

CROWN LANDS AMENDMENT ACT.

Act No. 29, 1916.

George V, An Act to amend the Crown Lands Consolidation Act, 1913, and to amend the law with respect to the alienation, occupation, and management of Crown lands ; to provide for the granting of week-end leases, and of leases of town lands ; for the resumption of private land for certain purposes ; for the protection of survey marks ; and for purposes consequent thereon or incidental thereto. [Assented to, 26th April, 1916.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Commence-
ment and
short title.

Definition.

New section
after s. 118.

Setting apart
of homestead
farms or for
holders of
other land.

1. This Act shall come into force on a date to be notified by proclamation in the Gazette, and may be cited as the "Crown Lands Amendment Act, 1916," and shall be read and construed with the Principal Act.

2. In this Act—

The "Principal Act" means the Crown Lands Consolidation Act, 1913.

3. (1) The following new section and short heading are inserted next after section one hundred and eighteen of the Principal Act :—

Homestead farms to be acquired as additional areas.

118A. Notwithstanding anything contained in this Act the Minister may set apart any area of Crown land, not being in the Western Division, for homestead

homestead farms, and by the notification setting apart such land, may limit the applications therefor or for any part thereof to persons who are the holders of land—other than town or suburban land, or land which was not set apart to provide a home maintenance area—under any tenure under the Crown Lands Acts, the land so held being within a reasonable working distance of the land so set apart.

The following provisions shall apply within any area set apart with the limitation aforesaid :—

(a) The applicant for a homestead farm shall at the date of his application be in residence on the holding in virtue of which he makes application.

(b) The local land board shall inquire into the merits of every application and may permit its withdrawal or recommend to the Minister that it be refused or that it be granted for such area as in the opinion of the local land board the circumstances of the applicant warrant.

(c) In the case of simultaneous applications preference shall be given to the applicant whose land adjoins or is nearest to the land applied for, unless in the opinion of the local land board or the Minister such application is substantially less in need of additional land than an applicant whose land does not adjoin or is not nearest to the land applied for.

(d) The Minister may, after report or recommendation by the local land board, refuse or grant any application at his discretion.

(e) The area of each homestead farm within the area set apart shall be such area as may be allotted by the Minister after report or recommendation by the local land board.

(f) The local land board shall not recommend and the Minister shall not allot as a homestead farm an area which, with other lands required by this Act to be taken into account, will exceed a home maintenance area.

(g)

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- (g) There shall be no appeal to the Land Appeal Court against the report or recommendation by the local land board, and the decision of the Minister shall be final. The Minister's decision granting an application shall for all purposes be deemed to be the confirmation thereof.
- (h) The capital value of the homestead farm for the first twenty-five years period of the lease shall be as determined by the local land board.
- (i) The condition of residence attached to the homestead farm may be performed by the lessee residing on the holding in virtue of which he applied for the farm, but notice of his intention to so perform the condition shall be given as prescribed.
- (j) Subject to the qualifications contained in this section, the general provisions and conditions of this Act relating to homestead farms shall apply to homestead farms or applications therefor under this section.

Amendment
of s. 119.

(2) Section one hundred and nineteen of the Principal Act is amended by inserting after "Part VII of this Act may" the words and figures "subject to any limitations in section 118A".

New section
after s. 130.

4. (1) The following new section and short heading are inserted next after section one hundred and thirty of the Principal Act:—

Crown-leases to be acquired as additional areas.

Setting apart
of land for
Crown-leases
to be granted
to holders of
other land.

130A. Notwithstanding anything contained in this Act, the Minister may set apart any area of Crown land—not being in the Western Division—for Crown-leases, and by the notification setting apart such land may limit the applications therefor, or for any part thereof, to persons who are the holders of land—other than town or suburban land, or land which was not set apart to provide a home-maintenance area—under any tenure under the Crown Lands Acts; the land so held being within a reasonable working distance of the land so set apart. The

The following provisions shall apply to any area set apart, with the limitation aforesaid :—

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- (a) The applicant for a Crown-lease shall, at the date of his application, be in residence on the holding in virtue of which he makes the application.
- (b) The local land board shall inquire into the merits of every application, and may permit its withdrawal or recommend to the Minister that it be refused, or that it be granted for such area as in the opinion of the local land board the circumstances of the applicant warrant.
- (c) In the case of simultaneous applications preference shall be given to the applicant whose land adjoins or is nearest to the land applied for, unless in the opinion of the local land board or the Minister such applicant is substantially less in need of additional land than an applicant whose land does not adjoin or is not nearest to the land applied for.
- (d) The Minister may, after report or recommendation by the local land board, refuse or grant any application at his discretion.
- (e) The area of each Crown lease within the area set apart shall be such area as may be allotted by the Minister after report or recommendation by the local land board.
- (f) The local land board shall not recommend and the Minister shall not allot as a Crown lease an area which with other lands required by this Act to be taken into account will exceed a home maintenance area.
- (g) There shall be no appeal to the Land Appeal Court against the report or recommendation by the local land board, and the decision of the Minister shall be final. The Minister's decision granting an application shall for all purposes be deemed to be the confirmation thereof.

