenty-one shilling and the lodging of a declaration in the same form, subject to all necessary modifications, as if he were an applicant for a lease or license under this Part of this Act, the person to whom such interest is transferred shall be entitled to be registered as the lessee or licensee:

License may be transferred.
1892, No. 37, sec. 201
1907, No. 51, sec. 29 (4)

Provided that the person making such transfer shall be liable for the half-year's rent which becomes due next after such transfer.

Transferee in all
cases liable for rent
and conditions of
license.

1892, No. 37, sec. 202

Mortgagee to sell
mortgaged run
within twelve
months.

Ibid, sec. 203

Transfer to be
registered at Land
Office.

Ibid, sec. 204

No transfer valid
unless conditions
of license fulfilled.

Ibid, sec. 205

Board may refuse
to sanction transfer.

Ibid, sec. 206

Licenses on renewal
to be put up to
auction.

Ibid, sec. 207

1907, No. 51, sec. 56

If present occupier
not purchaser.
existing improve-
ments to be valued.

239. The transferee of any lease or license, as mentioned in the last preceding section, whether he holds under a new lease or license or not, shall be liable, from the day of the transfer taking effect, to all the conditions on which the lease or license was held by the transferor, as to payment of rent or otherwise, in the same manner as the transferor was liable previous to such transfer, subject to any special provision as to the payment by the transferor of the half-year's rent which becomes due next after the transfer.

240. (1.) The mortgagee of any lease or license issued under this Part of this Act or the corresponding Part of any former Land Act having a power of sale in case of default under the mortgage shall exercise such power within two years from the time when such power accrued.

(2.) The purchaser at any such sale may have the lease or license transferred to him in manner provided by and subject to section two hundred and thirty-eight hereof.

(3.) But the Board may, if it thinks fit, on sufficient reasons being shown, permit such power of sale to be exercised within three years from the time aforesaid.

241. Every transfer of the interest in a run held under a lease or license shall be registered at the Principal Land Office; and until such registration has been made as aforesaid the said transfer shall have no effect or operation, and no interest, either at law or in equity, shall be transferred thereby.

242. No transfer of the interest in a run held under lease or license for pastoral purposes shall be valid unless all the conditions on which the lease or license was granted have been complied with, as to payment of rent or otherwise, and until notice of such transfer having been made has been given to, and such transfer is sanctioned by, the Board; and no registration shall be made of any such transfer until the sanction of the Board thereto has been ascertained.

243. The Board shall at all times have power, in the public interests and in its discretion, to refuse its sanction to the transfer of any run or the interest in any run.

244. (1.) In anticipation of the expiry of any lease or license of a run, if the Governor determines that the whole or portion of the run shall be again let for pastoral purposes, the Board shall cause such run, or such portion thereof as may be to let, to be offered at auction at least twelve months before the expiration of the then existing lease or license.

(2.) The sale shall be on the express condition that the purchaser, not being the then lessee or licensee, shall, before being let into possession, pay to the Receiver of Land Revenue the value of any improvements made on the run, such value to be fixed and determined as next hereinafter provided; and such auction shall be conducted in all other respects in the same manner as herein provided for auctions of runs.

(3.) In the event of the then lessee or licensee not having become the purchaser, the Board shall, at least three months before the expiry of the lease or license, proceed to have valued by arbitration all improvements, consisting of necessary buildings, plantations, fences (other than rabbit-proof fences), and ditches for draining, made on the lands the lease or license of which has been sold at auction as last aforesaid.

(4.) Such valuation shall be based on the worth of the said improvements to the incoming lessee or licensee, or, in the case of a subdivision

of the run, to the incoming lessees or licensees of the divided portions thereof, and shall be made in the manner prescribed by section one hundred and eighty-seven hereof.

(5.) Every rabbit-proof fence erected by a lessee or licensee on the run with the sanction of the Governor, and to his satisfaction, shall be included with the improvements mentioned in this subsection, and shall be valued therewith on the expiry of the lease or license; and such value shall be paid by the purchaser of the new lease or license of the run; but if the run is not again to be let for pastoral purposes, the value of such fence at the time of the expiry of the lease or license shall be appraised separately, and the value thereof shall be paid by His Majesty, and the fence shall become the property of the Crown.

Rabbit-proof fences to be valued as improvements.

(6.) On the receipt of any money paid on a valuation made as aforesaid the Receiver of Land Revenue shall, on application being made to him in that behalf, pay over to the person who at the expiry of the old lease or license was the lessee, licensee, or transferee and holder of such lease or license the amount received for such valuation.

Amount paid therefor to be paid to late occupant.

(7.) Except as hereinbefore mentioned with respect to rabbit-proof fences, no lessee or licensee shall have any claim for valuation or compensation for or on account of any improvements either against the Crown or the Board.

No claim for improvements to be made against the Crown.

(8.) This section applies to all leases or licenses of pastoral runs and to all improvements on such runs, whether granted or made before or after the coming into operation of this Act.

245. The outgoing holder of a pasturage lease or license may, if the run is not again offered for lease or license, at any time within three months after the expiry of his lease or license, remove buildings, fencing (not being rabbit-proof fencing the value whereof has been paid by the Crown), enclosures, or other improvements made by him while lessee or licensee.

Fencing, buildings, and other improvements may be removed on termination of lease. 1892, No. 37, sec. 208

246. (1.) The lessee or licensee of any run may, at any time during the currency of his lease or license, on the recommendation of the Board, with the approval of the Governor, and on payment of a fee of twenty-one shillings for every subdivision, divide such run, and the Board shall fix the rent to be paid in respect of each subdivision of the original run, so that the rent to be paid for the whole of such subdivisions shall not be less than the rent paid for the original run.

Runs may be subdivided. Ibid, sec. 209

(2.) The Board shall, subject to all conditions of this Act as to declarations and otherwise as in the case of an original lessee or licensee, issue leases or licenses for the residue of the term of the original lease or license authorising the occupation for pastoral purposes of each run into which the original run is so divided, at the rent so determined by the Board as last aforesaid.

247. Where a lessee or licensee of a run exceeding five thousand acres in area has erected a homestead on the land included in his lease or license, he shall have the right, with the consent of the Board, to select and occupy, during the currency of his lease or license, an area of not exceeding in the whole one hundred and fifty acres adjacent to such homestead, which shall be exempt from the right of determination as provided in section two hundred and twenty-eight hereof.

Licensee who erects homestead may select one hundred and fifty acres adjacent. Ibid, sec. 211

248. If any run less than five thousand acres in area is diminished by reason of any portion thereof being leased, licensed, purchased,

When small runs are diminished by Board rent to be abated. Ibid, sec. 212

granted, or reserved, the lease or license of the run shall be revoked to the extent that the same is thereby diminished, and the rent to be paid in future in respect of such run shall be reduced to an amount proportionate to the value of the area over which the lease or license has not been so revoked.

Rent payable half-yearly in advance.
1892, No. 37, sec. 213

249. The rent payable in respect of any run shall be paid in equal parts half-yearly in advance on the first day of March and the first day of September in each year.

Rent recoverable by distress on order of Commissioner.
Ibid, sec. 214

250. The rent may be recovered in like manner as any rent is recoverable by law, and, in case the same is levied by distress, an order of the Commissioner shall be a sufficient warrant and authority to distrain, any law or enactment to the contrary notwithstanding.

Occupier in arrear of rent.
Ibid, sec. 215

251 (1.) If the occupier of any run does not pay the rent within thirty days after it becomes due, ten per centum on the amount of the rent unpaid shall be added thereto, and such rent, together with such addition, shall be recoverable in manner as provided in this Act for recovery of rent due in respect of the occupation of Crown lands.

(2.) In case of the death of the lessee or licensee before the rent becomes due, the time of payment may be extended by the Board to not exceeding three months.

Run forfeited if rent three months in arrear.

(3.) If such rent and penalty are not paid within one month after such rent became due, the Board may, instead of proceeding for the recovery of any other penalties incurred, cause to be inserted in the *Gazette* a notice to the occupier of such run that the same is liable to forfeiture; and if such rent, together with the full amount of the penalty, is not paid within three months after the date of such insertion, the Commissioner may declare such run forfeited, and after any such declaration the interest of such occupier in such run shall cease and determine.

On forfeiture, lessee liable for rent till recovery of possession.
Ibid, sec. 216

252. In every case of the forfeiture of a lease or license for breach of conditions, the lessee or licensee shall be liable for rent in respect of his lease or license up to the time when possession of the land comprised therein has been recovered; and all such rent may be sued for and recovered in a summary manner by the Commissioner.

Disputes as to boundaries of adjoining runs settled by arbitration.
Ibid, sec. 217

253. (1.) Where any difference exists or arises between the occupiers of adjoining runs as to the common boundary thereof, the Board may, by an order in writing, direct that the same shall be ascertained by arbitration by some competent person to be appointed in such order, and two other persons, one to be appointed by each of the said occupiers.

(2.) Such three arbitrators, or any two of them, shall make their award in writing of and concerning the premises on or before the day named for that purpose in such order, or on or before such further day as the Board by writing indorsed on the same order appoints.

(3.) Such award shall be transmitted to and deposited in the office of the Board, and shall be binding and conclusive on His Majesty and the said occupiers respectively.

(4.) The cost of such arbitration shall be borne by the said occupiers in such manner or proportions as the said arbitrators direct.

(5.) It shall be lawful for the arbitrators who determine the boundary as aforesaid to mark on the ground such boundary, and such boundary so marked shall be held to be the boundary of such runs.

(6.) It shall be lawful for the said arbitrators, or any authorised officer chosen by the Board, to certify, by their or his signature duly attached to any plan representing such boundary, the accuracy of such representation, and such plan shall thenceforth become and be legal evidence of such boundary.

254. The Governor may, on the recommendation of the Board, authorise the Commissioner to accept the surrender of any lease or license under Part V or VI of this Act, or under the corresponding provisions of any former Land Act respectively; and on the surrender of any such lease or license the lands therein comprised shall be dealt with as Crown lands in manner as the Governor directs.

Surrender of leases or licenses.
1892, No. 37, sec. 218

255. (1.) The Governor, on the recommendation of the Board, in the case of any pastoral lands, may from time to time until sold or otherwise disposed of give a temporary license, for a period not in any case to exceed three years, to graze over the land, at such rental as he deems equitable.

Temporary grazing-licenses over unsold runs may be granted.
Ibid, sec. 219

(2.) Every such license shall be surrendered on demand to be cancelled in respect of so much of the land as from time to time is sold, selected, or otherwise disposed of, without any right to compensation on any account whatever accruing to the licensee, who, however, shall have the right, for such reasonable time as the Board determines, to remove any temporary fencing he may have erected on such land.

(3.) The provisions of section two hundred and thirty-one hereof shall not apply in respect of any temporary license granted under this section.

256. No occupier of land for pastoral purposes shall be entitled to any compensation by reason of this Act being hereafter repealed or altered.

Runholders not entitled to compensation if Act altered.
Ibid, sec. 220

257. Notwithstanding anything herein, every traveller may, while he is travelling, depasture, for any period not exceeding twenty-four hours, his cattle and sheep, unless the same are affected with any contagious or infectious disease, upon any unfenced and uncultivated pastoral lands not within one mile of a homestead, but within one quarter of a mile on either side of any road or track commonly used as a thoroughfare, or, though not previously so used, leading to any Crown lands on which persons are actually engaged in mining for gold or in other industrial pursuits, and to which no road has been proclaimed.

Travelling stock may depasture for twenty-four hours on certain pastoral lands.
Ibid, sec. 221
1907, No. 51, sec. 57

PART VII.

NATIONAL ENDOWMENTS.

Lands set apart.

258. (1.) The Crown land described in the Fourth Schedule hereto, and hereinafter called national endowment land, is hereby set apart as a permanent endowment for the purposes of education and old-age pensions.

Endowment for education and old-age pensions.
1907, No. 58, sec. 2

(2.) In addition to the Crown land described in the Fourth Schedule hereto, the area of national endowment land shall include all Crown land (not being land subject to "The Land for Settlements Act, 1908"), which on the twenty-third day of November, one thousand nine hundred and seven (being the date of the coming into operation of "The National Endowment Act, 1907"), or at any time thereafter, was or is held under a

renewable lease in accordance with the provisions of Part I of "The Land Laws Amendment Act, 1907," or the corresponding provisions of this Act, or under lease as a small grazing-run under the provisions of Part V of "The Land Act, 1892," or the corresponding provisions of this Act; and all such land shall be or become and shall at all times thereafter remain subject to the provisions of this Part of this Act accordingly:

Provided that if at any time the area of national endowment land amounts to nine million acres, no other land shall thereafter become national endowment land by virtue of this subsection.

National
endowment land
not to be sold.
1907, No. 58, sec. 3

259. Save so far as expressly provided by this Part of this Act, no national endowment land shall be sold or otherwise alienated in fee-simple, nor shall any such land be disposed of by way of occupation with right of purchase under the provisions of this Act.

National endow-
ment land to be
administered as
Crown land.
Ibid, sec. 4

260. Save so far as expressly provided by this Part of this Act, national endowment land shall continue to be administered and dealt with in the same manner as other Crown land under the provisions of this Act.

Application of Revenue.

National
Endowment
Account.
Ibid, sec. 5

261. The gross revenue received from national endowment land after the thirty-first day of March, one thousand nine hundred and eight, shall be paid by the Receiver of Land Revenue into the Public Account to the credit of a separate account to be called the National Endowment Account (being the same account as is created by "The National Endowment Act, 1907").

Cost of
administration
of national
endowment land.
Ibid, sec. 6

262. Out of the moneys in the National Endowment Account there shall be paid the cost of the administration of the national endowment land, and also all sums which are now payable by law out of the revenues so received from that land to any local or public authorities.

Residue to be
applied for purposes
of education and
old-age pensions.
Ibid, sec. 7

263. Of the residue of the moneys in the National Endowment Account seventy per centum shall in each year be applied for the purposes of education, and thirty per centum for the purposes of old-age pensions, in manner hereinafter provided.

Application of
moneys available
for education.
Ibid, sec. 8

264. (1.) The moneys so available for the purposes of education shall be applied from time to time, without further appropriation than this Act, in payment of all amounts which by any Act now in force or hereafter to be passed are charged on the Consolidated Fund for educational purposes, whether higher, secondary, or primary, and whether general or technical.

(2.) The residue of the moneys so available for the purposes of education, after payment of all such charges as are mentioned in the last preceding subsection, shall be paid from time to time as the Minister of Finance directs, and without further appropriation than this Act, to the Education Boards for educational purposes in accordance with law, and in aid of the annual appropriations made to the said Boards.

(3.) An account shall be taken periodically at such intervals, being not less than one year, as the said Minister directs, showing the amount of all moneys so received by each Education Board; and the amount so received by each such Board shall thereupon be deducted from the total sum payable to that Board by virtue of any annual appropriation.

And for old-age
pensions.
Ibid, sec. 9

265. The moneys so available for the purposes of old-age pensions shall from time to time, without further appropriation than this Act,

be paid by the Minister of Finance into the Post Office Account, and shall be then applied in the payment of old-age pensions in accordance with the provisions of "The Old-age Pensions Act, 1908."

266. Notwithstanding anything in this Part of this Act, it shall be lawful for any portion of national endowment land to be set apart as a reserve for any purpose under the authority of any Act in like manner as if this Part of this Act had not been passed.

