

New Zealand.

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. 5.

ANALYSIS.

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| Title. | 4. After publication of Order in Council, Governor may take lands. |
| Preamble. | 5. Compensation to be made in certain cases. |
| 1. Short Title. | 6. Land retaken to be deemed vested in Her Majesty. |
| 2. Meaning of terms "public works" and "lands." | |
| 3. Governor may order works to be undertaken. | |

AN ACT enabling Land to be taken for Roads and other Public Purposes through Native and other Districts of the Colony. [13th December 1864.]

WHEREAS it is necessary for the civilization of certain parts of the Colony that Roads and other means of communication should be constructed and maintained throughout the Colony and that power should be vested in the Executive Government of the Colony to take land for such purposes.

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

I. The Short Title of this Act shall be "The Public Works Lands Act."

II. The term "public works" in this Act shall mean and include roads bridges and ferries the word "lands" shall mean and include lands tenements and hereditaments whether held by Native or other owners and by whatsoever tenure and for whatsoever estate or interest and all claims thereto.

III. It shall be lawful for the Governor by Order in Council to order that any public work to be defined in such Order shall be made.

IV. After the publication of such Order in Council in the Government Gazette the Governor may compulsorily take and permanently hold all such lands as may be necessary for the construction of such public work and may occupy any lands that may be required for temporary use during the construction of such public work and may enter upon any lands for the purposes of taking surveys or levels without giving any notice or making any application to any person owning such lands.

V. Provided always that compensation shall be made to persons owning or occupying lands so taken and incidental thereto to be ascertained in manner following That is to say with respect to persons holding land under title derived from the Crown in the manner prescribed by "The Lands' Clauses Consolidation Act 1863" And with

Public Works Lands.

respect to persons holding lands wherein the Native Title has not been extinguished to be ascertained in the manner and with the exceptions and subject to the conditions and provisoes contained in "The New Zealand Settlements' Act 1863" And for the purposes of this Act the said last mentioned Act shall continue and be deemed to be in operation notwithstanding the period prescribed by law for the termination thereof shall have arrived.

Land so taken to be
deemed vested in Her
Majesty.

VI. Every such public work and the land and soil thereof shall from the date of such Order in Council be deemed to be vested in Her Majesty her heirs and successors as part of the demesne lands of the Crown.