(h)

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- (h) The capital value of the Crown-lease for the first fifteen years period of the leases shall be as determined by the local land board.
- (i) The condition of residence attached to the Crown-lease may be performed by the lessee residing on the holding in virtue of which he applied for the lease, but notice of his intention to so perform the condition shall be given as prescribed:

Provided that the Minister, upon application made in the prescribed form and on sufficient reason being shown, may suspend or remit the condition of residence for such periods and on such conditions as he may determine.

- (j) Subject to the qualifications contained in this section, the general provisions and conditions of this Act relating to Crown-leases shall apply to Crown-leases or applications therefor under this section.

Amendment
of s. 131.

(2) Section one hundred and thirty-one of the Principal Act is amended by inserting after "Part VII of this Act may" the words, "subject to any limitations in section 130A".

Setting apart
of land for
week-end
leases.

5. The following new sections and short headings are inserted after section one hundred and thirty-six of the Principal Act:—

Week-end leases.

Crown lands
set apart for
week-end
leases.

136A. The Minister may, under and subject to the provisions of section eighty-five hereto, set apart any Crown lands for disposal by way of week-end lease. Areas so set apart shall be dealt with as follows:—

- (1) A subdivision thereof shall be made into blocks of such areas, not exceeding sixty acres, as the Minister may determine; the land may be made available before the blocks are measured, and in such case the blocks shall be taken according to the published plan or design thereof.
- (2) The capital value of each block for the first period of the lease shall be fixed by the Minister

Minister according to the capabilities and situation of the land, the timber thereon, and means of access thereto, and an estimate shall be made of the value to an incoming tenant of any improvements on the said blocks.

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- (3) The Minister shall notify in the Gazette particulars of the said blocks and of their respective areas, capital values, and rents and of the estimated values of any improvements thereon, and shall specify a date on and after which leases of the said blocks may be applied for.
- (4) The Minister shall also notify in the Gazette what special conditions as to improvements, cultivation and preservation or planting of timber and such other matters as require to be regulated in the public interest shall attach to the week-end leases.

Applications for week-end leases.

136B. (1) On or after the date notified for that purpose any person of or over the age of twenty-one years—except a married woman not living apart from her husband under an order for judicial separation made by any court of competent jurisdiction—may apply to the Crown land agent for any block notified as available as a week-end lease.

The application shall be made and lodged in the prescribed manner, and shall be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof, except where otherwise provided in the said section.

The applicant shall, upon the day appointed, satisfy the local land board that he is qualified to apply, and that the application has been made in accordance with the provisions of this Act. The local land board shall confirm the application if so satisfied, unless it permits the applicant to withdraw the same. The local land board shall disallow the application if not so satisfied, and in any such case shall have power to declare that the moneys, or

any

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any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly.

(2) Where the block is measured after the same has been applied for as a week-end lease, any roads deemed to be necessary may be reserved or excluded in the measurement, and any necessary adjustment as to the area or rent by reason of such roads or otherwise shall thereafter be made: Provided also that before or after the confirmation of an application for a week-end lease the Minister may make any minor variation of the design or survey thereof, so as to enable a better boundary to be secured for fencing or other purposes.

(3) The value to an incoming tenant of any improvements on a week-end lease shall be determined by the local land board except in the case where the person (not being the Crown) entitled to receive payment for such improvements and the incoming tenant have agreed as to payment therefor.

Rent for week-end leases.

Rent for
week-end
leases.

136c. The annual rent for a week-end lease—to be paid half-yearly in advance—shall be two and one-half per centum of the capital value of the farm for each and every period of the lease: Provided that the annual rent during any period shall not be less than one pound.

The first period of the lease shall determine at the expiration of twenty-five years after the date of the application for the week-end lease, and the second and all succeeding periods shall be each of twenty years, each of such periods commencing at the expiration of the last preceding period.

The capital value of the week-end lease for the first period shall be the capital value as notified by the Minister in the Gazette. The capital value of the week-end lease for the second and every succeeding period shall be determined by the local land board upon the same basis as that provided for fixing the capital value in the first instance, but irrespective of any improvements on the farm effected

effected or owned by the lessee. The unimproved values of freehold lands of similar quality and similarly situated, if any, shall be a factor in determining such capital value.

Payment for improvements.

136D. Where the land acquired under a week-end lease contains improvements which are or are not the property of the Crown, the lessee shall pay the capital value of such improvements in accordance with the provisions of Part VIII of this Act.

136E. A week-end lease shall not be subject to any condition of residence, but the applicant shall effect substantial improvements other than fencing on the land to the value of one pound per acre, within five years after the date of the confirmation of the application.

Issue of perpetual lease grants for week-end leases.

136F. (1) The title to a week-end lease shall be a lease in perpetuity.

(2) After the expiration of five years after the confirmation of the application for a week-end lease the local land board shall hold an inquiry whether all conditions attaching to the week-end lease have so far been duly complied with; and if it be found by the local land board that all such conditions have so far been duly complied with, the Governor shall issue a grant in the prescribed form of the week-end lease to the lessee his heirs and assigns for ever, such grant being made subject to the conditions attaching to such week-end lease.

Restriction upon right to hold week-end leases.

136G. (1) A person not qualified to apply for a week-end lease shall not be competent to hold a week-end lease except in the case where such week-end lease has devolved upon him under the will or intestacy of a deceased holder, in which case the provisions of section two hundred and sixty-nine shall apply.

(2)

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New section
after s. 274.

Transfer of
week-end
leases.

Amendments
of Principal
Act.
Sec. 157 (1).