Portion of national endowment land may be set aside as a reserve.

1907, No. 58, sec. 10

267. (1.) Notwithstanding anything in this Part of this Act, it shall be lawful for the Board of the district in which any national endowment land is situated to sell, with the consent of the Minister, and in such manner and on such terms as the Board and the Minister think fit, any portion of such land, not exceeding five acres in any one case, as a site for any building to be erected for any educational, religious, charitable, or public purpose, or for any other purpose which, in the opinion of the Board and the Minister, renders such a sale expedient in the public interest.

Land Board may sell part of endowment land in certain cases.

Ibid, sec. 11

(2.) The purchase-money of land so sold shall be paid into the National Endowment Account.

268. (1.) It shall be lawful for the Minister of Finance from time to time, in accordance with the provisions of sections seventy-five to seventy-seven of "The Local Bodies' Loans Act, 1908," to issue and apply such sums of money, not exceeding in any one year the sum of fifty thousand pounds, as are appropriated by Parliament for the purpose of the formation or construction of roads or bridges upon any national endowment land or otherwise for the purpose of facilitating the settlement of any such land.

Minister of Finance may issue money for roads, &c.

Ibid, sec. 12

(2.) The said sums shall be in addition to and not in substitution for the sums authorised to be expended by section seventy-five of "The Local Bodies' Loans Act, 1908."

(3.) All sums expended under the authority of this section, together with interest thereon at a rate not exceeding four and a half per centum per annum, shall be a first charge on the National Endowment Account, and shall be payable out of that account notwithstanding anything hereinbefore contained.

PART VIII.

LAND IN MINING DISTRICTS.

Leases—their Terms and Conditions.

269. The Governor may from time to time make regulations—

Governor may make regulations.

1894, No. 53, sec. 2

(a.) For the issue of leases for the occupation for agricultural or horticultural purposes—

(i.) Of any Crown lands within a mining district:

(ii.) Of any reserve not being a Native reserve or land reserved for Native purposes, or an education or university endowment, or any reserve vested in trustees or any local body:

(iii.) Of any Native reserve set apart for mining:

(b.) For prescribing a form of application and declaration under this Part of this Act, and the penalty for any false statement.

270. (1.) Every lease under the authority of this Part of this Act shall be issued by the Board of the district in which the land is situated, and

Boards may issue leases subject to provisions of this Act.
Ibid, sec. 3

shall be signed by the Commissioner, and shall, if so signed, be as effectual as if executed by or on behalf of His Majesty, and shall be subject, *mutatis mutandis*, to the provisions of this Act relating to leases and transfers.

Savings.

(2.) The provisions of this Part of this Act shall apply to leases granted under "The Mining Districts Land Occupation Act, 1894," in like manner as if they had been granted under this Part, and for that purpose they shall be deemed to have been so granted.

Applications for
occupation leases.
1894, No. 53, sec. 4

271. Every application for an occupation lease shall be made as nearly as may be in the manner prescribed by Part I of this Act, and shall be accompanied by the deposit and declaration as nearly consistent therewith as the circumstances require.

Applications to be
referred to Warden.
Ibid, sec. 5

272. (1.) Every application for an occupation lease shall be referred to the Warden of the mining district in which the land is situate for his opinion as to whether the granting of the same would or would not prejudicially affect any mining purpose or mining privilege acquired under the provisions of "The Mining Act, 1908," or any former Mining Act, and the Board shall consider such opinion before giving a decision on any application.

(2.) The Board shall also consider whether the granting of the application would prejudicially affect the profitable or convenient occupation of the other Crown lands adjacent to or affected by such application; and may in its discretion grant or refuse any application.

(3.) In the event of the Board deciding to grant the application, and if the land is not already surveyed, a survey shall forthwith be made at the cost of the applicant.

Term of license.
Ibid, sec. 6
1905, No. 55, sec. 29

273. (1.) Every lease granted under the authority of this Part of this Act shall be for a term of twenty-one years, to be reckoned from the next first day of January or July following the date of the granting thereof, or following thirty days' notice of the completion of the survey thereof, as the case may be, and shall, in addition, include the period between the date of lease and such day.

Area.

(2.) The area shall in no case exceed one hundred acres, and the lease shall contain an express condition that the lessee shall reside upon such area:

Provided that the requirements of this subsection as to residence shall be read subject to the provisions of sections one hundred and fifty-nine to one hundred and sixty-one of this Act.

(3.) In cases where applicants for leases under this Part of this Act already hold a residence site or business site under "The Mining Act, 1908," or any former Mining Act, or a freehold village allotment, lease, or license under any other Part of this Act or any former Land Act, on which a house has been erected and other substantial improvements of a permanent character have been made, leases may be issued for an area not exceeding ten acres without requiring residence, if the said area is situated within a radius of three miles of the land comprised in such site, allotment, lease, or license.

Rent.

(4.) The yearly rental in respect of every lease shall be fixed by the Board, but shall not be less than sixpence per acre, and shall be payable in equal parts half-yearly in advance, on the first day of January and July in each year, to the Receiver of Land Revenue for the district in which the land is situate.

274. No person who is the owner of any freehold, or is the lessee or licensee under "The Mining Act, 1908," or any former Mining Act, or under any Land Act, or under any person, company, or corporation, shall become the holder of an occupation lease under this Part of this Act of an area which will increase his holding to more than one hundred acres.

Holders of 100 acres or more barred.
1894, No. 53, sec. 7

275. (1.) No lessee under this Part of this Act shall have the right to acquire the freehold of any part of the land comprised in his lease; and, with the sanction of the Warden, free access over such land shall be given for holders of miners' rights to prospect for gold, and to mark out and take up claims, and to make surveys of the proposed course and position of any race, dam, tunnel, tramway, or other works incidental or conducive to mining; and, subject to the approval of the Warden as hereinafter provided, to construct any race, dam, tunnel, tramway, or other mining work.

No right to acquire freehold, and land to be open for mining.
Ibid, sec. 8

(2.) The Warden may, upon payment of compensation to the lessee as hereinafter provided, grant within such lease any claim, race, dam, tunnel, tramway, or other mining privilege.

276. (1.) The Warden may, on receipt of an application for permission to mine or use for mining purposes any land or any portion of any land for which a lease has been issued under the authority of this Part of this Act, and after hearing the parties, decide that the whole or any portion of such land is required for mining purposes or purposes incidental or conducive thereto.

Land may be resumed on compensation.
Ibid, sec. 9

(2.) In such case the Commissioner, with the consent of the Board, may, by notice served on the lessee or posted on the ground, resume possession of the said land.

(3.) Upon such resumption the lessee shall be entitled to compensation for any substantial improvements made on or incidental to the area so resumed, provided that such compensation shall in no case be payable to an extent exceeding the value of the improvements as assessed under "The Land and Income Assessment Act, 1908"; and in cases where there is no such assessment the compensation shall be arrived at in the same manner as valuations for improvements under this Act.

(4.) If any portion of a lease is cancelled for any mining or other purpose, the lessee shall have a right to apply for so much of the adjoining Crown land as will equal in area the portion so cancelled.

277. In any case where the land for which a lease has been issued is not required for mining purposes, or, if a reserve, for the purpose for which it was originally reserved, then, on the lessee applying for the same at least twelve months before the expiration of his lease, a new lease for a further term of twenty-one years, to date from the expiration of his lease, shall be offered to him at a rental to be assessed by arbitrators in manner provided by this Act; and in like manner, at every recurring period of twenty-one years, a new lease shall be offered to the lessee.

Renewal of lease may be applied for.
Ibid, sec. 10

278. If the lessee elects not to accept a renewal as above mentioned, or refuses or neglects to execute a lease within thirty days after the same is tendered to him for the purpose, then a lease of the said lands shall, not later than one month before the end of the term for which the existing lease was granted, be offered for sale by public auction, subject to the provisions of section two hundred and nineteen hereof.

If renewal not accepted, lease to be offered at auction.
Ibid, sec. 11

279. (1.) All moneys payable for lands applied for or held under authority of this Part of this Act shall be paid by every Receiver of

Rent to be paid to a special account.
Ibid, sec. 12

Payments from
special account
authorised.
1894, No. 53, sec. 13

Land Revenue into the Public Account, to the credit of a special account to be kept by the Minister of Finance, to be called "The Mining Districts Land Occupation Account" (being the same account as is constituted by "The Mining Districts Land Occupation Act, 1894").

(2.) Without any further appropriation than the authority of this Act, the Minister of Finance may pay out of the moneys in the aforesaid account any claim that may from time to time arise for the survey or other expenses incurred by the Government in respect of lands applied for or held under this Part of this Act, not exceeding in any case the sum of three shillings an acre, or for compensation for any resumption under this Part of this Act not exceeding the amount hereinbefore defined.

Balances to be paid
to local authority.
Ibid, sec. 14

280. At the end of every financial year, one-half of any money received during the said year and then standing to the credit of the Mining Districts Land Occupation Account shall be transferred to the County Council or to the Road Board of the district in which the money is collected.

Holders of occupa-
tion licenses may
exchange licenses
for leases.
Ibid, sec. 16

281. The holders of occupation licenses under "The Mining Act, 1891," may apply to the Warden's Court to exchange their licenses for leases under this Part of this Act after advertising such intention in a local newspaper, and on the recommendation of the Warden the Board may grant leases under this Part of this Act in lieu thereof.

PART IX.

CHEVIOT ESTATE.

General Administration.

Interpretation.
1893, No. 23, sec. 2

282. In this Part of this Act—

"Cheviot Estate" means the land described in the Fifth Schedule hereto, nevertheless with such respective additions and deductions of area as have been made under "The Cheviot Estate Disposition Act, 1893."

Cheviot Estate to be
dealt with under
this Part of Act.
Ibid, sec. 3

283. The Cheviot Estate shall be administered, sold, leased, or otherwise disposed of on behalf of His Majesty under and subject to the provisions of this Part of this Act.

Sites for towns and
village settlements
may be set apart,
and reserves made
for public purposes.
Ibid, sec. 4

284. Out of the Cheviot Estate such part or parts thereof as are thought suitable shall be set apart from time to time for towns, and also one or more village settlements, which shall respectively be so set apart in accordance with the provisions of this Act; reserves for public purposes may also be made in any part of the Cheviot Estate from time to time in the manner provided by this Act.

Residue of the
estate to be rural
land.
Ibid, sec. 5

285. (1.) Subject as aforesaid, the residue of the Cheviot Estate shall be deemed to be rural land, and shall be sold or leased under this Part of this Act in the following proportions:—

One-third part thereof shall be sold for cash by public auction;
One-third part thereof shall be disposed of on renewable lease; and
One-third part thereof shall be disposed of on lease for grazing-farms:

Provided that in computing such proportions the dispositions heretofore made under "The Cheviot Estate Disposition Act, 1893," shall be taken into account.

(2.) The proportions of land before mentioned may be varied or altered by the Minister from time to time if he is satisfied that the public needs so require, and any such variation or alteration may be in diminution or increase of such proportions.

Proportions, and mode of disposal of land.

286. (1.) The Minister shall cause such rural land to be classed into first- and second-class agricultural land, and first- and second-class grazing-land, but so that no area of agricultural land shall exceed six hundred and forty acres in any one section, and no area of grazing-land shall exceed five thousand acres in any one block.

Classification of rural land. 1893, No. 23, sec. 6

(2.) If at any time any sections of agricultural land of a less area than six hundred and forty acres, or any blocks of grazing-land of a less area than five thousand acres, are first offered for sale or lease and not sold or leased, such sections or blocks (according to the respective classes of land) may be grouped together and sold or leased as one section or block, as the case may be, but not exceeding in either case the area hereinbefore provided.

287. (1.) Notice shall from time to time be given in the *Gazette*, by or under the direction of the Minister, of all land open for sale, lease, or other disposition under this Part of this Act, and of any variation in or addition thereto.

Notification of land open for sale or lease. Ibid sec. 7

(2.) In and by any such notice the time, mode, and terms of sale, lease, or other disposition shall be set forth.

(3.) Every such sale, lease, or other disposition shall, subject to this Part of this Act, be made in accordance with and subject to the provisions of this Act relating to ordinary Crown lands.

(4.) All such lands shall be applied for, sold, or leased at the Principal Land Office in the Canterbury Land District, or at any local Land Office in the said district established under this Act.

288. (1.) The capital value of land sold or leased under this Part of this Act shall be ascertained in such manner as the Minister appoints.

Mode of determining capital value, and how upset price fixed.

(2.) The upset price thereof shall be fixed at a rate sufficient to cover the cost of the original acquisition of the Cheviot Estate, with four and a half per centum per annum interest from date of purchase, together with a sufficient sum added thereto to cover the cost of survey and subdivision, the cost of roads and other improvements now existing or made, or that may hereafter be made thereon prior to such valuation, the price of so much of the land as is absorbed by roads and reserves, and the estimated cost of administration of this Part of this Act.

Ibid, sec. 8

289. (1.) Rural lands sold for cash may, at the option of the purchaser, be paid for as follows:—

Terms of payment for lands sold for cash.

(a.) One-fourth part of the purchase-money shall be paid in cash immediately on the close of the sale, one-fourth part thereof within thirty days next after the date of sale, and one-half part thereof in five years from the date of sale, such part to bear interest at the rate of five pounds per centum per annum until payment, such interest to be paid by the purchaser at the expiration of every half-year following the date of sale; or

Ibid, sec. 9

(b.) One-fourth part of such purchase-money may be paid in cash immediately on the close of the sale, and the remaining three-fourths thereof within thirty days next after the day of such sale.

Power of sale in case of default in payment of balance of purchase-money.

(2.) No certificate of title shall issue to any purchaser for cash until full payment of his purchase-money and interest (if any).

(3.) In case any purchaser makes default in payment of such purchase-money or interest or any part thereof respectively for a period of sixty days after the same has become due, the Minister may cause possession of such land and of all improvements thereon to be recovered on behalf of the Crown, as provided by this Act, and thereafter may sell or dispose of such land and improvements by public auction on such terms and conditions as he thinks fit, and either for cash or partly for cash and partly upon like terms as those on which the same was originally sold.

(4.) If the original purchaser has paid any part of the purchase-money before default, the Minister may repay the same to such purchaser with the value of any improvements made on the land, or such part of such purchase-money or value as the Minister thinks fit, and less any loss occasioned to the Crown by any such resale, together with the costs and expenses the Crown may have been put to in recovering possession and reselling such land.

Town lands to be sold for cash; if not sold, may be leased. 1893, No. 23, sec. 10

290. Town lands shall be sold only for cash, and if not sold on the day of sale may be leased for any term not exceeding fourteen years, at a rent not less than five pounds per centum per annum on the upset price of such land, but so that the lessee shall not have any right of compensation for improvements at the expiration^o of his lease.

Rural lands offered for cash and not sold open for selection at upset price. Ibid, sec. 11

291. Rural lands offered for sale by auction for cash and not sold shall be open for selection on the next following day, or at any time thereafter, at the upset price fixed as before provided; but nothing herein shall be deemed to prevent the exercise of any powers by this Part of this Act vested in the Minister in respect of such land at any time before or after such selection, and the Minister shall at all times have power to refuse to receive or allow any application whatsoever relating to the purchase or lease of any such lands.

