

NEW ZEALAND.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

No. 34.

ANALYSIS:

Title.	
Preamble.	8. Superintendent may proclaim blocks of Land.
1. Short Title	9. Superintendent may revoke such Proclamation.
2. Immigrants term of residence reduced to three years.	10. Appointment of Immigration Board.
3. Further amendment.	11. Superintendent and Council may make Regulations under this Act.
4. Lands to be forfeited unless Grants taken up.	12. Time of service in Militia reckoned as residence in Auckland.
5. Naval and Military Settlers clauses amended.	13. Compensation may be given for Roads.
6. Naval and Military Settlers clauses further amended.	14. Superintendent may sell less than 40 acres.
7. Further provision for Immigrants.	15. Limit of operation of Act.
	16. Act reserved for Royal Assent.

AN ACT to amend the "Auckland Waste Lands Act 1858." Title.

[Reserved for the signification of Her Majesty's pleasure thereon 15th September 1862.]

WHEREAS it is expedient to amend the "Auckland Waste Lands Act 1858" as hereinafter set forth Preamble.

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

I. The Short Title of this Act shall be "The Auckland Waste Lands Act Amendment Act 1862." Short Title.

II. WHEREAS under the provisions of the Auckland Waste Lands Act 1858 certain Land Orders have been and may hereafter be issued entitling the holders thereof to the selection of Land subject to the condition of residence in the Province of Auckland for a period of four years and it is expedient to reduce the term of residence required in the said Province to three years and to alter the other provisions of the said Act in accordance with the said amendment Immigrants term of residence reduced to three years. BE IT THEREFORE ENACTED that sections 71 72 77 78 and 79 of the "Auckland Waste Lands Act 1858" are hereby amended by substituting in each of the said Sections respectively the word "three" for the word "five" and the said Sections shall be read and construed as if the word "three" had been inserted therein in each part thereof instead of the word "five."

Auckland Waste Lands Amendment.

Further Amendment.

III. Section 79 of the "Auckland Waste Lands Act 1858" is hereby further amended by substituting for the words "forty eight" the words "thirty six" and the said Section 79 shall be read and construed as if the words "thirty six" had been inserted therein in each part thereof instead of the words "forty eight."

Lands to be forfeited unless Grants taken up.

IV. All Lands which may have been or may hereafter be selected under any Land Orders issued under the Auckland Waste Lands Act 1858 or under this Act shall be forfeited to the Crown unless a Crown Grant of such Lands be applied for within twelve months after the passing of this Act or within twelve months after the person who has made or may make such selection shall become entitled to such Grant.

Naval and Military Settlers clauses amended.

V. AND WHEREAS under the 80th and 81st Sections of the said "Auckland Waste Lands Act 1858" certain Naval and Military Officers and other persons therein described who may retire or obtain their discharge from the Services therein mentioned or having retired or obtained their discharges for the purpose of settling in the Province of Auckland are entitled to Land Orders as therein set forth AND WHEREAS it is desirable to allow the persons described in the said clauses 80 and 81 who may retire from the Services therein mentioned with a view of settling in any part of the Colony of New Zealand and who may desire to settle in the Province of Auckland the same right to Land Orders as though they had actually retired from such Services for the purpose of settling in the Province of Auckland BE IT THEREFORE ENACTED that all Naval and Military Officers and other persons described in Clauses 80 and 81 of the said "Auckland Waste Lands Act 1858" who may retire or obtain their discharges from the Services in the said clauses mentioned for the purpose of settling in the Colony of New Zealand and who may desire to settle in the Province of Auckland shall be entitled to Land Orders entitling them to select Land in the same proportions and in like manner as if such settlers had retired from the said Services specifically for the purpose of settling in the Province of Auckland Provided that any such Land Order shall be applied for within twelve months next after such retirement or discharge as aforesaid except in the case of one Charles St. John Herbert late of Her Majesty's 58th Regiment who may apply for and obtain such Land Order within three months after the passing of this Act.

Naval and Military Settlers clauses further amended.

VI. AND WHEREAS under the Land Regulations of the Province of Auckland of date 15th March 1855 certain persons described in the Naval and Military Settlers clauses numbers 37 and 38 of the said Regulations were entitled to money certificates which should be received for the amount therein expressed in payment for any special occupation Land which the person entitled to such certificate might select And whereas by the said Regulations of 15th March 1855 conditions of improvement attached to all the special occupation Land which such persons might so select And whereas by the said "Auckland Waste Lands Act 1858" the same class of persons are allowed to acquire Land free of cost without any such conditions of improvement

Auckland Waste Lands Amendment.

and it is desirable to place those persons who selected Land under the Regulations of 15th March 1855 upon the same terms as now exist with regard to persons of the same class who select Land under the "Auckland Waste Lands Act 1858" BE IT THEREFORE ENACTED that the class of persons described in the 37th and 38th clauses of the said Regulations of 15th March 1855 and who may have selected Lands under those Regulations shall be entitled to obtain Crown Grants for the Lands which they have selected free from any preceding conditions of improvement and as if their selections of Land had been duly made under the provisions of the "Auckland Waste Lands Act 1858."

