

Land Orders and Scrip.

No. XXXI.

AN ACT to define and settle the Rights of Holders of
Land Orders and Scrip. [16th August, 1856.]LAND ORDERS AND
SCRIP.

WHEREAS by virtue of contracts between the New Zealand Company and the purchasers of land from that Corporation, and also by virtue of certain Acts Ordinances Proclamations and Regulations, certain persons are or claim to be entitled to and possessed of land orders and scrip empowering them to select specified quantities of the waste lands of the Colony, subject to certain exceptions, and certain of the said scrip is payable as cash at specified rates at any general land sales within the Colony except as aforesaid: And whereas there are remaining undisposed of in the several Provinces of New Zealand the following quantities of waste lands over which the Native title has been extinguished by the Crown, that is to say,—In Auckland, two hundred and nineteen thousand acres or thereabouts; in Wellington, three million acres or thereabouts; in New Plymouth, twenty-five thousand acres or thereabouts; in Nelson, fourteen million acres or thereabouts; in Canterbury, nine million acres or thereabouts; in Otago, fifteen million acres or thereabouts: And whereas it is expedient to define and settle the rights of the said owners of such land orders and scrip:

Preamble.

BE IT ENACTED by the General Assembly of New Zealand as follows:—

1. Notwithstanding the provisions of any Act Ordinance Regulation or Proclamation to the contrary, all land orders issued by the New Zealand Company, which have not been exercised or commuted, entitling the holders or owners thereof to select a definite quantity of land within any of the said Company's settlements except New Plymouth, may hereafter be exercised and used in the selection of the same quantity of land as is specified in such land orders out of the waste lands of the Crown over which the Native title shall have been extinguished at the date of the passing of this Act, situate within the Province in which such settlement lies but not elsewhere, subject to the ordinary regulations for the time being in force as regards shape frontage and other particulars of selection, and subject to the exceptions and reservations hereinafter contained; and all such selections shall be made, according to priority of application, at the Land Office of the district wherein the same are to be made.

Land orders may be
exercised on land.

2. The commutation of New Zealand Company's land orders and scrip for Government scrip, made in accordance with the provisions of "*The New Zealand Company's Land Claimants' Ordinance*," shall in all cases be deemed to have been valid up to the date of the passing of this Act, but no such commutation shall be made after such date.

Commutation of
Company's land
orders for Govern-
ment scrip declared
valid.

3. All such scrip as aforesaid issued by the Government of New Zealand remaining unexercised at the date of the passing of this Act may be exercised within the Province within which the settlement is situated in respect of which such scrip was issued and not elsewhere; but, except as hereinafter is provided with respect of the Province of New Plymouth, no such scrip shall be exercised over any lands in which the title of the Natives shall not have been extinguished at the date of the passing hereof.

Government scrip
where to be exer-
cised.

4. Where selection has heretofore been made, by virtue of any such land orders, of lands over which the Native title is not extinguished, such land orders shall not entitle the holders to claim such lands when the Native title may hereafter be extinguished, but the same shall be deemed to be unexercised land orders and exercisable as such.

Where selection has
been made of Native
land, land orders &c.
to be deemed
unexercised and be
exercisable as such.

Land Orders and Scrip.

How scrip to be exercised in Province of New Plymouth.

5. Within the Province of New Plymouth, Government scrip shall be available in the purchase of lands over which the Native title now is or hereafter shall be extinguished, subject nevertheless to the regulations respecting Government scrip now in force within the said Province.

How original land orders may for the future be exercised in the Province of New Plymouth.

6. Within the said Province of New Plymouth, every unexercised original land order issued by the Plymouth Company of New Zealand or by the New Zealand Company, and conferring or purporting to confer on the owner or holder thereof the right to select, in a fixed and definite order of choice, fifty acres of land within the Settlement of New Plymouth, shall entitle such owner or holder, in priority to general purchasers and according to the aforesaid order of choice, to select out of any lands over which the Native title now is or hereafter shall be extinguished, and which shall be declared open for purchase (except the Huia village site), one acre of town land, or twelve and a half acres of suburban land, or fifty acres of rural land, at the option of such owner or holder, and subject to the following conditions, that is to say,—Provided, first, that every such selection in town or suburban land, or in rural land, divided into sections, be, so far as may be, of an entire section or sections, the proper quantity being made up where necessary by including some contiguous portion of an adjoining section, or where a section may exceed in area the whole quantity to be selected, by dividing a section, in either of which cases the portion taken shall be laid off by the Government Surveyor. And provided, secondly, that for the purpose of enabling such selections to be made according to the priority aforesaid, a convenient day and place be appointed for the purpose by the Superintendent of the Province, by notice published in the *Government Gazette* of the Province, which notice shall be published at least three months before the day appointed hereby. And provided, thirdly, that every such selection be made subject to the ordinary regulations in force respecting shape frontage and other particulars of selection. And provided, lastly, that such right of prior selection shall be at an end so soon as two hundred and fifty acres of town land, two thousand five hundred acres of suburban land, and forty thousand acres of rural land, to be approved of by the Governor, shall have been offered for selection. And all such land orders then remaining unsatisfied shall be subject to the provisions next hereinafter made respecting other original land orders within the said Province.

Rate at which scrip is to be computed in the Province of New Plymouth.

7. Within the Province of New Plymouth all unsatisfied original land orders issued by the Plymouth Company of New Zealand or by the New Zealand Company, and conferring or purporting to confer on the owners or holders thereof the right to select land within the Settlement of New Plymouth, and to priority of application or otherwise than in a fixed and definite order of choice, shall be considered as equivalent, in the purchase of waste lands of the Crown, to an amount of Government scrip computed at the rate of two pounds sterling in Government scrip for every acre of land which such land orders purport to entitle the holders to select, and all supplementary land orders, and compensation or land scrip issued by the said New Zealand Company, shall be considered as equivalent in the purchase of waste lands of the Crown within the said Province to an amount of Government scrip computed at the rate of one pound sterling in Government scrip for every acre of land which such last-mentioned land orders or land scrip purports to entitle the holders to select. And all such land orders and land scrip, as well original as supplementary, shall not be otherwise available or exercisable for the purchase or selection of waste lands of the Crown.

Land orders and scrip not to be

8. The Superintendent and Provincial Council of any of the said Provinces

Land Claims Settlement.

Provinces, except the Province of New Plymouth, may from time to time, by Act or Ordinance, declare certain districts within the said waste lands in each Province to be townships, with rural and suburban lands annexed thereto, and also agricultural and small farm reserves, and no Government scrip shall be exercised within such districts except in payment to the extent of twenty per cent. of the purchase money of any allotments therein purchased, unless with the express consent of such Superintendent and Provincial Council; and where the amount of any Government scrip tendered in the purchase of any allotment shall exceed twenty per cent. of the price thereof, the party tendering the same shall be entitled to a credit for the balance of such scrip towards further purchases, and so on in like manner, until the scrip be exhausted: Provided that such reserves shall not in any Province exceed in the aggregate one hundred thousand acres.

exercised within
certain districts.

9. This Act may be cited for all purposes as "*The Land Orders and Scrip Act, 1856.*" Short Title.