Rental of renewable-lease lands, and conditions. Ibid, sec. 12

292. The annual rental of land open for renewable lease shall be five pounds per centum on the capital value of such land as ascertained under this Part of this Act, and every lease shall be subject to such terms and conditions as to cropping and using the land as are indicated or referred to in any general notification relating to such lands made before the same are declared open for application or sale.

Term of lease of grazing-farms. Ibid, sec. 13

293. (1.) Lands set apart as grazing-farms shall be disposed of by way of lease from time to time for any term not exceeding twenty-one years.

Upset rental, and date when open for application.

(2.) The land to be so leased and the upset rental thereof shall be notified in accordance with this Part of this Act, and all such land shall be first opened for application on such day as the Minister appoints.

Land notified as open and not selected to remain open.

(3.) All lands which have been notified as open for application as aforesaid, and are not selected on the day mentioned in the notification, shall remain open for selection.

If two or more applicants for same land, right to be decided by ballot.

(4.) In case of more than one application at the same time for the same land the right thereto shall be decided by ballot as provided by this Act.

(5.) The upset annual rental shall not be less than five pounds per centum on the capital value of the land to be leased, and every lease shall be subject to such terms and conditions as are indicated or referred to in any general notification in the *Gazette* relating to such lands and made before the same are declared open for application.

294. Every lease of a grazing-farm shall be subject also to the following provisions :—

- Rate of rental and conditions of lease.
Conditions of lease of grazing-farm.
1893, No. 23, sec. 14
1907, No. 51, sec. 91
- (a.) Not sooner than two years and at least twelve months before the expiration of the lease by effluxion of time (unless the Governor decides that the whole or part of the land included therein is suitable for close settlement or subdivision), a new lease shall be offered to the existing lessee, at an annual rental not less than five per centum on the total capital value of the land, less the value of improvements effected thereon, to be ascertained as provided in section two hundred and eighteen hereof.
 - (b.) Such new lease shall be for the same term and shall contain the same conditions as the expiring lease, but shall not be further renewed.
 - (c.) If the land comprised in the lease is deemed suitable for close settlement or subdivision as aforesaid, or if the lessee does not elect to accept a renewal as above mentioned, or fails to execute a lease within thirty days after the same is tendered to him for that purpose, or in case of the expiry or determination of the lease by surrender or forfeiture, the lessee shall not have any right of renewal, but shall be entitled to full valuation for improvements of a substantial character effected on the land as hereinafter provided, and the land shall revert to the Crown and be available for disposal as provided by this Part of this Act.
 - (d.) Such improvements shall mean and include reclamation from swamps, clearing of bush, gorse, broom, sweetbriar, or scrub, fencing, draining, sinking wells or water-tanks, constructing water-races, sheep-dips, making embankments or protective works of any kind, and in addition to the foregoing the erection of any building requisite or necessary for the purpose of working the land as a grazing-farm.
 - (e.) The value of all such improvements shall be ascertained one month at least before the expiry of the existing lease, in such manner as the Minister may direct.
 - (f.) If a lease is forfeited for breach of conditions, such valuation shall be made on recovering possession of the land.
 - (g.) Payment of any valuation shall be made to the Receiver of Land Revenue by the new lessee of such land before he is admitted into possession, and moneys so paid to the Receiver shall not be deemed part of the Cheviot Estate Account hereinafter mentioned.
 - (h.) The amount of the valuation for such improvements, in case of the land being relet, when paid by the new lessee, shall be paid by the Receiver of Land Revenue to the original lessee or other person entitled, and, in case of forfeiture, less any rent which may be due to the Crown at the

date of such forfeiture, and the costs of recovering possession of the land, and also the charges and expenses of reletting such land, and making, issuing, and completing any fresh lease.

- (i.) In any case where it is determined that any lands included in any lease shall not again be offered for further lease, then the amount of the valuation so ascertained as aforesaid shall be paid to the outgoing lessee or occupier, less any arrears of money due to the Crown by him in respect of such lands, and such amount shall be paid out of the Cheviot Estate Account hereinafter mentioned.

Temporary licenses for grazing purposes may be issued in certain cases.

1893, No. 23, sec. 15

Licenses to be surrendered in certain cases.

No thirds or fourths payable to any local authority.

Ibid, sec. 16

Applicant to make required declaration.

Ibid, sec. 17

Power to lay off and construct public roads, &c.

Ibid, sec. 18

Moneys received hereunder to be paid into a separate account.

Ibid, sec. 21

295. (1.) The Minister may from time to time grant temporary licenses for grazing purposes over any lands not open for application or not taken up under this Part of this Act, such licenses to be for a period not exceeding three years, at such rental, and subject to such terms and conditions as he thinks equitable.

(2.) Every such license shall be surrendered on demand, to be cancelled in respect of so much of the land comprised therein as is opened for sale or lease under this Part of this Act, without any right of compensation to the licensee on any account whatsoever, who may, however, remove any fencing or other improvements he may have erected on the land.

296. Notwithstanding anything contained elsewhere in this Act, no thirds or fourths for road-making purposes shall be payable to any local authority in respect of any land sold or leased under this Part of this Act.

297. Every applicant for the purchase or lease of land under this Part of this Act shall make a statutory declaration in such one of the forms required by this Act, with such modification as may be necessary for the purposes of this Part of this Act, as the Minister requires, and such form shall be indicated in the notification opening such land for sale or lease.

298. (1.) The Minister may from time to time lay off, construct, and maintain all such public roads, streets, bridges, culverts, drains, fences, and other works as may be necessary to afford access to the Cheviot Estate or any part thereof.

(2.) The cost of surveying and subdividing the land, and of laying out, constructing, or maintaining such public roads, streets, bridges, culverts, drains, fences, and other works shall be borne and paid out of the hereinafter-mentioned Cheviot Estate Account, or out of any funds provided for such purposes by Parliament.

(3.) After the constitution of any local authority in whose district any such works are situated, all liability in respect of the construction or maintenance of such works shall be borne by such local authority, and such local authority shall have jurisdiction thereover accordingly.

299. (1.) All moneys received under this Part of this Act shall be paid into the Public Account to a separate account called "The Cheviot Estate Account" (being the same account as is constituted by "The Cheviot Estate Disposition Act, 1893").

(2.) The moneys in that account shall be applied in paying interest on the purchase-money and advances, and all expenses incident to the administration of this Part of this Act, whether for surveys or sub-

division of land, or for the cost of laying off, constructing, and maintaining roads, streets, bridges, culverts, drains, fences, and other works as aforesaid, and all other expenses incurred under this Part of this Act.

300. The Minister of Finance may, without further appropriation, pay out of the moneys at credit of the said separate account all such sums as are payable under this Part of this Act for all or any of the purposes aforesaid, and the residue thereof shall be appropriated from time to time in such manner and for such purposes as Parliament directs.

Payments may be made out of this account without further appropriation.
1893, No. 23, sec. 22

301. (1.) Any power, duty, or function which by this Act is vested in or could be exercised by the Governor or the Land Board of the district in which the Cheviot Estate is situated shall in respect of the land affected by this Part of this Act be vested in and may be exercised by the Minister :

Powers to be exercised by the Minister, who may delegate same to Board.
Ibid, sec. 23

Provided that the Minister may from time to time delegate to the said Board all or any of the powers, duties, or functions so vested in him.

(2.) Nothing herein shall be deemed to interfere with or restrict the powers, duties, and functions of the Commissioner of Crown Lands for the said district so far as the same may be requisite or necessary for the purposes of this Part of this Act.

Saving of powers of Commissioner.

(3.) Subject to the terms of this Part of this Act, every sale, lease, or other disposition of land effected, granted, or made thereunder shall be deemed effected, granted, or made under this Act as in the case of ordinary Crown lands; and every person at any time making any application or doing any act or thing under or by virtue of this Part of this Act for the purpose of acquiring any estate or interest in any land thereunder shall be deemed to have made such application or done such act or thing under the provisions of this Act relating to ordinary Crown lands; and, subject as aforesaid, all the provisions of this Act, so far as applicable, shall extend and apply to the lands comprising the Cheviot Estate, and this Part of this Act shall be read and construed accordingly.

General provisions of Act to apply to this Part.

302. The property vested in the Corporation of the Cheviot County under the authority of "The Cheviot Estate Disposition Act Amendment Act, 1897," shall be held by the Cheviot County Council (hereinafter called "the Council") subject to such conditions as to the collection of revenue derivable therefrom, and the application of the same by the Council to the management and maintenance thereof and of all other works thereafter erected or constructed in connection therewith, and also to the maintenance of the road commonly known as the "Bluff Road," as the Governor from time to time by Order in Council prescribes.

Collection of revenue and maintenance of slip.
1897, No. 22, sec. 3

303. The Governor may, by Order in Council gazetted, declare that the Council may exercise all the powers of a Harbour Board within the limits of Port Robinson, as such limits are defined by the same or any subsequent Order in Council.

Council may have powers of a Harbour Board.
Ibid, sec. 4

304. From and after the date of the gazetting of such Order in Council the Council shall be deemed to be a Harbour Board as if it had been so constituted by special Act, and the provisions of sections one hundred and eighty-six and one hundred and eighty-seven of "The Counties Act, 1908," shall apply to the Council accordingly as if it had been duly appointed a Harbour Board under the provisions of that Act.

Power to construct wharves and levy special rate.
Ibid, sec. 5

305. (1.) The Council shall forward to the Minister, not later than the thirtieth day of April in each year, a full and correct statement

Annual statement to be sent to Minister;
Ibid, sec. 6

of the quantity of goods received and shipped from Port Robinson during the twelve months ending on the thirty-first day of March previously, and of the revenue derived therefrom and of the expenditure connected therewith.

And laid on table of the House of Representatives.

(2.) Such statement shall be laid before the House of Representatives within ten days after the opening of the next succeeding session of Parliament.

Power to resume possession if conditions not complied with.
1897, No. 22, sec. 7

306. If at any time the Governor in Council is of opinion—

- (a.) That any portion of the revenue derived from the property and other works vested in the said Corporation or held by the Council as aforesaid is not being applied by the Council to the proper maintenance of the same; or
- (b.) That the Council does not impose fees and dues to such an extent as in his opinion is necessary in order to allow of such proper maintenance; or
- (c.) That the Council does not comply with the conditions of this Part of this Act or of any Order in Council made under this Part of this Act,—

then and in any such case he may, by Order in Council gazetted, resume, either absolutely or for a time, the possession of the property vested in the said Corporation as aforesaid, and during such resumption the rights of the Council therein and to any revenue derivable therefrom shall absolutely cease and determine, and the Governor may during such resumption exercise all the powers in respect thereof theretofore exercisable by the Council.

PART X.

LICENSES FOR CUTTING TIMBER, FLAX, AND FOR OTHER PURPOSES.

Powers of Board and Conditions of License.

Occupation licenses may be granted for special purposes.
1892, No. 37, sec. 222

307. The Board may issue licenses, in forms to be prescribed by the Board, authorising the holders to occupy, for any period not exceeding seven years from the granting thereof, so much of the Crown lands as is specified therein, not exceeding eighty acres in any case, for any of the undermentioned purposes, namely:—

- Cutting, felling, or removing timber or bark:
- Cutting or removing flax:
- Removal of clay for bricks or pottery:
- Removal of sand, gravel, or stone:
- Removal of guano or other substances:
- Working of quarries:
- Sites for sawmills, flour-mills, flax-mills:
- Sites for tanneries, fellmongers' yards:
- Sites for slaughteryards, brick-kilns:
- Sites for potteries, ferries, jetties:
- Sites in thinly inhabited districts for inns and accommodation-houses:

Sites for tramways and for rope-walks.

Leases may be granted of sites for accommodation-houses.
Ibid, sec. 223

308. The Board may grant to any occupier of land held under license as a site for an inn or an accommodation-house a lease of such land for any term not exceeding twenty-one years, at such rent and

on such terms as the Board thinks fit. But no such license or lease shall be deemed to authorise the sale of fermented or spirituous liquors.

309. The Board shall determine the extent of land to which any such license shall give a right of occupancy, and the annual fee to be charged in respect to the land held under such license; and may make regulations prescribing the area within which such licenses shall apply, and otherwise appointing the conditions upon which such licenses shall be held.

Board to limit area and annual fee.
1892, No. 37, sec. 224

310. (1.) No such license shall preclude the Board, if it so determines, from selling or leasing, or the Governor from reserving, or shall in any way affect the rights of the Crown to, the land occupied in virtue of such license; and such license shall cease to have any force over the land so sold, leased, or reserved.

License not to affect other powers of disposition.
Ibid, sec. 225

(2.) All disputes between holders of such licenses shall be heard and decided by the Board.

Disputes decided by Board.

311. (1.) The Board, in its discretion, may issue provisional licenses to occupy any rural land not exceeding two hundred acres for any of the purposes mentioned in section three hundred and seven hereof.

Occupation licenses may be granted provisionally.
Ibid, sec. 226

(2.) Such licenses shall be issued for any term not exceeding three years, and the holder of a provisional license may at any time during the currency of the license apply for, and if the Board sees no objection thereto, obtain a lease of the lands held under such license.

(3.) Such lease shall be granted for any term not exceeding twenty-one years, at such annual rental, in such form, and subject to such conditions as the Board determines.

312. (1.) The Board may, on the application of any sawmill-proprietor or other person, set aside any block or blocks of timber land, not exceeding in the whole six hundred acres, of which licenses of sections not exceeding two hundred acres each, having regard to the quality of the timber, may be granted to the applicant in terms of the last preceding section, subject to such conditions as from time to time are prescribed by regulations.

Timber licenses.
Ibid, sec. 227

(2.) No licenses beyond the first shall be issued except on the certificate of a Ranger of Crown lands, or such other person as is appointed in that behalf, that the marketable timber has been properly cut and cleared off the section previously licensed.

(3.) All such timber licenses shall, if the Board thinks fit, contain a provision to the effect that young marketable-timber trees, not fewer in number than the trees felled by the licensee, shall be properly planted on the area under license.

Provision for replanting.

313. (1.) The Board may, with the approval of the Minister, lease by auction, for growing, cutting, or removing flax, any area not exceeding two thousand acres, for a term not exceeding fourteen years, at such upset yearly rental as is determined by the Board.

Flax leases.
1907, No. 51, sec. 58

(2.) On the expiration of the said lease a new lease may be granted to the former lessee, without auction, for a further term not exceeding fourteen years, at a rental to be determined by the Board not sooner than twelve months nor later than six months before the expiration of the first term.

(3.) This section applies both to land under this Act and to land under "The Land for Settlements Act, 1908."

Unlicensed persons
occupying Crown
land.

1892, No. 37, sec. 229

Regulations for land
granted under the
State Forests Act.

Ibid, sec. 232

Wrongful posses-
sion of timber, &c.

Ibid, sec. 233

1898, No. 23, sec. 30

Permit for
cutting of timber
on waste lands of
Crown.

1892, No. 37, sec. 234

Powers of Board
over kauri-gum
reserves.

1907, No. 51, sec. 59

Half of timber
and flax royalties
to be paid to local
authorities.

1905, No. 25, sec. 2

(4.) The Governor may from time to time make such regulations as he deems necessary to give full effect to this section.