VII. AND WHEREAS it is desirable to make further provision in addition to the provision of the "Auckland Waste Lands Act 1858" for encouraging Immigration from the United Kingdom and elsewhere (other than the Australian Colonies) BE IT THEREFORE ENACTED that every Immigrant who shall receive from the Immigration Board appointed as hereinafter provided a Certificate of approval of such Immigrant shall be entitled to a Land Order authorizing such Immigrant to select from any Lands specially set apart for Immigrants under this Act after the following rate:—

Further provisions for Immigrants.

For each adult Male twenty acres of General Country Land and one acre of Town or Village Land.

For each adult Female Ten acres of General Country Land.

For each child under the age of 21 years one acre of General Country Land.

And every such Immigrant shall be entitled to a Crown Grant for the Land which he may have selected upon compliance with the following conditions:—

1. The Repayment to the Province of any sum or sums of money which may have been paid or agreed to be paid or lent or advanced by the Province for the passage money or otherwise at the request or on account of or to such Immigrant at such times and subject to such conditions as may be prescribed in that behalf by the Superintendent and Provincial Council of Auckland.
2. The payment by such Immigrant to the Province within Ten years from his arrival in the Colony of the sum of £5 for the one acre of Town or Village Land and the sum of £2 for every acre of General Land which he may be entitled to.

Auckland Waste Lands Amendment.

3 The payment of Interest upon all such sums at the rate of six pounds per centum per annum such Interest to be payable yearly from the date when the same shall commence to run.

Superintendent may
proclaim Blocks of
Land.

VIII. It shall be lawful for the Superintendent from time to time to declare by Proclamation that a certain block of Land therein described shall be set apart and reserved for Immigrants who may be willing to avail themselves of the provisions of this Act.

Superintendent may
revoke such Procla-
mation.

IX. It shall be lawful for the Superintendent at any time to revoke such Proclamation and the Land therein comprised shall be open to be classified and dealt with as though the same had not been set apart and reserved as aforesaid Provided always that the validity of any Act which shall have been done under such Proclamation before the revocation thereof shall not be affected by such revocation.

Appointment of Im-
migration Board.

X. The Immigration Board referred to in the 7th Section of this Act shall be appointed by the Superintendent with the advice of the Executive Council of the Province.

Superintendent and
Council may make
Regulations under this
Act.

XI. The Superintendent and Provincial Council of Auckland may make Regulations for the conduct of the proceedings of the Immigration Board referred to in the 7th Section of this Act and for the Issue Registration and Transfer of Land Orders which may be issued under the 7th Section of this Act and for prescribing the method and time of allotting or dividing the Lands which may be set apart under the 8th Section of this Act and for prescribing conditions of occupation or otherwise and for any other purposes in furtherance of the objects of the 7th 8th and 9th Sections of this Act Provided that such Regulations be not repugnant to the provisions of this Act and that such Regulations be reserved for the approval of the Governor.

Time of service in
Militia reckoned as
residence in Auckland.

XII. AND WHEREAS certain persons after having selected Lands in the Province of Auckland under the provisions of the Auckland Waste Lands Act '1858 subject to the conditions of residence within the said Province have been serving in the Colonial Militia in other parts of the Colony and it is desirable that the time of such service in such Militia in any part of the Colony after such selection has been made should be deemed equivalent to residence in the said Province BE IT THEREFORE ENACTED that all the persons who having selected Lands in the Province of Auckland under the Provisions of the said Act subject to the conditions of residence within the said Province have served or shall serve in the Colonial Militia in any part of New Zealand shall be entitled to reckon the time of such service in the Colonial Militia as part of the time of residence in the Province of Auckland required of them by the said Act or by this Act.

Auckland Waste Lands Amendment.

XIII. Whenever under any act of the Provincial Council any person shall be entitled to compensation for any land which shall have been or may be taken for the purposes of a Road or any other public work or in respect to damage done to his property by the taking of such land for such purposes and the person so entitled to compensation shall agree to take such compensation in Land It shall be lawful for the Commissioner of Waste Lands in conformity with the award which may be made under any such Act to issue to the person so entitled to compensation Scrip authorising such person to select Lands within the Province upon the terms therein set forth And the Governor may execute Crown Grants for any Lands so selected.

Compensation may be given for Roads.

XIV. The Superintendent may cause any allotment of Country Land of less than Forty acres in extent to be sold under the Regulations now in force for the sale of Country Lands anything in the said Regulations to the contrary notwithstanding.

Superintendent may sell less than 40 acres.

XV. The 7th 8th 9th 10th and 11th Sections of this Act shall come into operation in the Province of Auckland only when proclaimed by the Governor at the request of the Superintendent and the Provincial Council thereof.

Limit of operation of Act.

XVI. This Act shall be reserved for Her Majesty's Assent and shall come into operation on and from a day (after such Assent given) to be fixed by the Governor by Proclamation in the *Government Gazette* of the Colony.

Act reserved for Royal Assent.