Sec. 158.

Sec. 209 (5).

Sec. 210.

Sec. 215 (2).

(2) It shall not be lawful for any person to acquire or hold, except as mortgagee, more than one week-end lease ; but this provision shall not be taken to affect the operation of subsection two of section two hundred and seventy hereof.

6. The following new section and short heading are inserted after section two hundred and seventy-four of the Principal Act :—

Transfer of week-end leases.

274A. A week-end lease may be transferred in the prescribed form to a qualified person at any time, but the consideration for the transfer shall not exceed the capital value of the improvements on the land ; and such transfer shall not be valid unless the consent thereto of the Minister has been obtained.

7. The following amendments are made in the Principal Act :—

In subsection one of section one hundred and fifty-seven, next after the words “ additional holding ” insert the words “ or—subject to the provisions of this Act in respect thereto—a suburban holding or a week-end lease ”

In section one hundred and fifty-eight insert the following subsection :—

(4) No person shall be competent to apply for a week-end lease who at the date of application owns or holds under any tenure (other than a lease having less than five years to run, unless such lease confers a right or power to purchase the freehold, which right or power may still be exercised) any land situated within an area which for the purpose of such disqualification shall have been defined in the notification setting apart the land for week-end lease.

In subsection five of section two hundred and nine, next after the words “ suburban holding ” insert “ week-end lease ”

In section two hundred and ten, next after the words “ Crown-lease ” insert “ week-end lease ”

In subsection two of section two hundred and fifteen, next before the words “ or Crown-lease ” first appearing in the subsection insert the words “ week-end lease ” The

The words "week-end lease" are inserted George V,
next before the words "annual lease" where No. 29.
first appearing in subsection two.

The words "week-end lease" are inserted
next before the words "annual lease" where
last appearing in the subsection.

- In subsection two of section two hundred and Sec. 222 (2).
twenty-two, next after the words "suburban holding", wherever appearing, insert the words "week-end lease".
- In subsection two of section two hundred and Sec. 231 (2).
thirty-one, next after the words "suburban holding" insert the words "week-end lease".
- In section two hundred and thirty-seven, next Sec. 237.
after the words "suburban holding" insert
"week-end lease".
- In subsection (d), paragraph (i), of section two Sec. 238
hundred and thirty-eight, next after the word ^{(d) (i).}
"lease" insert "other than a week-end lease".
- In subsections two and three of section two hundred Sec. 241 (2)
and forty-one, next after the words "Crown-^{and (3).}
lease" insert the words "week-end lease".

8. The following new section and short heading are New section
inserted after section eighty-two of the Principal Act:— ^{after s. 82.}

Leases of town lands.

82A. The Minister may lease Crown lands within the boundaries of any town by public auction at such place as he may direct and notify in the Gazette, not less than one month before the day of sale, or by tender duly notified as aforesaid. The leases shall be subject to the provisions hereunder specified:—

- (a) The lease shall not be subject to any term of residence.
- (b) The lease shall be a lease in perpetuity.
- (c) The area included in a lease shall not exceed one half acre.
- (d) The amount bid at a sale by public auction of the lease or offered by an accepted tender—not being less than the upset capital value in either case—shall be the capital value upon which the annual rent at

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at the rate of two and one-half per centum shall be calculated and paid for the first period of twenty years of the lease.

- (e) The capital value of the land leased for each period of twenty years succeeding the first period of twenty years of the lease shall be determined by the local land board irrespective of any improvements on the land which are owned by or have been effected by the lessee. The rent for each such period shall be two and one-half per centum of the capital value of the land as so determined.
- (f) An upset capital value for the first period of twenty years of the lease shall be placed upon any such lease if offered at auction or by tender, and the Minister shall not be bound to accept any tender.
- (g) The lease—which shall be in the prescribed form—may contain such covenants and provisions as to the Minister may seem expedient according to the circumstances of each case, and all such covenants and provisions shall be notified in the Gazette, and attention shall be invited thereto by advertisement in a local newspaper before the lease is offered for sale or tenders are called for.
- (h) No person shall hold or cause to be held on his behalf or in his interest more than one of such leases under penalty, in every such case, of forfeiture of every lease held by him or on his behalf or in his interest and any rent paid thereon: Provided that where the Minister is satisfied that the business of any person requires him to hold more than one such lease he may, upon the recommendation of the local land board, permit a larger number of such leases to be held.
- (i) The lease shall be liable to forfeiture if any rent be not paid when due or upon breach of any condition attached thereto.

9. The following amendment is made in section eighty-three of the Principal Act:—The words “or rent on the upset capital value” are inserted next after the words “license fee”. George V, No. 29. Amendment of ss. 83, 222, and 231.

The following amendments are made in subsection two of section two hundred and twenty-two of the Principal Act:—The words “leases of town lands” are inserted next before the words “or of a lease within an irrigation area.” The words “or a lease of town lands” are inserted next before the words “the Minister”.

The following amendment is made in subsection two of section two hundred and thirty-one of the Principal Act:—The words “or leases of town lands” are inserted next after the words “Crown-lease.” The word “or” next before the words “Crown-lease” is omitted.

10. (1) The following new section and short heading are inserted next after section one hundred and sixty-one of the Principal Act:— New section after s. 161.