314. Every unlicensed person who occupies or uses any Crown lands for any of the purposes before mentioned in this Part of this Act is liable to a fine not exceeding twenty pounds, to be recoverable in a summary way, or imprisonment for a term not exceeding one month.

315. Notwithstanding anything contained or implied in "The State Forests Act, 1908," the Governor, from time to time, may grant a lease for grazing purposes, for not exceeding twenty-one years, of any land subject to that Act from which the timber has been removed, burnt, or destroyed, subject to such conditions and covenants as the Governor, in his discretion, thinks fit to impose, and subject also as follows:—

(a.) That the land comprised in the lease shall continue under the Act last aforesaid, subject only to the right of the lessee to use the land for grazing purposes;

(b.) That the lessee shall have no right to fell or remove from the land any live or dead trees or timber, whether standing or lying on the ground;

(c.) That all persons duly authorised in that behalf shall have free right of ingress, egress, and regress for any of the purposes of the Act last aforesaid, or for felling or removing from the land any trees or timber as aforesaid; and

(d.) That the lessee, at the expiration of the term of his lease, may remove all fencing and buildings erected by him on the land.

316. If any person is found on any Crown lands whatever, or on any reserve, or on any lands subject to "The State Forests Act, 1908," having in his possession any live or dead timber, bark, flax, clay, gravel, stone, guano, or other substance whatever, he shall for the purposes of this Act be deemed, in the absence of proof to the contrary, to have cut, stripped, dug, or removed the same from Crown lands, and it shall lie on such person to prove that he did not so do or that he had authority so to do.

317. (1.) Any person being the occupier of land on which there is no standing timber shall, on application to the Commissioner, be entitled to a permit, free of charge, to enter upon waste lands of the Crown not being State forest lands, or lands granted or leased under the provisions of this Act or of any former Land Act, and thereon cut and remove such timber as may be reasonably required for the domestic use exclusively of such person, or for the fencing of the land in his occupation.

(2.) The Commissioner may at any time cancel any such permit or authority if satisfied that the person to whom the same was granted is not *bona fide* using the same only for the purposes for which it was issued.

318. Nothing in "The Kauri-gum Industry Act, 1908," shall affect or interfere with the powers of the Board under this Part of this Act in respect of Crown lands comprised in kauri-gum reserves.

Timber and Flax Royalties.

319. One-half of the revenue received by the Receiver of Land Revenue in respect of royalty under any license for cutting timber or flax, and payable into the Consolidated Fund, shall be payable to the local authority within whose district the timber or flax is obtained and

the revenue was derived, and shall be applied by such local authority exclusively in constructing, repairing, and maintaining roads :

Provided that any revenue received under the provisions of this section from any district where no local authority exists shall be placed in a separate account, and shall be applied for the purposes aforesaid under the direction of the Minister or of such person as he may appoint.

320. (1.) Every Receiver of Land Revenue shall from time to time, as he receives the same, pay into a deposit account the proportionate part of all royalties payable under the last preceding section to any local authority ; and on the first day of the months of February, May, August, and November in each year shall, on the certificate of the Board that it has approved the works whereon such money is intended to be expended, pay the money accrued from the said deposit account to the local authority entitled thereto, by cheque, to be signed by himself and countersigned by the Commissioner, and not otherwise.

Payments to be made quarterly.
1905, No. 25, sec. 3

(2.) Whenever it appears that any moneys paid to any local authority under this section have not been properly applied to the objects for which they were so paid, the Minister of Finance may proceed for the recovery of such moneys as a debt due to His Majesty by the said local authority, or in his discretion may deduct the amount of such moneys from any subsidy or other moneys payable at any time to the said local authority under any Act.

Payments not properly applied may be recovered as debt due to His Majesty.
Ibid, sec. 4

PART XI.

RESERVES.

Classes of Reserves and Mode of Administration.

321. The Governor may from time to time, either by a general or particular description, and whether the same have been surveyed or not, reserve from sale temporarily, notwithstanding that the same are then held under pastoral license,—

Governor may make reserves.
Temporarily in first instance.
1892, No. 37, sec. 235
1907, No. 51, sec. 60

(a.) Any Crown lands which in his opinion are required for any of the following purposes, namely :—

(i.) For docks, quays, improvement of harbours, landing-places, quarantine grounds or quarantine stations, tramways, railways, railway-stations, roads, fences of all sorts, bridges, ferries, canals, fishing-paths, or other internal communications whether by land or by water, reservoirs, aqueducts, watercourses, water-races, drains, improvement and protection of rivers, irrigation and works connected therewith, embankments, quarries, gravel-pits, shingle-beds ; or

(ii.) For sites of markets, abattoirs, public pounds, baths, wash-houses, museums, libraries, mechanics' institutes, or other institutions of a like character, county or municipal buildings, public halls, Courthouses, police-gaols, prisons, police-stations, post and telegraph offices, or other public buildings ; or

(iii.) For sites and grounds for schools, colleges, reformatories, hospitals, asylums, and charitable institutions, or for the purposes of any agricultural or pastoral associations ; or

(iv.) For the growth and preservation of timber or for the preservation of the native fauna ; or

(v.) For gardens, parks, domains, or commons, or for the health, recreation, convenience, or amusement of the people, or for burial-grounds or cemeteries; or

(vi.) For the use, support, or education of aboriginal Natives of New Zealand; or

(vii.) For any purpose of public defence, safety, utility, advantage, or enjoyment; or

(viii.) As endowments for public education: and also

(b.) Any Crown land containing thermal, mineral, or other springs which he may think should be so reserved for the public health, or any Crown land wherein or whereon natural curiosities or scenery may exist of a character to be of national interest.

After interval land may be permanently reserved.

1892, No. 37, sec. 236

322. (1.) When any land has been temporarily reserved as aforesaid, notice of such reservation shall be published in the *Gazette*.

(2.) At the expiration of one month, but not later than six months, after the publication of such notice, the lands described therein (not being reserves as endowments for education) may be permanently reserved by the Governor, and notice of such permanent reservation shall be published in the *Gazette*, and failing such permanent reservation any such temporary reservation shall be void.

Reserves may be granted in trust. Ibid, sec. 237

323. Upon such notices being duly published as aforesaid the lands described in such notices respectively shall become and be dedicated to the purposes for which they were reserved respectively, and may at any time thereafter be granted for such purposes in fee-simple, or disposed of in such other manner as for the public interest may seem best, subject to the condition that they shall be held in trust for the purposes for which they were reserved, unless such purpose is lawfully changed.

Endowment reserves for education to be sanctioned by Parliament. Ibid, sec. 238

324. (1.) Before any land is permanently reserved as an endowment for education as hereinbefore mentioned, a description of the land proposed to be reserved and the purpose for which it is to be reserved shall be laid before both Houses of Parliament.

(2.) No such endowment shall be permanently set aside until both Houses of Parliament have by resolution approved thereof.

(3.) A copy of such resolutions shall forthwith after the passing thereof be transmitted by the Clerk of each House to the Minister of Internal Affairs, who shall without delay publish the same in the *Gazette*.

(4.) If the approving resolutions are duly passed and gazetted as aforesaid, the Governor shall by Proclamation permanently set aside the endowment in terms thereof.

(5.) In the event of a resolution of both Houses altering, varying, or modifying the area of any reserve, the Governor may, if he thinks fit, proclaim the same in its amended form.

(6.) From and after the date of any Proclamation issued under subsection four or five hereof, the land comprised therein shall be deemed to be and shall be reserved for the purposes in such Proclamation mentioned.

Errors of description may be amended. Ibid, sec. 239

325. Where there has been any error of description made in the notification of any intended reserve, or where there appears a great discrepancy in the area of any intended reserve after the same has been surveyed, the Governor may cancel any notification or Proclamation

that may have been made in respect of such reserve, and issue fresh notifications and Proclamations in respect thereof, with amended particulars and descriptions.

326. (1.) Where any land which, under or by virtue of any Act of the General Assembly or other law, or any power or authority given by any such Act or law, has been reserved or excluded in any manner from sale becomes released or withdrawn from any such reservation or exclusion, and is in any manner opened for sale, public notification thereof shall be made forthwith.

Land discharged from reservation may be sold after three months' notice.
1892, No. 37, sec. 240

(2.) Such notification shall be repeated at least once at an interval of not less than a fortnight after the first publication thereof; and no sale whatever of any of such land or of any portion thereof shall be valid if made at any time before the expiration of three months at least after the day of the first publication of such notification.

(3.) Notwithstanding that any land is discharged from reservation and authorised to be sold for purposes of settlement, the Governor may except such portions of the land from sale as he thinks necessary, and may again reserve the same for public purposes under this Act.

327. Any local authority may, out of its ordinary funds, apply such moneys as it from time to time thinks fit towards the maintenance or embellishment of any reserve made for the public recreation or health of the residents of the district under its jurisdiction, or for its ornamentation, or for purposes of public plantations, whether or not such reserve is situate within the limits of such district, and whether such reserve is vested in such local authority or placed under its administration either solely or jointly with any other local authority or authorities, or may grant any such moneys for the purposes aforesaid by way of subsidy to any Domain Board having charge of any such reserve.

Local bodies may apply funds in embellishing, &c., reserves.
Ibid, sec. 241

328. Any such local authority may unite with any other local authority or authorities for the joint exercise of all the aforesaid powers in respect of any such reserve as aforesaid as may be under their joint administration, or whereof they have the use in common, and for regulating the use of such reserve by the public, or for the proper care and conservation thereof.

Local authorities may unite for such purposes.
Ibid, sec. 241

329. (1.) The Governor may from time to time grant leases, for a period not exceeding sixty-three years,—

Governor may grant leases of mineral-springs reserves subject to conditions,
Ibid, sec. 242

(a.) Of any portion, not exceeding in any one lease seven acres in area, of any Crown land or land vested in His Majesty containing or adjacent to any mineral or other springs, whether or not reserved for the public health, and irrespective of the date or purpose of any such reservation, and subject to such covenants and to such other conditions as the Governor thinks fit to be observed by the lessee for the public convenience: or

(b.) Of any Crown lands in the vicinity of thermal or mineral springs, and whether such lands have been reserved or not; and may prescribe the terms and conditions of such leases, and may provide for dividing any such lands into towns, roads, squares, or other subdivisions as he thinks best suited for the purpose of letting the said lands.

Or of land in vicinity of thermal springs.

(2.) The Governor also may from time to time, by notification in the *Gazette*, make regulations for the conservation of any such springs; the

Regulations.

prevention of damage thereto or the destruction thereof, and for the occupation of the land whereon they are situate, and to regulate the use of the springs by the public, the fees to be charged for such use, and generally for the maintenance of decency and order at any such springs or bathing-places, and for the health, comfort, and convenience of visitors thereto.

(3.) In and by any such regulations a penalty not exceeding a fine of fifty pounds or imprisonment for any period not exceeding six months may be prescribed for the breach of the same :

Provided that no person convicted of a breach of such regulations shall be sentenced to any period of imprisonment in respect thereof unless upon the order of a Magistrate before whom the information on which such person was convicted was heard.

Educational and other Reserves.

Endowment reserves
may be brought
under this Act.
1892, No. 37, sec. 243

330. (1.) The Governor in Council may from time to time by Proclamation, which may from time to time be altered, amended, or revoked, declare that any lands now or hereafter vested in any corporate body or person whomsoever, or for any purpose, shall be subject to the provisions of this Act.

(2.) No such Proclamation shall have any effect unless it is issued at the request or on the recommendation of the corporate body or person in whom such reserves are vested, or who has the administration of the revenue arising therefrom.

Board may lease
such land.

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

How lease executed
when reserves vested
in any body.

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

Educational
reserves may be
sold.

(5.) The Governor in Council may by Proclamation declare that any lands now or hereafter reserved for any educational purposes shall be sold subject to the provisions of this Act.

(6.) No such last-mentioned Proclamation shall have any effect unless it is issued at the request or recommendation of the corporate body or person in whom such reserves are vested, or who has the administration of the funds derived from the sale thereof.

Board may sell
such lands as
Crown lands.

(7.) On such Proclamation being issued, the Board may forthwith proceed to sell the lands mentioned in such Proclamation in like manner in all respects as if they were Crown lands of a similar character or class.

How transfers
executed when
reserves vested in
any person.

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

(9.) The proceeds of any sale authorised by subsection seven hereof shall, after deducting all expenses of survey and other expenses incurred by the Board or by the Government in connection with such land, not exceeding in the whole five shillings per acre, be paid over by the Receiver of Land Revenue to the corporate body or person by law for the time being entitled to receive the same.

Application of
proceeds of sale.

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

Proceeds, how
invested by person
to whom paid.

331. Notwithstanding anything to the contrary in this Act, it is hereby declared as follows:—

Mode of dealing
with education
reserves set apart
for perpetual lease.
1896, No. 56, sec. 25

(a.) The Governor may, in the manner provided by the last preceding section, bring any education reserve in the Land Districts of Otago or Southland under the provisions of that section, notwithstanding that it may have been set apart for perpetual lease under section fifty of "The Land Act 1877 Amendment Act, 1882," or under section two hundred and thirty-eight of "The Land Act, 1885," and thereupon the last preceding section shall apply accordingly.

(b.) In respect to the land comprised in any such reserve, and held under perpetual lease as aforesaid, the Governor may by Proclamation permit such lease to be exchanged for a renewable lease under section one hundred and sixty-nine hereof, or may by Proclamation permit the holder of such perpetual lease to acquire the freehold on payment of the capital value placed upon the land for the purposes of the lease, and in the event of the freehold being so acquired the proceeds of the sale shall be dealt with in the manner provided by the last preceding section.

332. On the expiration of every lease of any endowment or educational reserve which has been leased prior to the first day of November, one thousand eight hundred and ninety-two (being the date of the coming into operation of "The Land Act, 1892"), the person or body in whom is vested the administration of such reserve may grant to the present lessee, in priority, a new lease, with or without right of renewal, of so much of the land comprised in his former lease as does not exceed the limit of area fixed by this Act for Crown lands of a similar character and class, subject to the payment of such rental under the new lease as is assessed by arbitrators to be appointed in manner provided by section eighty hereof.

Right of renewal of
lease to present
tenants.
1892, No. 37, sec. 244
1907, No. 51, sec. 61

333. (1.) Every portion of any educational reserve vested in the Commissioners by virtue of "The Education Reserves Act, 1908,"

Provisions on expiry
of existing leases.
1892, No. 37, sec. 245

which, upon the expiry of any existing lease or occupation license thereof, is not sold under the authority of subsection five of section three hundred and thirty hereof, or is again leased under the provisions of the last preceding section, may be offered for lease by public auction or public tender, or may be opened for application at a rent to be fixed by the Commissioner.

(2.) Not less than sixty days before submitting the same to public competition in manner aforesaid, the Commissioners in whom such reserve is vested shall notify the Governor of the intention so to do, and shall state in such notification whether such reserve is to be offered in one or more allotments, and the area thereof.

(3.) Thereupon it shall be lawful for the Governor either to approve the same or, if it appears to him to be desirable in the interest of settlement so to do, to direct that such reserve shall be subdivided into allotments or holdings of such smaller area as he by Order in Council directs.

Leases of bush
lands.