*Deposits for certain applications within classified areas—
how payable.*

161A. The prescribed deposit or rent and survey fee or instalment thereof in respect of an application for a holding within a classified area need not accompany the application where it is lodged with the Crown land agent during the first week that the land applied for becomes available for application; but the applicant shall pay such deposit or rent (unless improvements are to be effected in lieu of rent) and survey fee or instalment thereof when and within the time directed by the local land board. Any failure to pay such deposit or rent and survey fee or instalment thereof within the time directed by the local land board shall render the application null and void.

(2) In sections forty-four (subsections one and three), eighty-nine, ninety-nine, one hundred and five, one hundred and nineteen, one hundred and twenty-five, and one hundred and thirty-one of the Principal Act, the words “shall be accompanied” are omitted, and in lieu thereof the words “shall, except as provided in section 161A, be accompanied,” are inserted. Sects. 44 (1) and (3) and sects. 89, 99, 105, 119, 125, and 131.

In

George V, In subsection two of section one hundred and fourteen of the Principal Act the words "except as provided in section 161A" are inserted next after the words "be accompanied".

No. 29. Sec. 114 (2).

Sec. 115 (3). In subsection three of section one hundred and fifteen of the Principal Act the words "subject to the provisions of section 161A" are inserted at the commencement.

Sec. 161. In section one hundred and sixty-one of the Principal Act the words "except as provided in section 161A" are inserted next before the word "payment".

Suburban holdings—Suspension of residence.

Amendment
of s. 126.
Suspension of
condition of
residence.

11. The following proviso is added at the end of section one hundred and twenty-six of the Principal Act:—

Provided that where the suburban holding is—
 (a) within the boundaries of the town; or
 (b) within the Newcastle Pasturage Reserve;
 or
 (c) does not exceed the area of an acre,

the Minister, upon application made in the prescribed form, and on sufficient reason being shown, may suspend the performance of the condition of residence for such periods not exceeding twelve months under any one application as to him may seem fit.

New section
after s. 264.

12. The following new section and short heading are inserted next after section two hundred and sixty-four of the Principal Act:—

Transfer of holdings through adverse circumstances.

Further right
to transfer
holdings.

264A. Notwithstanding anything contained in this Act, a conditional purchase, homestead selection, or any lease may be transferred at any time before the expiration of five years from the commencement of title thereto if the Minister is satisfied that the holder is compelled by sickness of himself or family, financial difficulties, or incapacity, or other adverse circumstances to leave his holding, and the Minister consents to the transfer.

13.

13. The following new section and short heading are George V, inserted next after section two hundred and thirty-one No. 29. of the Principal Act:—

New section
after s. 231.

Surrender of settlement lease.

231A. The Minister may accept a surrender of a ^{surrender of} settlement lease—either wholly or in part—in any ^{settlement} lease. case where he is satisfied that the lessee is compelled by sickness of himself or family or other adverse circumstances to leave his holding. Upon the acceptance of the surrender the lessee shall be entitled to tenant-right in improvements on the land, subject however to the provisions of section two hundred and twenty-three.

14. The following new sections and short headings ^{New sections} are inserted next after section two hundred and forty-^{after s. 245.} five of the Principal Act:—

Surveyor's power of entry.

245A. In making any authorised survey, or for ^{Power of} any purpose relating thereto, a surveyor with his ^{surveyors to} assistants may open any fence and may enter upon any land.

Any person obstructing a surveyor or his assistants in the exercise of the powers hereby conferred shall be liable to a penalty not exceeding ten pounds.

Survey marks.

245B. If any person unlawfully and wilfully obliterates, removes, or defaces any boundary or survey mark or any land-mark or beacon made or erected by the authority of the Surveyor-General, or by or under the direction of any authorised Government officer, such person shall be guilty of a misdemeanour.

15. The following new section and short heading ^{New section} are inserted next after section two hundred and twenty-^{after s. 222.} two of the Principal Act:—

Tenant-right in improvements on special leases.

222A. Upon the expiration by effluxion of time ^{Tenant-right} of the term of any special lease, the Minister may ^{to holders of} special leases, upon application being made as prescribed, and upon

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upon the recommendation of the local land board, grant tenant-right as defined in section two hundred and twenty-three in improvements upon the lands theretofore held under the expired lease.

New section
after s. 175.

16. The following new section and short heading are inserted next after section one hundred and seventy-five of the Principal Act:—

Residence by husband and wife.

Residence by
husband and
wife.

175A. Where any conditional purchase, homestead selection, or lease under the Crown Lands Acts may have been held by a married woman at the time of her marriage, or may have devolved upon her during the marriage under the will or intestacy of any deceased holder, or may be lawfully held by her, any condition of residence required to be performed in respect of such holding shall be deemed to have been duly performed if such residence is carried out either upon such purchase, homestead selection, or lease, or upon any conditional purchase, homestead selection, or lease held by her husband under the Crown Lands Acts, for which his term of residence may not at the time have been completed. And the husband may perform any term of residence required to be performed in respect of his conditional purchase, homestead selection, or lease upon any holding held by his wife under the Crown Lands Acts for which her term of residence may not at the time have been completed. In either case notice, as prescribed, of the intention to so perform the condition of residence shall be forwarded to the chairman of the local land board or, in the case of a lease within an irrigation area, to the Commissioner.

New section
after s. 130.

17. The following new section and short heading are inserted next after section one hundred and thirty of the Principal Act:—

Lands available for conditional purchase to be available for Crown-lease.

Certain land
available for
Crown-lease.

130B. Any Crown land which is available for conditional purchase shall, unless otherwise duly notified

notified in the Gazette, be available for Crown-lease, **George V,**
notwithstanding that such land has not been **No. 29.**
specifically set apart for that class of holding.

Any such Crown-lease shall, except as hereinafter provided, be subject to all the provisions of this Act in respect to that class of holding and to any special conditions as to improvements, cultivation, and preservation or planting of timber as may be imposed by the local land board upon the confirmation of the application for the Crown-lease.

The area applied for shall be subject to modification by the local land board, and the area which may be acquired by means of the application shall not exceed that which under the provisions of Part VII of this Act the applicant is entitled to apply for.

The capital value of and the value of any improvements on the land the subject of such Crown-lease shall be determined by the local land board.

18. The following new section and short heading New section after s. 118. are inserted next after section one hundred and eighteen after s. 118. of the Principal Act:—

Lands available for conditional purchase to be available for homestead farm.

118B. Any Crown land which is available for conditional purchase shall, unless otherwise duly notified in the Gazette, be available for homestead farms, notwithstanding that such land has not been specifically set apart for that class of holding.

Any such homestead farm shall, except as hereinafter provided, be subject to all the provisions of this Act in respect to that class of holding, and to any special conditions as to improvements, cultivation, and preservation or planting of timber or otherwise, as may be imposed by the local land board upon the confirmation of the application for the homestead farm.

The area applied for shall be subject to modification by the local land board, and the area which may be acquired by means of the application shall not exceed that which under the provisions of Part VII of this Act the applicant is entitled to apply for.

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New section
122A.

Homestead
farms. Pay-
ment towards
cost of re-
sumption and
road-making.

The capital value of and the value of any land improvements on the land the subject of such homestead farm shall be determined by the local land board.

19. The following new section and short heading are inserted next after section one hundred and twenty-two of the Principal Act :—

*Payment towards cost of resumption or withdrawal
and road making.*

122A. Where in the notification setting apart land for homestead farm an amount is specified as payable to the Crown by the holder of a farm therein mentioned, to cover the proportionate cost of resumption of the area so set apart or of any former lease thereof, or of withdrawal of the area from lease, or of making or providing roads to or on such area, the amount so specified shall be paid by the holder of such farm by not more than fifteen equal yearly instalments, together with interest at the rate of four per centum per annum, or within such lesser period, with interest as aforesaid, as the local land board, with the holder's concurrence, may determine when the application for the homestead farm is confirmed: Provided that upon application in the prescribed form being made by the applicant the payment of such yearly instalments during the first period of five years may be deferred; but in such case the prescribed interest on the amount owing shall be paid each year of the said period; and thereafter the payment shall be completed by not more than ten equal yearly instalments, together with interest at the rate aforesaid.

New section
127A.

20. The following new section and short heading are inserted next after section one hundred and twenty-seven of the Principal Act :—

*Payment towards cost of resumption or withdrawal and
road making.*

Suburban
holdings.
Payment
towards cost
of resumption
and road-
making.

127A. Where in the notification setting apart land for suburban holding an amount is specified as payable to the Crown by the holder of a block therein mentioned, to cover the proportionate cost of resumption

resumption of the area so set apart, or of any former lease thereof, or of withdrawal of the area from lease, or of making or providing roads to or on such area, the amount so specified shall be paid by the holder of such block by not more than fifteen equal yearly instalments, together with interest at the rate of four per centum per annum, or within such lesser period, with interest as aforesaid, as the local land board, with the holder's concurrence, may determine when the application for the suburban holding is confirmed: Provided that upon application in the prescribed form being made by the applicant the payment of such yearly instalments during the first period of five years may be deferred; but in such case the prescribed interest on the amount owing shall be paid each year of the said period; and thereafter the payment shall be completed by not more than ten equal yearly instalments, together with interest at the rate aforesaid.

21. The following new section and short heading are inserted next after section one hundred and thirty-four of the Principal Act:—

Payment towards cost of resumption or withdrawal and road making.

134A. Where in the notification setting apart land for Crown-lease an amount is specified as payable to the Crown by the holder of a block therein mentioned, to cover the proportionate cost of resumption of the area so set apart, or of any former lease thereof, or of withdrawal of the area from lease, or of making or providing roads to or on such area, the amount so specified shall be paid by the holder of such block by not more than fifteen equal yearly instalments, together with interest at the rate of four per centum per annum, or within such lesser period, with interest as aforesaid, as the local land board, with the holder's concurrence, may determine when the application for the Crown-lease is confirmed: Provided that upon application in the prescribed form being made by the applicant, the payment of such yearly instalments during the first period of five years may be deferred;

Crown leases.
Payment towards cost of resumption and road-making.

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deferred ; but in such case the prescribed interest on the amount owing shall be paid each year of the said period ; and thereafter the payment shall be completed by not more than ten yearly instalments, together with interest at the rate aforesaid.

Provisions for appraisalment.

Repeal of
ss. 167-173.
New section
167.

Appraisalment of
capital value of
land included in
conditional pur-
chase, condi-
tional lease, or
homestead
selection.