1892, No. 37, sec. 246

334. Notwithstanding anything to the contrary in any Act other than this Act, any rural lands for the most part covered with bush which have been reserved, or vested in, or granted to any Education Board, School Commissioners, Trustees, or other body of persons for education purposes, or as endowments for primary or secondary education, or for any high school, may be leased for any period not exceeding thirty years, subject in all cases to the provisions of any Act authorising the leasing of education reserves, or to the provisions of this Act, as the Commissioner thinks fit; and any lease of such lands granted prior to the first day of November, one thousand eight hundred and ninety-two, may be extended for thirty years from the date when such lease was originally granted, and on such terms as the lessors of such lands respectively think fair.

Licenses for cutting
timber on reserves.
Ibid, sec. 247

335. (1.) At the request of the persons in whom any land as an education reserve or education endowment is vested, the Board may exercise the functions conferred upon it by Part X of this Act for the issue of licenses for cutting, felling, or removing timber from such land; subject that the fee to be paid for any such license shall be adequate to the value of the timber to be removed from the said land.

(2.) All regulations affecting the cutting or removing of timber on forest lands shall apply to the cutting or removing of timber on the aforesaid lands, and all moneys received by the Receiver of Land Revenue for timber on the aforesaid lands shall be paid over to the persons in whom the said lands are vested, to be applied by them in the manner as may be provided with respect to the proceeds of the sale of educational endowments.

Governor may grant
leases.
Ibid, sec. 248

336. Notwithstanding anything contained in "The New Zealand University Act, 1908," it shall be lawful for the Governor to grant leases of lands reserved under that Act or this Act for any term not exceeding thirty years.

Contribution from
endowments to local
authorities.
Ibid, sec. 249

337. (1.) The body or person in whom any reserve is vested as an endowment for any purpose shall, within three months of the date of the disposal for cash of any such reserve or portion thereof, pay over to the County Council or Road Board of the district within which such lands are situated an amount computed at a rate not exceeding five shillings an acre of the land so disposed of; and, in the event of any

part of such endowments being disposed of for occupation with right of purchase or on perpetual lease, the provisions of section one hundred and forty-five hereof shall determine the contribution to be paid to the local authority, to be expended in the construction of roads within or to open up such lands.

(2.) Such contribution shall be available for the securing and repayment of moneys raised under "The Local Bodies' Loans Act, 1908."

PART XII.

NATIVE LANDS.

Disposal thereof when acquired.

338. (1.) Whenever the Governor is satisfied that any Native lands acquired by His Majesty in any way, or purchased out of any sums authorised or to be authorised to be issued and expended in the purchase of lands in the North Island of New Zealand, are free from Native claims and all difficulties in connection therewith, he shall by Proclamation declare such lands to be Crown lands, subject to be sold and dealt with according to the provisions of the laws regulating the sale and disposal of Crown lands for the time being in force in the land district in which such land is situated; and thereupon such land so proclaimed shall become subject to such provisions. But the proceeds of any lands acquired as an endowment for the purposes of the North Island Main Trunk Railway shall not be treated as other than proceeds of such endowment.

Native lands on acquisition may be declared Crown lands.

1892, No. 37, sec. 250

(2.) When any Native lands have been or may be acquired out of moneys available for the purchase of such lands in the North Island, or any estate or interest therein, the Governor may give effect to any stipulation made in any instrument of sale or transfer to His Majesty of any such land by Natives for the reservation, sale, or grant to them of any portions of such land, and for that purpose may reserve or grant such portions accordingly in manner required by the aforesaid Natives.

Governor may make grants of portions to Native sellers.

339. (1.) Whereas by arrangement with the Native proprietors the Governor was authorised to dispose of by lease certain lands within the districts defined under "The Thermal-Springs Districts Act, 1881": And whereas certain interests of the proprietors in the aforesaid lands have in the meanwhile been acquired in freehold by His Majesty, the remaining Native owners not having then consented to part with their freehold interests therein, and doubts exist whether the Governor can make a valid lease of the said lands under the circumstances:

Validation of leases in thermal-springs districts.

Ibid, sec. 251

Be it therefore enacted that every existing lease of, and every agreement to lease, any of the aforesaid lands heretofore made by the Governor, as agent for the Natives, under "The Thermal-Springs Districts Act, 1881," is hereby confirmed and validated according to the terms thereof, notwithstanding any interest acquired by His Majesty in or over any of the lands comprised in such lease; and it is hereby declared that the Governor shall have full power and authority to make valid leases of or agreements to lease any of such lands, notwithstanding any interest therein that may be acquired as herein last aforesaid.

Registration of such
leases.

1894, No. 45, sec. 13

(2.) It shall be lawful for the Registrar of the Land Registration District of Auckland to register under "The Land Transfer Act, 1908," in the same manner as nearly as may be as if the same were a lease from the Crown under the provisions of this Act, any lease of or agreement to lease lands within any such district made respectively by the Governor under the authority of this section or the corresponding provisions of section two hundred and fifty-one of "The Land Act, 1892."

PART XIII.

PRIVATE LANDS.

Limiting Area that may be acquired.

All land alienated
by Crown to be
subject to this
Part of Act.

1907, No. 51, sec. 93

340. (1.) All land which on or after the twentieth day of November, one thousand nine hundred and seven (being the date of the coming into operation of "The Land Laws Amendment Act, 1907"), has been or is alienated by the Crown in fee-simple, whether under the provisions of section twenty of that Act or section one hundred and seventy-seven of this Act, or otherwise, shall at all times after such alienation be and remain subject to this Part of this Act.

(2.) For the purposes of this section land held under license for occupation with right of purchase granted before the date aforesaid shall not be deemed to be land subject to this Part of this Act, notwithstanding that the right of purchase was not exercised on such date.

Limitation of area.
Ibid, sec. 94

341. (1.) It shall not be lawful for any person to acquire any interest in any land which is so subject to this Part of this Act if such land, together with all other land of any description owned, held, or occupied by him under any tenure, either severally or jointly or in common with any other person, exceeds a total area of five thousand acres, calculated in manner provided by section ninety-seven hereof.

(2.) In this Part of this Act the term "interest" includes any estate or interest, whether freehold or leasehold, legal or equitable, vested or contingent, and whether in possession, remainder, or reversion.

Statutory
declaration.
Ibid, sec. 95

342. No District Land Registrar shall register any transfer or other disposition of land which is subject to this Part of this Act unless the instrument of such disposition is accompanied by a statutory declaration made by or on behalf of the transferee or other person acquiring an interest in the land by virtue of such disposition, to the effect that neither he nor any other person acquires by virtue of such disposition any interest in breach of the provisions of this Part of this Act.

Order of Supreme
Court.
Ibid, sec. 96

343. (1.) If any person acquires any interest in any land in breach of this Part of this Act, the Supreme Court may, in an action against him at the suit of the Crown, order that within such time as the said Court determines (being not more than twelve months from the date of such order) he shall, by way of alienation, surrender, or other disposition, divest himself of the interest which he has so acquired.

(2.) No trust, contract, or other obligation shall so operate as to prevent or render illegal any alienation, surrender, or other disposition authorised by the said Court in any such order.

Penalty for failure to
obey order of Court.
Ibid, sec. 97

344. (1.) If any person makes default in obeying any such order of the Supreme Court, he shall be liable to a penalty equal to one-half of the value of the interest which he has so acquired in breach of this Part of this Act.

(2.) The said penalty shall be recoverable by action in the Supreme Court at the suit of the Crown.

(3.) In lieu of an action for the recovery of the said penalty the Supreme Court may, on the application of the Crown, enforce the said order in the same manner as in the case of injunctions issued by the said Court.

345. No disposition of any land and no agreement for any such disposition shall be invalid merely because such disposition is contrary to the provisions of this Part of this Act.

Disposition not to be invalid.
1907, No. 51, sec. 98

346. Every certificate of title issued in respect of land subject to this Part of this Act on the alienation thereof by the Crown, and every certificate of title subsequently issued in respect of such land or any part thereof, shall have written thereon a memorandum stating that all dispositions of the land included in such certificate are subject to the restrictions imposed by this Part of this Act.

Memorandum to appear on certificate of title.
Ibid, sec. 99

347. Nothing in this Part of this Act shall apply to—

This Part of Act not to apply to certain interests.
Ibid, sec. 100

- (a.) The acquisition of any interest by way of mortgage or other security :
- (b.) The acquisition of any interest by a trustee, executor, or administrator as such :
- (c.) Any interest acquired in trust for any religious, educational, charitable, or public purpose.

PART XIV.

MISCELLANEOUS.

348. (1.) Except where otherwise provided in this Act, every person who commits an offence declared by this Act to be a crime commits an indictable offence and is liable to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for any term not exceeding two years.

Punishment of offence declared to be a crime.
1893, No. 56, sec. 8

(2.) The prosecution for any indictable offence under this Act shall be commenced within three years after such alleged offence has been committed, and not afterwards.

Prosecutions to be within one year.
1892, No. 37, sec. 252
1893, No. 42, sec. 2 (5)

349. Notwithstanding the repeal of any former Land Act,—

- (a.) All Orders in Council, Proclamations, appointments of persons, or places, or offices, or times, and all awards, valuations, orders, and rules or regulations made under such former Land Act, and in force on the coming into operation of this Act, shall continue and be in force, but may be revoked or altered under the powers conferred by this Act :
- (b.) All the provisions of such former Land Act shall remain and be in full force so far as they respectively relate or can be applied consistently with this Act to any lands purchased, selected, or held under such former Land Act before the coming into operation of this Act, and to any lands held under license or lease, and to the respective licensees or lessees thereof under such former Land Act, and to the issue of licenses, leases, or Crown grants to the holders of land under the provisions of such former Land Act,

Special savings.
1892, No. 37, sec. 253

and to the forfeiture or cancellation of any such license or lease; subject, however, to any special provisions of this Act affecting any such lands and the licensees or lessees thereof respectively:

Provided that all renewable leases granted under Part I of "The Land Laws Amendment Act, 1907," shall be deemed to be granted and held under this Act, and the provisions of this Act shall operate and be construed accordingly:

- (c.) The Governor, or any Land Board, or Commissioner of Crown Lands, as the case may be, shall in regard to leases, licenses, and selections under such former Land Act have and exercise the same power of revocation and forfeiture, and every such power may be exercised and shall be enforced and proved in like manner, and every such revocation and forfeiture shall have the same effect in every respect so far as may be as if such former Land Act had not been repealed:
- (d.) Nothing herein contained shall, except where otherwise expressly provided, be deemed to affect any estate, right, or interest created or existing under or by virtue of such former Land Act:
- (e.) The Land Board, in its discretion, and on completion of the conditions of occupation up to date, may authorise any holder of land under the homestead system of tenure heretofore in force to transfer his license or permission to occupy such land to any person whom the Board approves; and in the event of the death of the occupier the person acquiring interest in such land by virtue of an intestacy or under a will may be the holder of such land:
- (f.) The Board also may sanction improvements to be continued by any person whom it approves on behalf of any child or children whose parents, or one of whose parents, is dead; and, in case of the death of any child of a selector who holds land under the homestead system for such child, when improvements have been made thereon to the satisfaction of the Board, the Board may authorise such selector to retain such land notwithstanding the death of the said child, or to thereby become the holder of land in excess of the quantity he may be entitled to hold under the said system:
- (g.) The Governor may at any time cause Crown grants to be issued to the holders of any of the aforesaid lands on the fulfilment of the prescribed conditions to entitle such holder to such grant:
- (h.) Every application in respect of land which is undetermined at the time of the coming into operation of this Act shall be dealt with in all respects as if this Act had not been passed:

Provided that where the application was made under the provisions of any of the enactments mentioned in the First Schedule hereto, and corresponding provisions are contained in this Act, the application may be dealt with under this Act.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS CONSOLIDATED.

- 1877, No. 27.—“The Financial Arrangements Act 1876 Amendment Act, 1877” :
Except section 8.
- 1878, No. 46.—“The Financial Arrangements Act, 1878” : Except section 9.
- 1885, No. 49.—“The Local Bodies’ Finance and Powers Act, 1885” : Section 7.
- 1892, No. 37.—“The Land Act, 1892.”
- 1893, No. 23.—“The Cheviot Estate Disposition Act, 1893.”
- 1893, No. 42.—“The Land Act Amendment Act, 1893.”
- 1894, No. 45.—“The Native Land Claims and Boundaries Adjustment and Titles
Empowering Act, 1894” : Section 13.
- 1894, No. 53.—“The Mining Districts Land Occupation Act, 1894.”
- 1895, No. 32.—“The Fencing Act, 1895” : Section 6.
- 1895, No. 58.—“The Land Act Amendment Act, 1895” : Except section 5.
- 1896, No. 56.—“The Reserves and Crown Lands Disposal and Enabling Act,
1896” : Section 25.
- 1897, No. 22.—“The Cheviot Estate Disposition Act Amendment Act, 1897.”
- 1900, No. 57.—“The Crown Tenants’ Rent Rebate Act, 1900.”
- 1902, No. 57.—“The Towns Main Streets Act, 1902.”
- 1903, No. 25.—“The Bush and Swamp Crown Lands Settlement Act, 1903.”
- 1905, No. 25.—“The Timber and Flax Royalties Act, 1905.”
- 1905, No. 55.—“The Mining Act Amendment Act, 1905” : Section 29.
- 1907, No. 51.—“The Land Laws Amendment Act, 1907” : Except section 92
and Part II.
- 1907, No. 58.—“The National Endowment Act, 1907.”

SECOND SCHEDULE.

CERTIFICATE OF OCCUPATION TO PURCHASER OF LAND.

Under “The Land Act, 1908.”

Section 167.
1892, No. 37
Schedule F.

WHEREAS , of , has purchased for cash the land delineated on the plan or sketch in the margin hereof, and has duly paid for the same :

Now know all men that, in pursuance of the powers vested in me as Commissioner of Crown Lands, I hereby authorise and empower the said , his executors, administrators, or assigns, at any time after the date hereof, to enter upon all that allotment numbered , Block , District, delineated as aforesaid, and to hold and enjoy the same for his and their absolute use and benefit, subject, nevertheless, to the right of the Land Board to be satisfied that the purchaser has put upon the said land substantial improvements to the value prescribed by the above-mentioned Act, and has otherwise complied with the provisions of that Act.

Dated at , this day of , 19 .

C. D.,
Commissioner of Crown Lands.

Section 224.
Grazing regulations
in hundreds of
Otago and
Southland.
1892, No. 37,
Appendix.

THIRD SCHEDULE.

REGULATIONS FOR THE MANAGEMENT OF CROWN LANDS WITHIN HUNDREDS IN OTAGO AND SOUTHLAND.

1. SUBJECT to the provisions of section two hundred and twenty-four of "The Land Act, 1908," the rights of pasturage on Crown lands in any hundred now subsisting in Otago or Southland, and the apportionment of the same, may be exercised and enjoyed under the regulations herein contained by the persons who take out a depasturing license as hereinafter provided, being owners or occupiers of land within the hundred.

2. A depasturing license shall be granted to every such owner or occupier who applies for the same to the Board on or before the first day of December in each year, provided that he furnishes to the Board a return showing the description and area of land owned or occupied by him, and the number of acres (if any) unenclosed or available for pasture, and the number, description, and brands of all cattle depastured or intended to be depastured by him within the hundred; and every person depasturing cattle upon a hundred who fails to make such return as aforesaid, or makes a false return, is liable to a fine not exceeding twenty pounds.