22. Sections one hundred and sixty-seven to one hundred and seventy-three inclusive of the Principal Act are hereby repealed, and the following section is inserted in their place :—

167. (1) The applicant for or holder of any conditional purchase—other than an additional conditional purchase which is a conversion of a conditional lease—or conditional lease, or homestead selection, may, within twelve months after confirmation of the application for the holding, apply in the prescribed manner, and, on payment of such costs as may be incurred, not exceeding five pounds, shall be entitled to have the capital value of such land determined under the provisions of section one hundred and sixty-six.

(2) The capital value so determined shall be taken to be the value of the land as at the date of application therefor. Payments of deposit of purchase money, of rent, and of costs made before the date of determination shall be adjusted in the prescribed manner.

(3) Where the capital value of land under conditional lease has been determined in pursuance of this section, such land, or any part thereof, if applied for under additional conditional purchase during the currency of the lease, shall be taken at the capital value so determined.

(4) An application under this section may be withdrawn by the applicant at any time before the commencement of the hearing by the local land board, upon payment of the actual costs incurred in dealing with the application :

(5) Provided that—

(a) the holder or applicant at the commencement of the Crown Lands Amendment Act, 1916, of or for any conditional purchase or conditional

conditional lease or homestead selection may, **George V.**
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upon application in the prescribed manner being made within six months from such commencement, or, in the case of an applicant only, within six months from the date of confirmation of his application for the holding, obtain an appraisement of the capital value of his holding in accordance with the provisions of sections one hundred and sixty-seven to one hundred and seventy-three, which are repealed by the said Act, as though such sections had not been repealed;

- (b) the words "original conditional purchaser or lessee" in subsection one of section one hundred and seventy-two shall be interpreted to mean only the person who applied for the original conditional purchase of the series and for the conditional lease, or, if there was no original conditional purchase only the person who applied for the first additional conditional purchase or conditional lease of the series;
- (c) an appraisement of the capital value of a conditional purchase or conditional lease or (except as provided by section ninety-four) of a homestead selection, whether made before or after the commencement of the Crown Lands Amendment Act, 1916, shall not be obtainable in any case where the capital value of the land, irrespective of the tenure under which it was held, has already been determined by the local land board.

23. The following new section and short heading are New section inserted next after section one hundred and fifty-five of the Principal Act :—

Joint applicants for additional holdings.

155A. It shall be competent for two or more Joint applicants for persons who are not subject, jointly or severally, additional to any disqualification in that behalf specified in holdings. this Part to apply for and acquire an additional conditional purchase, a conditional lease, an additional

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additional homestead selection, an additional settlement lease, an additional conditional purchase lease, or special conditional purchase lease. Such two or more persons shall for all purposes—

- (a) of disqualification from applying for any such holding;
- (b) of determining a home maintenance area;
- (c) of performance of the condition of residence, be deemed to be one person.

Amendments
of Principal
Act.

24. The following amendments are made in the Principal Act:—

Sec. 1.

Section one: In Part V first occurring, next after the words "Crown leases" the words "Leases of town lands—Week-end leases" are inserted.

Sec. 23 (2).

Section twenty-three, subsection two: The words "unless the contrary is expressly declared by the notification" are added at the end of the subsection.

Sec. 34.

Section thirty-four: The words "or to interfere with the use of such routes or camping-places by bona-fide travellers, teamsters, or carriers" are inserted after the expression "to impound any travelling stock"

Sec. 40.

Section forty: The words "two or more such persons may apply for an additional conditional purchase, or a conditional lease, subject to the provisions of section 155A hereof" are inserted next after the words "specified hereunder"

Sec. 44.

Section forty-four: The words "except where otherwise provided in the said section", wherever occurring, are omitted.

Sec. 47.

Section forty-seven, subsection two: The words "except an additional conditional purchase which is a conversion of a conditional lease in connection with which no further residence was required to be performed at the date of such conversion" are inserted next before the words "or conditional lease"

The following proviso is inserted next before the proviso: "Provided that upon conversion of a conditional lease into an additional conditional purchase the term of residence in respect of the additional

additional conditional purchase shall be reduced **George V,**
by the period of continuous residence performed **No. 29.**
in connection with the conditional lease”

The following paragraph is added at the end of
the proviso :

(d) When the additional conditional pur-
chase or the conditional lease is held by
two or more persons such persons shall
jointly perform the condition of residence.

Subsection four: The words “other than an
additional conditional purchase which is a
conversion of a conditional lease in connection
with which no further residence was required
to be performed at the date of such conversion”
are inserted next before the words “or con-
ditional lease”

The following proviso is added at the end of
the subsection :—“Provided that the residence
term in respect of an additional conditional
purchase which is a conversion of a conditional
lease shall be reduced by the period of con-
tinuous residence performed in connection with
the conditional lease.”

Section fifty-seven, subsection one: The following See. 57 (1).
paragraph is inserted next after paragraph (b) :—

(ba) The fact that a conditional lease, or part
thereof, is held apart from the conditional
purchase or additional conditional pur-
chase in virtue of which it was made
shall not operate to prevent its conversion
into an additional conditional purchase.

The following paragraph is inserted next
before the proviso :—

(d) The mere fact that land held under con-
ditional lease allotted in exchange with
the Crown does not adjoin the land in
virtue of which the conditional lease
was granted shall not prevent any addi-
tional conditional purchase or purchases
being made of the land held under such
conditional lease by the holder thereof.

Section

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Sec. 70.