3. Each license-holder shall be at liberty to depasture, free of assessment, one head of great cattle or five sheep for every ten acres of unenclosed land owned or occupied by him within the boundaries within which cattle may be depastured in the hundred, provided that such license-holder proves to the satisfaction of the Board that such unenclosed land is within such boundaries, and is open to all cattle depastured on the hundred.

4. Each license-holder who, being the holder of a miner's right and having within a hundred a claim under "The Mining Act, 1908," or any former Mining Act, occupies land by virtue of license within such hundred, shall be entitled to run two head of great cattle within such hundred free of charge.

5. No diseased cattle shall be depastured upon, nor shall any pigs or goats be allowed at large within, any hundred; and any person who turns out or depastures any diseased cattle or suffers any pig or goat to be at large within any hundred is liable to a fine not exceeding twenty pounds.

6. Every license shall commence and take effect on the first day of January and shall continue in force one year; and for such license there shall be paid to the Board on the issue thereof the sum of two shillings and sixpence.

7. (1.) As soon as conveniently may be after the first day of December in each year the Board shall publicly notify a list of the persons to whom and the names of the hundreds in respect of which such licenses have been granted, and at the same time, and in like manner, the Board shall call a meeting of such persons in each hundred for the purpose of electing from amongst themselves, by a majority of votes, any number of persons to act as Wardens, not being less than three, as the Board in such notice directs and appoints.

(2.) Such persons shall continue in office as Wardens until the election of their successors, and shall have the regulation and apportionment of the right of pasturage within the hundred for the then current year, or until some other regulation and apportionment thereof is lawfully made in that behalf.

(3.) At such election every occupier of twenty acres and not exceeding one hundred shall have one vote, and an additional vote for every one hundred additional acres.

8. The persons whose names are comprised in such lists, or to whom licenses for part of a year are issued, as hereinafter provided, and who have paid the yearly assessment fees on cattle hereinafter referred to, shall have the exclusive right of pasturage on the Crown lands within the hundred in respect of which they hold such license.

9. At every meeting to be held for the election of Wardens a person appointed by the Board shall preside, and in case of an equality of votes at any such election such person shall have a casting-vote.

10. In the event of the death, resignation, or refusal to act of any of the persons so elected as aforesaid, the vacancy shall be filled up by an election to be conducted, as nearly as may be, in the manner hereinbefore provided.

11. The Wardens may, at any time within one month after their election, in or by any regulations to be made by them, compute the number of cattle capable of being depastured on the Crown lands within the hundred, apportion the number of great cattle and small cattle which may be depastured for the then current year by each person

holding such license as aforesaid, and determine the boundaries within which great cattle and small cattle respectively may be depastured; and the persons entitled to vote in the election of Wardens shall, if they think fit, at any general meeting called by the Board on a requisition by any three license-holders for the purpose, determine the description of cattle to be depastured within the hundred during the current year, and such decision shall be made by the majority of votes of the persons entitled to the pasturage. At such general meeting every occupier of twenty acres and not exceeding one hundred shall have one vote, and an additional vote for every one hundred additional acres.

12. The regulations so to be made by the Wardens as aforesaid shall be agreed to by a majority of the Wardens, and a copy of the same under their hands shall, on or before the first day of February in each year, be furnished to the Board for public notification. In case the Wardens neglect to make such regulations within the period aforesaid, all the powers hereinbefore given to such Wardens shall be held and exercised by the Board.

13. (1.) For the purpose of providing for the safety of the cattle to be depastured within any hundred, for improving the common lands, for preventing the intrusion and the depasturing thereon of cattle belonging to or under the charge of any unlicensed person, the Wardens, or a majority of them, may from time to time make such by-laws (not being repugnant hereto) as they think fit, and by such by-laws may impose any fine not exceeding five pounds, to be recovered in a summary way, upon any person offending against the same.

(2.) Such by-laws shall extend and be applicable not only to persons to whom such licenses as aforesaid have been issued, but to persons to whom no such licenses have been issued, and to all unenclosed lands situated within the limits of the hundred, except as regards unenclosed lands the owners whereof have not agreed to leave their unenclosed lands open to all stock depasturing within the hundred, as hereinbefore provided. But no such by-laws shall come into operation until they have received the assent of the Board and have been publicly notified.

14. The Wardens of any hundred, or the majority of them, may authorise the transfer of any such license as aforesaid from the person to whom the same was issued to any other person being an occupant of land as aforesaid situated within the limits of the hundred in respect of which such license was originally issued; provided that notice of such transfer shall be given to the Board.

15. The Board may, after a return of land and cattle has been made as hereinbefore provided, issue such depasturing licenses as aforesaid, on payment of a fee of two shillings and sixpence, at any time, for the remaining portion of the then current year.

16. The Wardens of the hundred shall levy and raise yearly for and in respect of all cattle depastured upon the Crown lands within such hundred (except such as may be allowed to be depastured free) an assessment as follows:—

For every head of great cattle, a sum of three shillings and sixpence:

For every head of small cattle, a sum of one shilling,—

to be paid, by the person depasturing such cattle, at a time and place and in manner to be appointed by notice under the hand of the Wardens.

17. In case any person liable for the payment of any such assessment neglects or refuses to pay, within thirty days after notice, the amount due in respect thereof, the Wardens of the hundred or, on their failing to do so, the Commissioner of Crown Lands may, without prejudice to any other remedy they or he may have at law, issue a warrant under their or his hand directed to some constable to levy the amount so due by distress and sale of a sufficient part of the cattle and other goods and chattels of the party liable, in like manner as in the case of rent in arrear between landlord and tenant.

18. The amount received for every such assessment in such hundred, or such part thereof as may be situated in any road district, shall be paid to the Treasurer of the Road Board of the district in which such hundred or part thereof is situated, or if there is no such Road Board, then to the Wardens of the hundred wherein such assessment accrued, to be by them expended in the construction and repair of roads and bridges in such road district or hundred, as the case may be. But when three-fourths of the land within the hundred are sold or occupied the assessment shall cease.

19. (1.) Within one month after the election of the Wardens for any hundred the Board shall pay over, to any person such Wardens appoint for that purpose, all moneys that it has received for licenses in such hundred, which sums shall be applicable, under the direction of the Wardens, to all or any of such purposes as may be necessary to give effect to these regulations.

(2.) The Wardens shall enter, in a book to be kept by them for that purpose, true accounts of all sums of money received and paid by them under the authority of these regulations; and at the close of the year for which they were elected the Wardens shall furnish a copy of such book to the Board for public notification, and shall pay over to the Wardens for the ensuing year the balance of such moneys (if any) remaining in their hands, and shall conform to and observe all such rules and regulations as may from time to time be made by the Board for securing the due application of the moneys received by them under the authority hereof.

20. Any license-holder depasturing sheep upon hundreds shall do so within such limits as the Wardens appoint; and, in the event of such sheep being allowed to trespass beyond the boundaries so appointed, they may be impounded in any public pound, and shall be dealt with according to law, as if they had been found trespassing on fenced lands the private property of the Wardens. But nothing herein shall be held or construed to authorise the impounding of any sheep or cattle which are being depastured on any land, whether fenced or not, which is the property of or is lawfully occupied by the owner of such sheep or cattle.

21. No person shall remove from beyond the boundary of any hundred any cattle other than those belonging to him or for the removal of which he has authority from the chairman of the Wardens or the Board, under a penalty of not exceeding twenty pounds.

22. Every person shooting cattle on any hundred, without the consent in writing of the chairman of the Wardens or the Board previously obtained, is liable to a fine not exceeding twenty pounds.

23. Every person who sets fire to any herbage or grass upon the Crown lands within any hundred, without the consent in writing of the chairman of the Wardens or the Board previously obtained, is liable to a fine not exceeding twenty pounds; but such consent shall not prevent any person from the consequences of any loss or damage which may be sustained by any person by reason of the carelessness with which such burning of the hundred is performed.

24. Any license-holder may be required by the Wardens or Ranger of the hundred at any time to make a return of the cattle being depastured by him within the hundred, with the same particulars as is hereinbefore required in the case of applicants for a depasturing license; and every person who fails to make such return for a period of forty-eight hours after being required so to do, or who makes a false return, is liable to a fine not exceeding fifty pounds.

25. If any person, not being licensed as aforesaid, depastures any cattle on the common lands of the Crown within any hundred, or, being so licensed, depastures on such lands as aforesaid a greater number of cattle than has been apportioned to him, every such person shall be liable to a fine not exceeding fifty pounds.

26. The Board may appoint one or more Rangers for each hundred, whose duty shall be to see that the provisions of these regulations are carried into effect, and to report any neglect or breach thereof to the Board.

27. Every act hereinbefore authorised to be done by the Wardens of any hundred may, in any case where no Wardens are elected, or where the persons elected as Wardens, or the majority of them, refuse or decline or neglect to act, be done, executed, or performed by the Board or by such person resident in the hundred as it may appoint to act in that behalf. And when any person feels aggrieved with any act or decision of the Wardens, or of any general meeting of license-holders as hereinbefore provided, he may appeal to the Board; and the Board shall hear and determine such appeal in such manner as the Board thinks fit, and its decision shall be final.

28. The right of pasturage over all lands within a hundred which, at the time of the Proclamation thereof as a hundred, were held under lease or license for depasturing purposes shall remain with the lease-holder or license-holder until regulations affecting such lands have been made under the provisions of "The Land Act, 1908," or any former Land Act, and no longer.

FOURTH SCHEDULE.

AUCKLAND LAND DISTRICT.

Section 258
1907, No. 1
Schedule.

ALL the undermentioned areas in the Auckland Land District, containing by admeasurement 900,000 acres, more or less: as the same are more particularly delineated on the maps deposited in the District Lands Office, at Auckland, and purporting to show the areas of national endowment land:—

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
8,893	II, III, VI, VII ..	Mangonui.	969	XII	Russell.
4,730	V, VIII	Ahipara.	1,795	VI	Mangakahia.
	IX, XIII	Takahue.	576	VII, VIII	"
7,367	X, XIV	"	1,150	XII	"
910	VII	Maungataniwha.		IX	Purua.
3,989	VIII, IX, XII, XIII	Rangaunu.	375	IX	"
1,174	VII	Whangape.	3,846	XII, XVI	Mangakahia.
	X	"		IX, XIII	Purua.
3,571	XVI	Waoku.	1,205	X, XI	Hukerenui.
	XIII	Punakitere.		XIV, XV	"
2,972	VIII	Whangape.	1,310	III, IV	Purua.
894	IX	"	1,424	I	Opuawhanga.
469	III	Herekino.	1,751	II, V	"
297	VI	Whangape.	1,435	VIII, IX, XI, XIII	"
3,320	XIII, XIV	Kaeo.	300	XIII	"
716	X	Omapere.		III	Whangarei.
215	XII, XVI	Mangamuka.	810	XIII	Opuawhanga.
	IX, XIII	Omapere.		II	Whangarei.
868	XIII	"	896	XII	Opuawhanga.
640	XIII	"		II	Whangarei.
515	I	Punakitere.	1,135	XII	Opuawhanga.
	V	Waoku.		I	Whangarei.
810	VI	Hokianga.	740	XI	Opuawhanga.
4,050	V, VI, X, XI	Waoku.	467	XI	"
638	VII	"	849	XVI	Hukerenui.
2,100	XIII	"	770	VI	Purua.
2,355	XI, XV	"	830	XV	"
2,975	XV, XVI	Punakitere.	915	I	Tangihua.
6,720	II, V, VI	Tutamoe.	1,080	XIII	Waipoua.
	XIII, XIV	Kaeo.	754	XIII	Tutamoe.
9,975	I, II	Omapere.	551	XIII	"
2,072	XI, XII, XV, XVI	Kaeo.	2,508	VII	Kaihu.
666	VI	Kerikeri.	1,150	XV	Tutamoe.
4,435	III	Omapere.	1,100	V, VII	Te Kuri.
	IV	"	2,560	XIII, XIV	Tokatoka.
	XV, XVI	"	1,856	I, II	Te Kuri.
4,400	III, IV	Punakitere.	4,141	XI, XII	Tokatoka.
	I	Motatau.	758	IV	"
4,800	IV	Punakitere.	214	XV	Waipu.
	I, V	Motatau.		XV	"
2,033	XII	Punakitere.		IV	Otamatea.
	IX, XIII	Motatau.	1,254	I	Pakiri.
3,194	III	Hukerenui.		III	Mangawai.
	XIV	Russell.	567	II, V	Pakiri.
2,280	XIV	"	296	I, II, IV, V	"
	II	Hukerenui.	480	I	Mahurangi.
2,193	V, VI, IX, X	Russell.	575	XV	Kaipara.
1,040	IV	Motatau.		XIII	Waiwera.
790	I	Hukerenui.	1,051	XV	Kaipara.

AUCKLAND LAND DISTRICT—continued.

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Aeres.			Aeres.		
2,415	XV	Kaipara.	2,080	II, III	Piopiotea.
	XIII	Waiwera.	24,850	VI, X, XI, XIV, XV	Waihou.
	I	Waitemata.		II, III, VI, VII ..	Waitoa.
250	XIV	Waiwera.	2,580	XII, XVI	Hapuakohe.
	II	Waitemata.		IX, XIII	Waitoa.
5,150	VII	Kumeu.	4,224	IV, VII, X, XI ..	Wairere.
	I, II, V, VI ..	Waitemata.	313	IX	Patetere North.
1,664	II, III, VI ..	"		VIII	Maungatautari.
236	VII	Waiwera.	6,085	XII	"
843	IV, VIII	Waitemata.		V	Patetere North.
640	I, II	Titirangi.		IX	"
424	VII, VIII	Opaheke.	2,373	II, III, IV	Horohoro West.
890	XI	"	8,900	III, IV, VII, VIII ..	Katikati.
2,900	XIII, XIV	"	6,720	I, IV, V, VII, VIII ..	Aongatete.
	II, III	Maramarua.	5,598	V, VI, VIII, IX ..	"
1,180	II, III, VI, VII ..	"	850	IX, XII	"
288	XV, XVI	Opaheke.	4,094	II, III, IV, V	Opoutihi.
	II, III	Maramarua.		IV, VIII	Otanewainuku.
	V	Rangiriri.	3,846	I, V	Maketu.
14,393	VI	"		IV, VIII	"
	VII, IX, XI, XIV ..	"	3,700	I, II	Waihi South.
520	XI	"	1,178	VI, VII, X, XI ..	"
1,250	V, VI	Alexandra.	17,160	V, VI, VII, IX, X ..	Horohoro.
200	II	"		III	"
302	II	"	2,355	XV, XVI	Rotorua.
300	II, III	"	1,000	I	Horohoro.
2,988	VI, VII, VIII ..	Wharekawa.	2,000	IX, XIII	Rotorua.
5,049	I, V	Piako.		XIII, XIV	Maketu.
5,133	VI, VII, X	"	4,480	I, II	Rotoiti.
5,049	VIII, XII	Maramarua.		V, VI, IX, X	Waihi South.
	V, IX	Piako.	12,020	I, V	Rotoma.
8,140	VI, VII, VIII, X, XI	Maramarua.	1,066	XIV, XV	Otanewainuku.
1,596	XI, XV	"	625	II, III	Rotorua.
2,532	XI, XII, XVI ..	"	2,355	II, VI, VII	Rotoma.
500	XVI	"	3,768	XI, XII	Tatua.
1,281	VIII	Rangiriri.	1,982	XIII	"
	IX	Hapuakohe.	190	V, IX	"
900	III, IV	Whareorino.	7,957	II, III, VI, VII ..	Tauhara.
4,511	VI, VII, VIII ..	"		XIII	Galatea.
1,920	VII, X	"	21,496	IV, VIII, XI	Weao.
865	IX, X	"		I, V, IX	Ahikereru.
6,191	V, VIII, XI	"		XV, XVI	Weao.
4,940	V, IX, XIII	Maungamangero.		III, IV, VII, VIII,	Heruiwi.
3,423	VII, VIII, XI ..	Ranginui.	66,013	XI, XII, XVI ..	
	XII, XV, XVI ..	"		V, IX, X, XIII, XIV	Tuatawhata.
14,386	IX, XIII	Whakamaru.		I, II, VI	Mangahopai West.
	III, IV, VII, VIII ..	Hurakia.		VII, XI, XII, XIV,	Heruiwi.
10,629	VI, VII, VIII, X, XI,	"		XV	
	XII	"	40,376	II, III, IV, VI, VII,	Runanga.
	I, II	Puketapu.		VIII, X, XI, XIV,	
13,467	IX, X, XIII, XIV,	Hurakia.		XV	
	XV	"	8,000	XV, XVI	Rotoma.
6,000	III, VII	Puketapu.	2,166	III	Rangitai Lower.
	XII, XV, XVI ..	Hurakia.		XIV	Haparapara.
3,974	XIII, XIV	Tuhua.	16,573	I, II, III, V, VI,	Waiawa East.
	I, II	Piopiotea.		VIII, IX	

AUCKLAND LAND DISTRICT—continued.