Section seventy : The following subsection is added at the end of the section :—

(5) The Minister may at any time cancel any occupation license or preferential occupation license, wholly or in part, by giving not less than six months notice in the Gazette or otherwise of his intention to do so, such notice to terminate at the end of the then current year.

Upon such termination the licensee shall have tenant right in any improvements that may have been effected by him or his predecessors in title with the written consent of the Crown or to which the local land board may consider him equitably entitled.

Sec. 71 (2).

Section seventy-one, subsection two : The words “the Minister’s” are inserted next after the words “subject to”

The word “or” next before the word “modification” is omitted and the words “and any” are inserted in lieu thereof.

The words “by the local land board” next before the words “in any case” are omitted.

The words “to it” next after the word “appears” are omitted.

The words “local land board’s” next before the words “approval thereof” are omitted, and the word “Minister’s” is inserted in lieu thereof.

Sec. 78.

Section seventy-eight : The word “prescribed” is omitted.

The words “where required and as notified in the Gazette” are inserted next after the expression “for the survey of the land”

The word “one” is substituted for the word “two” in the last proviso.

Sec. 81 (2).

Section eighty-one, subsection two : The words “either as to the whole or any part of the land applied for” are inserted next after the words “refuse such application”

The words “leases of town lands, weekend leases” are added at the end of the heading following Part V next preceding section eighty-four.

Section

Section eighty-nine: The words "except where otherwise provided in the said section" are omitted. **George V.**
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Subsection two: The words "by reason of such roads or otherwise" are inserted next after the word "rent" first appearing. **Sec. 89.**

Section ninety-seven, subsection two: The following words and additional subsection are added at the end of the subsection:—"Two or more such persons may apply for an additional homestead selection subject to the provisions of section 155A hereof. **Sec. 97 (2).**

(2A) Where an additional homestead selection is held by two or more persons such persons shall jointly perform the condition of residence."

Section ninety-nine: The words "except where otherwise provided in the said section" are omitted. **Sec. 99.**

Subsection two:—The words "by reason of such roads or otherwise" are inserted next after the word "rent" first appearing.

Section one hundred and one: The word "twelve" is substituted for the word "three". **Sec. 101.**

Section one hundred and three, subsection two: The following words and additional subsection are added at the end of the subsection:—"Two or more such persons may apply for an additional settlement lease, subject to the provisions of section 155A hereof. **Sec. 103 (2).**

(2A) Where an additional settlement lease is held by two or more persons such persons shall jointly perform the condition of residence."

Section one hundred and five: The words "except where otherwise provided in the said section" are omitted. **Sec. 105.**

Subsection two: The words "by reason of such roads or otherwise" are inserted next after the word "rent" first appearing.

Section one hundred and six, subsection one: The word "twelve" is substituted for the word "six". **Sec. 106 (1).**
Section

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Sec. 113.

Section one hundred and thirteen, subsection one :

The following words are inserted next before the proviso :—“Two or more such persons may apply for an additional conditional purchase lease or an additional conditional purchase, as the case may be, subject to the provisions of section 155A hereof.”

Subsection two : The following words are inserted next after the words “succeeding section” :—“Two or more such persons may apply for an additional conditional purchase lease, subject to the provisions of section 155A hereof.”

Subsection three : The following words are added at the end of the subsection :—“Two or more such persons may apply for an additional conditional purchase, subject to the provisions of section 155A hereof.”

Subsection five : The following paragraph is added at the end of the subsection :—

“Where the additional conditional purchase lease or additional conditional purchase is held by two or more persons such persons shall jointly perform the condition of residence.”

Sec. 114.

Section one hundred and fourteen : The words “except where otherwise provided in the said section” are omitted.

Sec. 115.

Section one hundred and fifteen : The words “except where otherwise provided in the said section” are omitted.

Subsection five : The following words are inserted next before the proviso :—“Two or more such persons may apply for a special conditional purchase lease, subject to the provisions of section 155A hereof.”

Sec. 118.

Section one hundred and eighteen, subsection two : The words “the value to an incoming tenant of any improvements thereon which are the property of the Crown” are omitted.

Subsection three : The words “or are” are inserted next after the word “are”.

The following words are inserted next after the word “Crown” : “and of the amount required to be paid to cover the proportionate cost

cost of resumption or withdrawal, including compensation paid by the Crown, where the land has been withdrawn from lease or any former lease thereof has been resumed; and also of the proportionate amount to be paid towards repaying the Crown any sum expended in making or providing roads to or on such land (in apportioning the amounts required to be paid the total cost or expenditure shall be distributed over the whole area of the farms at an even rate per pound of their capital value as specified in the notification)".

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Section one hundred and nineteen: The words ^{Sec. 119.} "except where otherwise provided in the said section" are omitted.

Subsection two: The words "by reason of such roads or otherwise" are inserted next after the word "rent".

Section one hundred and twenty, subsection one: ^{Sec. 120.} The word "twelve" is substituted for the word "six".

Subsection two: The words "or are" are inserted next after the word "are".

The words "the Crown or" are inserted next after the word "between".

The word "his" is substituted for the word "such" next before the word "improvements" in the proviso.

The words "in respect thereto" are inserted next after the words "local land board" in the proviso.

Section one hundred and twenty-two: The words ^{Sec. 122.} "—except boundary fencing—" are inserted next after the word "same" in the proviso.