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Aores.			Aores.		
7,253	III, IV, VII, VIII ..	Rotoma.	220	II	Aroha.
21,069	IV, VIII, XII, XVI	Waioeka.	100	II	"
15,675	I, V, VI, IX, X, XIII	Urutawa.	250	II, III	"
14,275	II, III, VI, VII ..	Hurakia.	300	III	"
16,920	X, XI, XIV, XV ..	Whakamaru.	100	III	"
	IX, XII	Te Atiamuri.	100	III	"
	XI, XII, XV, XVI	Whakamaru.	268	II, VI	"
600	I	Colville.	312	VI	"
680	I, II	"	10,144	I, II, V	Kaingaroa.
200	I	"	8,181	IX, X, XIII, XIV ..	Ruawahia.
448	VIII	Harataunga.		XV	Horohoro.
300	I, IV	Otama.	8,854	XIII	Tarawera.
400	II	"		II	Ngongotaha.
200	IV	Ohinemuri.		I	Paeroa.
220	IV, VIII	"	11,992	I, II, IV, V	Ngongotaha.
100	I	Waihi North.		I, V	Paeroa.
100	V, IX	Ohinemuri.		IX, X, XIII, XIV ..	Maruanui.
100	V, IX	"	14,200	III, IV, VII, VIII,	Taharua.
200	IX	"		IX	
200	IX	"	9,134	IV, VII, VIII, X, XI	Ngongotaha.
200	IX	"		VIII, XI	"
100	IX	"	11,380	III, IV	Tatua.
100	IX	"		XIII, XIV	Paeroa.
100	IX	"	5,194	I	Takapau.
100	IX	"		VIII, XII	Waihi South.
100	IX	"	6,300	I, II, III	Awa-o-te-Atua.
100	IX, X	"	2,744	VII, XI	Waihi South.
100	X	"	3,054	VIII, XI, XII	"
100	IX, X	"	2,393	XI, XII	"
100	X	"		XVI	Puketapu.
200	X	"	6,888	XIII, XIV	Karangahape.
200	X, XI	"		IV	Maungakn.
416	X, XI	"		I, II	Pukawa.
110	X, XI	"	2,849	IX, X, XIII, XIV ..	Karangahape.
426	X, XI	"	2,253	V	"
320	XI	"		XIV, XV	Ruawahia.
300	XI	"	19,460	II, III, V, VI, VII,	Kaingaroa.
180	XI, XV	"		X	
230	XI, XII	"		XIV, XV	Horohoro.
200	XII	"	5,900	I, II	Ngongotaha.
190	XI, XII	"		III, IV, VII, VIII,	Takapau.
200	XII	"		X, XI, XII, XIV,	
500	XII	"	56,556	XV, XVI	
250	XII	"		V, VI, IX, X, XIII	Weao.
300	XII	"		X, XI, XII, XIV,	Tauhara.
100	XII	"	19,874	XV, XVI	
100	XVI	"		II, III, IV	Waitahanui.
60	XIV	"		XII, XVI	Tauhara.
100	XVI	"	19,695	III, IV	Waitahanui.
150	II	Waihi North.		IX, XIII, XIV	Otukotara.
150	II, III	"		I, II, V, VI	Maruanui.
64	III	"	11,136	I, III, IV, VI, VII ..	Ngongotaha.
100	III	"		XVI	Rotoma.
150	I	Aroha.	5,232	IV	Ruawahia.
200	II	"		I	Rangitaiki Lower.

HAWKE'S BAY LAND DISTRICT.

All the undermentioned areas in the Hawke's Bay Land District, containing by admeasurement 135,000 acres, more or less: as the same are more particularly delineated on the maps deposited in the District Lands Office, at Napier, and purporting to show the areas of national endowment land:—

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
160	IX	Pohui.	7,750	I, V, VI, IX, X ..	Tutamoe.
670	VIII	"		IV, VIII	Arowhana
19,500	II, III, V, VI, IX, X	Kuripapanga.		XIV, XV	Moanui.
	XI, XII, XV, XVI..	Kaweka.	48,851	II, III, VI, VII, X,	Koranga.
14,030	IV, V	Kuripapanga.		XI, XIV, XV	
1,240	I	Patoka.		II	Tuahu.
1,280	I, V	"	6,000	XII, XIII	"
28,540	I, II, V, VI, IX ..	Kaweka.		XIX	Waikaremoana.
186	I	Tokomaru.	608	XIV	Hangaroa.
5,950	XIII	Hikurangi.			

TARANAKI LAND DISTRICT.

All the undermentioned areas in the Taranaki Land District, containing by admeasurement 90,000 acres, more or less: as the same are more particularly delineated on the maps deposited in the District Lands Office, at New Plymouth, and purporting to show the areas of national endowment land:—

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
5,000	II, III, IV, VI, VII..	Totoro.	3,500	II, III, VI, VII ..	Heao.
4,000	I, V, VI	Tangitu.		XIV	Waro.
	IV	Tainui.	3,403	II	Pouatu.
14,000	VII	Mokau.		V	"
	II, V	Mimi.	7,098	VIII	Upper Waitara.
	I, II, V, VI	Waro.		XV	"
10,100	VII, VIII, XI, XII..	"	2,113	XII, XV, XVI ..	Pouatu.
	VII, VIII, XI, XII,	Ohura.		XII	Heao.
22,000	XVI		18,786	III, IV, VIII ..	Mahoe.
	III, IV	Rangi.		I	Kiri.
	I, II, III, IV ..	Piopiotea West.			

WELLINGTON LAND DISTRICT.

All the undermentioned areas in the Wellington Land District, containing by admeasurement 90,000 acres, more or less: as the same are more particularly delineated on the maps deposited in the District Lands Office, at Wellington, and purporting to show the areas of national endowment land:—

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
468	XII	Mount Cerberus.	40	XVI	Akatarawa.
353	XII	"	30½	III	Puketoi.
295½	VII	Makuri.	1,710	XVI	Momahaki.
200	IV	Umutoi.	516	XII	Wairoa.
200	XVI	Te Kawau.	209½	XII	"
40	XVI	"	42	XII	"
214	IV	Momahaki.	510	XIV	"
915	IV	"	1,595	XIV	"
420	II	Kotiata.	1,740	XIV	"
660½	IX, X, XIII, XIV ..	Momahaki.	680	XIV	"
915½	IX	"	280	XIV	"
300	XIII	Tararua.	1,140	IX	Ikitara.

WELLINGTON LAND DISTRICT—continued.

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
2,350	X, XIII	Ikitara.	342½	I	Karioi.
1,245	I	Koitiata.	1,566	(XIII, XIV	Moawhango.
2,145	III	"		IV	Maungakaretu.
1,800	III, V	"		(XIV	Moawhango.
405	V	"	2,000	I	Ohinewairua.
217	VI	"		IV	Maungakaretu.
1,818	(VI	"	583	I	Ohinewairua.
480	I	Sandy.		IV	Maungakaretu.
6,360	II, III	"	2,005	(XIV, XV	Moawhango.
211	VII	Rewa.		I	Ohinewairua.
3,660	X, XIV	Haurangi.	1,206	I	"
1,242½	I	Mangawhero.	1,760	XV, XVI	Moawhango.
1,154½	I	"	456½	XV	Karioi.
328	XVI	Tauakira.	710½	XV	"
361½	VII	Waipakura.	168½	XV	"
875½	VIII	"	5,071	VI, VII, X, XI	"
134½	V	Maungakaretu.	115½	I	"
186½	V	"	15	XIV	"
187	V	"	950	V, VI, IX.. ..	Hunua.
788	XI	Ngamatea.	655	II	Maungakaretu.
135½	XI	Makotuku.	2,516½	IV, VIII	"
30	V	Maungakaretu.	589½	VIII	"
267	VIII	Waipakura.	202	III	Makotuku.
84	I	Ruahine.	1,294	III	"
4,565	II, III, VI, VII	Karioi.	526	IV	"
20,701	(X, XI, XII, XV, XVI	Pukeokahu.	2,063	IV	"
	III, IV	Ruahine.			

NELSON LAND DISTRICT.

All the undermentioned areas in the Nelson Land District, containing by admeasurement 1,000,000 acres, more or less: as the same are more particularly delineated on the maps deposited in the District Lands Office, at Nelson, and purporting to show the area of national endowment land:—

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
9,500	(I, II, V	Onetaua.	1,400	III, IV, VII, VIII	Wangapeka.
	II	Pakawau.		VII, VIII, XI, XII	Owen.
	V	Wakamarama.		IX, X, XIII, XIV	Wangapeka.
14,500	(II, VI, IX, X, XII	Kahurangi.	41,000	I, II, V, VI, IX, X	Tadmor.
	I	Whakapoai.		IV, V	Tainui.
	(III-X	Totaranui.		II, III	Hope.
40,000	(IV, VIII, XII	Takaka.		(X, XI, XIV, XV	Maunga.
	(I-VI	Kaiteriteri.	29,000	I, II, III, V, VI, VII, X	Matiri.
727	V, VIII	"			
896	II	Motueka.		(XII, XV, XVI	Maunga.
	(XV, XIX.. ..	Takaka.	19,000	I, III, IV	Tainui.
	(XV, IX	Kaiteriteri.		III, IV, VIII	Matiri.
	III, IV, VII, VIII, XIV, XVI	Mount Arthur.		I, II, VI	Hope.
35,00	(I, II, V, VI	Motueka.	4,400	VIII	Wangamoa.
	III	Wangapeka.	2,500	I, II	Tapumutu.
				IV, VIII	Wakapuaka.

NELSON LAND DISTRICT—continued.

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres. 3,200	VII, VIII, X, XI .. XII, XIII, XIV .. I-XI, XIII, XIV, XVI I-V, VIII, IX .. I, II, IV-VIII, XVI I, II, V, VI, VII, IX, X, XI, XIII, XIV, XV, XVII, XVIII I, II, III, V, VI, IX, X, XIII, XIV I-XII, XIV, XV, XVI II, III, IV, VI, VII, IX, XIII V .. I, II, V, VI, VII, IX, X, XI, XIII, XIV, XV I, II, III, V, VI, VII, VIII, IX, X, XI, XII, XV, XVI, XVII III, IV, V, VI, VII I-XVI .. VIII, XII, XVI .. I .. II-IX .. VIII, XI, XII, XIV, XV, XVI I-XI .. IV, VII, VIII, XI, XII, XIV, XV, XVI II, III, VI, VII, X, XI IX .. XIII .. X, XI, XIV, XV, XVI	Wakapuaka. Pakawau. Aorere. Waitapu. Waingaro. Takaka. Mount Arthur. Leslie. Tasman. Wangapeka. Whakapoi. Oparara. Kongahu. Otumahana. Mokihinui. Marina. Maungatapu. Waimea. Rintoul. Gordon. Motupiko. Gordon. Howard.	Acres. 12,000 50,000 26,000 25,000 92,000 5,000 215,000	V, IX, X, XIII, XIV VIII, XII, XVI .. IX, X, XIII, XIV .. X, XIV .. I, II, V, VI, VII, IX- XIV I, III, VI, VII .. I, II .. IV, VIII, XII .. I, V, VI, IX, X, XIII, XIV I, II, V, VI .. X, XI, XIV, XV .. I, II .. I-IV .. I-XI .. I-XI, XIII, XIV, XV I, V, IX .. VIII, XI, XII, XIV, XV IV, V, VI, VIII, IX, X, XI, XII, XIII, XIV V, IX, X, XIII, XIV I-XVI .. I, V, XIII .. VII, VIII, X, XI, XII, XIV, XV, XVI I, II, III, IV, VI, VII, VIII, XI, XII, XV, XVI I-V, IX, XIII, XIV I .. I .. I .. I, II, III ..	Motupiko. Howard. Hope. Howard. Rotoroa. Arnaud. Sabine. Maruia. Tutaki. Matakitaki. Orikaka. Inangahua. Steeple. Waitakere. Brighton. Ohika. " Inangahua. Maruia. Reefton. Burnett. Maimai. Mawhera-iti. Waitahu. Rahu. Ahaura. Pohaturoa.

MARLBOROUGH LAND DISTRICT.

All the undermentioned areas in the Marlborough Land District, containing by admeasurement 330,000 acres, more or less : as the same are more particularly delineated on the maps deposited in the District Lands Office at Blenheim, and purporting to show the area of national endowment land :—

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres. 34,500	IV, XVI, XX, XXIV, XXV II, III, IV, VI, VII, X XV .. I, II, VI, VII .. XIII .. XII .. IX, XIII ..	Hodder. Tapuaenuku. Blue Mountain. Whernside. Kaitarau. Mount Fyffe. Greenburn.	Acres. 1,686 7,000 34,100	IV, VIII .. IV, VII, XI, XIV, XV I, II .. XXII, XXIII .. IV, VII, VIII, XI, XII VI, VII, X, XI, XII, XIV, XV	Spray. " Upcot. Avon. Spray. Hodder.

MARLBOROUGH LAND DISTRICT—continued.

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Aeres.			Aeres.		
27,200	III, IV, V, VI, VII, VIII	Raglan.	21,800	XI, XII, XIV, XV, XVI	Spray.
	I, II, V, IX ..	Leatham.		I, II, III, IV ..	Upcot.
	VII, VIII, IX, X ..	Raglan.		VII, VIII, XI, XII, XV, XVI	"
54,930	I, II, III, VII, VIII	Molesworth.		V, IX, XIII ..	Tapuaenuku.
	I, II, V, VI, VII, IX, X, XIII, XIV	Leatham.	36,100	I, II, III, V, VI, VII	Tone.
24,270	III, IV, VI, VII, VIII, X, XI, XII	"		VI ..	Barefell.
15,000	I, II, III, VII, VIII, IX, XIII	Hodder.	9,800	VIII ..	Upcot.
	X, XI, XIII, XIV, XV	Leatham.		I, II, V, VI, IX, X ..	Tapuaenuku.
35,224	III, IV, V, VII, VIII, IX, XII, XIII	Molesworth.	18,860	XI ..	Heringa.
				XIII, XIV ..	Wakamarina.
				IV, VIII ..	Pine Valley.
				I, II, V, VI ..	Onamalutu.

WESTLAND LAND DISTRICT.

All the undermentioned areas in the Westland Land District, containing by admeasurement 770,000 acres, more or less: as the same are more particularly delineated on the maps deposited in the District Lands Office, at Hokitika, and purporting to show the area of national endowment land:—

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Aeres.			Aeres.		
2,650	I ..	Punakaikai.	1,000	IV ..	Mawhera-nui.
2,950	II ..	"	1,200	V ..	"
250	I ..	Temiko.	2,000	VI ..	"
1,600	II ..	"	2,700	VII ..	"
4,000	I ..	Waiwhero.	6,000	VIII ..	"
6,100	II ..	"	200	IX ..	"
1,500	V ..	"	4,000	X ..	"
1,550	IX ..	"	6,000	XI ..	"
4,500	XII ..	"	5,700	XII ..	"
5,000	XIII ..	"	3,500	XIII ..	"
6,250	XIV ..	"	5,200	XIV ..	"
3,000	XV ..	"	6,250	XV ..	"
3,000	XVI ..	"	1,500	I ..	Ahaura.
2,250	I ..	Mawhera-iti.	3,800	II ..	"
300	II ..	"	1,800	III ..	"
6,250	V ..	"	2,000	IV ..	"
2,500	VI ..	"	2,200	V ..	"
6,000	IX ..	"	5,000	VI ..	"
2,200	X ..	"	4,400	VII ..	"
800	XIII ..	"	4,000	VIII ..	"
2,500	XIV ..	"	4,500	IX ..	"
2,000	XV ..	"	1,400	X ..	"
3,000	II ..	Mawhera-nui.	2,500	XI ..	"
2,250	III ..	"	4,900	XII ..	"

WESTLAND LAND DISTRICT—continued.

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
3,850	XIII ..	Ahaura.	3,000	III ..	Kopara.
3,000	XIV ..	"	2,100	IV ..	"
3,000	XV ..	"	2,600	V ..	"
2,500	XVI ..	"	600	VII ..	"
2,500	I ..	Pohaturoa.	4,400	VIII ..	"
1,500	II ..	"	100	IX ..	"
1,000	III ..	"	1,100	X ..	"
400	IV ..	"	1,400	XI ..	"
2,550	V ..	"	5,400	XII ..	"
600	VI ..	"	4,000	XVI ..	"
1,400	VII ..	"	1,000	I ..	Haupiri.
700	VIII ..	"	500	II ..	"
500	IX ..	"	2,250	V ..	"
800	XII ..	"	3,000	VI ..	"
1,800	XIII ..	"	2,800	VII ..	"
1,700	XVI ..	"	1,200	VIII ..	"
600	X ..	Arnold.	3,000	IX ..	Te Kinga.
1,200	XI ..	"	2,500	XI ..	"
1,500	XIII ..	"	400	XII ..	"
2,400	XIV ..	"	4,000	XIII ..	"
1,200	XV ..	"	1,500	XIV ..	"
1,000	XVI ..	Greymouth.	5,300	XV ..	"
1,000	III ..	Waimea.	5,900	XVI ..	"
6,000	IV ..	"	600	IV ..	Mahinapua.
100	VI ..	"	4,800	VIII ..	"
3,000	VII ..	"	400	XI ..	"
5,400	VIII ..	"	3,800	XII ..	"
2,200	X ..	"	100	XV ..	"
4,900	XI ..	"	1,100	XVI ..	"
1,300	XII ..	"	2,800	I ..	Kanieri.
50	XIII ..	"	4,100	II ..	"
2,900	XIV ..	"	1,750	III ..	"
600	XV ..	"	3,800	IV ..	"
3,100	XVI ..	"	2,200	V ..	"
5,000	I ..	Hohonu.	4,350	VI ..	"
5,300	II ..	"	4,350	VII ..	"
5,800	III ..	"	450	VIII ..	"
3,000	V ..	"	2,750	IX ..	"
2,800	VI ..	"	3,500	X ..	"
4,700	VII ..	"	1,000	XIV ..	"
2,800	IX ..	"	2,200	XV ..	"
5,800	X ..	"	1,200	I ..	Turiwhate.
2,200	XI ..	"	750	II ..	"
100	XII ..	"	900	III ..	"
750	XIII ..	"	2,800	IV ..	"
1,500	XIV ..	"	2,650	V ..	"
1,800	XV ..	"	1,900	VI ..	"
700	I ..	Brunner.	250	VII ..	"
4,900	II ..	"	1,700	VIII ..	"
6,250	III ..	"	1,700	IX ..	"
450	IV ..	"	500	X ..	"
4,200	V ..	"	1,500	XII ..	"
5,800	I ..	Kopara.	3,750	XIII ..	"
3,000	II ..	"	1,150	XIV ..	"

WESTLAND LAND DISTRICT—*continued*

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
2,700	I ..	Otira.	6,100	XV ..	Okarito.
1,500	II ..	"	4,600	XVI ..	"
1,750	III ..	"	1,400	I ..	Wataroa.
1,750	IV ..	"	3,400	II ..	"
5,400	V ..	"	6,200	III ..	"
3,900	VI ..	"	3,300	IV ..	"
850	VII ..	"	5,900	V ..	"
1,000	VIII ..	"	4,200	VI ..	"
6,250	IX ..	"	1,500	VII ..	"
2,900	X ..	"	5,900	VIII ..	"
1,350	XVI ..	Clifton.	5,850	IX ..	"
50	IV ..	Waitaha.	2,700	X ..	"
600	VII ..	"	5,400	XII ..	"
4,500	VIII ..	"	2,900	XIII ..	"
500	IX ..	"	1,200	XIV ..	"
2,700	X ..	"	1,850	XV ..	"
5,200	XI ..	"	2,500	XVI ..	"
900	XII ..	"	2,900	V ..	Poerua.
3,100	XIII ..	"	3,850	VI ..	"
5,300	XIV ..	"	500	VII ..	"
2,500	XV ..	"	3,800	IX ..	"
2,300	XVI ..	"	3,200	VIII ..	Gillespie's.
400	I ..	Totara.	3,400	X ..	"
1,000	II ..	"	5,250	XI ..	"
4,900	III ..	"	3,700	XIII ..	"
3,850	IV ..	"	3,750	XIV ..	"
5,300	V ..	"	3,700	XV ..	"
4,250	VII ..	"	3,000	XVI ..	"
6,200	VIII ..	"	3,700	I ..	Waiho.
5,700	IX ..	"	5,500	II ..	"
6,000	X ..	"	5,200	III ..	"
6,000	XI ..	"	4,900	IV ..	"
4,650	XIII ..	"	6,200	V ..	"
300	I ..	Toaroha.	4,450	VI ..	"
300	II ..	"	2,000	VII ..	"
4,100	III ..	"	5,500	VIII ..	"
1,300	V ..	"	6,150	IX ..	"
3,400	VI ..	"	3,550	X ..	"
1,700	VII ..	"	400	XI ..	"
1,200	IX ..	"	2,600	XIII ..	"
2,600	XI ..	One One.	350	XIV ..	Paringa.
2,250	XII ..	"	1,800	XV ..	"
400	XIII ..	"	3,500	XVI ..	"
400	XIV ..	"	2,000	IV ..	Bruce Bay.
6,200	XV ..	"	100	VII ..	"
6,250	XVI ..	"	3,500	VIII ..	"
200	IX ..	Wanganui.	300	IX ..	"
1,400	XIII ..	"	1,600	X ..	"
1,000	IV ..	Okarito.	3,350	XI ..	"
450	VIII ..	"	6,050	XII ..	"
200	X ..	"	5,600	XIII ..	"
2,000	XI ..	"	3,600	XIV ..	"
3,000	XII ..	"	3,250	XV ..	"
250	XIII ..	"	200	VIII ..	Abbey Rocks.
3,500	XIV ..	"	3,650	I ..	Mount Douglas.

WESTLAND LAND DISTRICT—continued.

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
500	II ..	Mount Douglas.	1,000	XI ..	Arnott.
900	IV ..	"	1,000	XII ..	"
700	V ..	"	3,100	XIV ..	"
1,600	IX ..	"	1,300	XVI ..	"
900	I ..	Mount Sefton.	2,500	XVI ..	Hapuka.
900	II ..	"	4,500	XIII ..	Gorge River.
400	VII ..	Arnott.	2,000	XIV ..	"

CANTERBURY LAND DISTRICT.

All the undermentioned areas in the Canterbury Land District, containing by admeasurement 1,330,000 acres, more or less: as the same are more particularly delineated on the maps deposited in the District Lands Office, at Christchurch, and purporting to show the areas of national endowment land:—

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
201,100	..	Nina, Boyle, Marion, Skiddaw, Te Koa, Mytholm, Mandamus.	142,100	..	Glenrock, Somers, Hutt, Potts, Tripp, Alford.
258,100	..	Katrine, Noble, Hawdon, Esk, Okuku, Grasmere, Upper Ashley, Mount Thomas, Oxford.	316,700	..	Fox, Mount Peel, Acland, Te kapo, North Tekapo, Opuha, Orari, Ophi, Four Peaks, Burke.
62,600	..	Grasmere, Upper Ashley, Kowai, Oxford, Coleridge, Fighting Hill, Hororata.	292,600	..	Burke, Mackenzie, Gladstone, Hewlings, Gibson, Dalzell, Waihao, Hakateramea.
12,200	..	Oakden, Coleridge.			
12,200	..	Hororata.	32,400	..	Waihao, Hakateramea.

OTAGO LAND DISTRICT.

All the undermentioned areas in the Otago Land District, containing by admeasurement 1,685,000 acres, more or less: as the same are more particularly delineated on the maps deposited in the District Lands Office, at Dunedin, and purporting to show the areas of national endowment land:—

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
82,000	..	Young, Haast, Wilkin, McKerrow.	30,600	..	Tiger Hill, Wakefield, Leaning Rock.
54,300	..	Hunter Valley, McKerrow.	53,985	..	Cluden, Lauder, Tiger Hill, Wakefield.
50,770	..	Hunter Valley, Longslipside.			
24,100	..	Upper Hawea, Longslip, Longslipside.	86,884	..	Ahuriri, Longslip, Lindis, Hawkdun, St. Bathans.
27,050	..	Mid Hawea, Longslip.	96,130	..	Ahuriri, Benmore, Hawkdun, Gala.
44,000	..	Longslip, Ahuriri.			
6,060	..	Longslip, Longslipside.	56,780	..	St. Bathans, Turnagain.
338,100	..	Lindis, Cluden, St. Bathans, Longslip, Lower Hawea, Tarras, Mid Hawea, Lauder, Wakefield, Tarras, Lower Hawea.	4,250	..	St. Bathans, Blackstone.
			8,825	..	St. Bathans.
			29,700	..	Mount Buster, Otamatakau.
			90,900	..	Mount Buster, Domett, Kyeburn, Naseby.
27,500	..	Leaning Rock, Wakefield.	12,220	..	Kyeburn, Domett.

OTAGO LAND DISTRICT—continued.

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
7,220	..	Naseby, Mount Buster.	81,315	..	Serpentine, Loganburn, Long Valley, Manorside.
10,460	..	Idaburn, Naseby.	72,296	..	Poolburn, Manor, Manorside, Tiger Hill.
4,477	..	Naseby.	36,058	..	Poolburn, Gimmerburn, Upper Taieriside, Manorside, Upper Taieri.
4,257	..	Domett.	69,000	..	Beaumont, Bengier, St. Abb's, Lammerlaw, Long Valley.
3,940	..	Kyeburn, Swinburn.	8,600	..	Hedgehope.
7,757	..	Hummock.	9,091	..	Beaumont.
8,730	..	Upper Taieri, Rock and Pillar.	2,758	..	Beaumont, Hedgehope.
2,370	..	Upper Taieri.	3,700	..	Hedgehope, Tuapeka.
2,800	..	"	82,507	..	Serpentine, St. Abb's, Sutton, Hedgehope.
8,630	..	Upper Taieri, Loganburn.	30,830	..	Tuapeka East, Hedgehope.
8,580	..	"	6,510	..	Tuapeka East, Waipori.
7,670	..	"	18,540	..	Tuapeka East.
7,780	..	Loganburn.			
33,610	..	Loganburn, Strath Taieri, Sutton, Upper Taieri, Upper Taieriside.			
21,360	..	Manor, Manorside, Long Valley, Upper Taieri, Upper Taieriside.			

SOUTHLAND LAND DISTRICT.

All the undermentioned areas in the Southland Land District, containing by admeasurement 670,000 acres, more or less: as the same are more particularly delineated on the maps deposited in the District Lands Office, at Invercargill, and purporting to show the areas of national endowment land:—

Area.	Situated in Blocks	Survey District.	Area.	Situated in Blocks	Survey District.
Acres.			Acres.		
125,000	..	Clintonside, Swinton, Von, Mavora, Snowdon, Black Hill, Burwood.	29,700	..	Eyre.
58,930	..	Mavora, Von, Black Hill, Mid Wakatipu, Eyre North.	10,900	..	"
49,740	..	Mavora, Von, Mid Wakatipu, Upper Wakatipu.	4,600	..	"
15,900	..	Mid Wakatipu, Eyre North.	28,710	..	"
55,690	..	Mavora, Eyre North, Eyreside, Black Hill, Lincoln.	32,350	..	Coneburn, Mid Wakatipu, Eyre North, South Wakatipu.
38,220	..	Lincoln, Black Hill.	15,130	..	Eyre North.
4,600	..	Eyre.	44,640	..	Eyreside, Eyre North, Kingston, South Wakatipu.
18,750	..	"	23,930	..	Eyre North, South Wakatipu, Eyreside, Kingston.
7,200	..	"	36,930	..	Kingston, Rockyside.
7,050	..	"	6,800	..	Takitimo.
9,310	..	"	15,770	..	"
5,250	..	"	17,600	..	"
			7,300	..	"

Section 282.
1893, No. 23,
Schedule.

FIFTH SCHEDULE.

CHEVIOT ESTATE.

ALL that area in the Canterbury Land District containing by admeasurement 85,361 acres, more or less: bounded towards the north generally by the Waiau-ua River, from Section No. 200, Lowry Peaks Survey District, to a point in line with the eastern boundary-line of Section No. 1, Cheviot Survey District; thence to and by that section and by Sections Nos. 2 and 39, and again by the Waiau-ua River; towards the east by the sea; towards the south by the Hurunui River; and towards the west generally by the Kaiwara River and Sections Nos. 75, 76, 77, 78, 79, 80, 81A, 82, 83, 84, 85, 86, 87, 88, 89, and 200, Lowry Peaks Survey District.