The word "of" next after the word "conditions" is omitted and in its place the words "as to improvements or expenditure attaching to" are inserted.

Section one hundred and twenty-four, subsection ^{Sec. 124.} two: The words "the value to an incoming tenant of any improvements thereon which are the property of the Crown" are omitted.

Subsection

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Subsection three: The words "or are" are inserted next after the word "are".

The following words are inserted next after the word "Crown": "and of the amount required to be paid to cover the proportionate cost of resumption or withdrawal, including compensation paid by the Crown, where the land has been withdrawn from lease or any former lease thereof has been resumed; and also of the proportionate amount to be paid towards repaying the Crown any sum expended in making or providing roads to or on such land (in apportioning the amounts required to be paid the total cost or expenditure shall be distributed over the whole area of the blocks at an even rate per pound of their capital value as specified in the notification)".

Sec. 125.

Section one hundred and twenty-five, subsection one: The words "except where otherwise provided in the said section" are omitted.

Subsection two: The words "by reason of such roads or otherwise" are inserted next after the word "rent".

Subsection three: The words "or are" are inserted next after the word "are".

The words "the Crown or" are inserted next after word "between".

The word "his" is substituted for the word "such" next before the word "improvements" in the proviso.

The words "in respect thereto" are inserted next after the words "local land board" in the proviso.

Sec. 127.

Section one hundred and twenty-seven: The words "one pound" are omitted and the words "five shillings" are inserted in lieu thereof.

The following proviso is added next after the words "in the Gazette":—

Provided that the applicant may within twelve months after the confirmation of his application—or where the application has been confirmed prior to the commencement of the Crown Lands Amendment Act, 1916, within

six months from such commencement—apply in the prescribed manner to have the capital value of the suburban holding determined by the local land board; and on his paying the fee in connection with his application as prescribed such capital value shall be determined accordingly upon the same basis as that provided for fixing the capital value in the first instance.

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Section one hundred and twenty-nine, subsection Sec. 129. one: The words "as mortgagee or" are inserted next after the word "except". The following paragraph is added at the end of the section:—

(3) Where the holder of a suburban holding shall acquire, by application or otherwise, any other holding under the Crown Lands Acts to which a condition of residence is attached he shall divest himself of the suburban holding within five years after the date of such acquisition. If such divestment is not made within the said period the suburban holding may be declared forfeited by the Minister by notification in the Gazette and thereupon shall revert to the Crown.

Section one hundred and thirty, subsection two: Sec. 130. The words "the value to an incoming tenant of any improvements thereon which are the property of the Crown" are omitted.

Subsection three: The words "or are" are inserted next after the word "are".

The words "and shall" next after the word "Crown" are omitted, and the following is inserted: "and of the amount required to be paid to cover the proportionate cost of resumption or withdrawal, including compensation paid by the Crown, where the land has been withdrawn from lease or any former lease thereof has been resumed; and also of the proportionate amount to be paid towards repaying the Crown any sum expended in making or providing roads to or on such land. In apportioning the amounts required to be paid the total cost or expenditure shall be distributed over the whole area of the blocks at an even

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even rate per pound of their capital value as specified in the notification. The Minister shall also".

Sec. 131.

Section one hundred and thirty one: The words "except where otherwise provided in the said section" are omitted.

Subsection two: The words "by reason of such roads or otherwise" are inserted next after the word "rent".

Sec. 132.

Section one hundred and thirty-two, subsection one: The word "twelve" is substituted for the word "six".

Subsection two: The words "or are" are inserted next after the word "are".

The words "the Crown or" are inserted next after the word "between".

The word "his" is substituted for the word "such" next before the word "improvements" in the proviso.

The words "in respect thereto" are inserted next after the words "local land board" in the proviso.

Sec. 134.

Section one hundred and thirty-four: The words "improving the land" are omitted and the words "effecting on the Crown-lease improvements of a permanent, fixed, and substantial character" are inserted in lieu thereof.

The words "—except boundary fencing—" are inserted next after the word "effected".

Sec. 153.

Section one hundred and fifty-three: The following proviso is added at the end of paragraph (b):—

"Provided that if the local land board shall find that any application or the declaration made in connection therewith contains false or misleading particulars or statements, and that in the absence of such particulars or statements it would not have considered that the application had equal claims to priority, it may disallow such application; and thereupon it shall be deemed to have not been included in the ballot. There shall be no appeal to the land appeal court from such disallowance.

The

The local land board may also impose the George V, penalty provided in paragraph (a) of this No. 29. section."

Section one hundred and fifty-seven, subsection Sec. 157 (2). two: The words "or the approval of the Minister provided by paragraph (a) of subsection one of this section in respect of other holdings" are inserted at the end of the subsection.

Section one hundred and fifty-eight, subsection Sec. 158 (3). three: The words "who is the owner of any land" are omitted, and the words "whose wife or husband has acquired a holding of that class unless husband and wife are living apart under a decree for judicial separation made by any court of competent jurisdiction" are inserted in lieu thereof.

Section one hundred and sixty-three: The words Sec. 163. "or is adjacent to" are inserted next after the word "adjoins".

Section one hundred and sixty-six: The first proviso Sec. 166. is omitted.

Section one hundred and seventy-six: The words Sec. 176. "other than a suburban holding" are inserted next after the word "tenure". The words "where the aggregate area held by him does not in the opinion of the local land board exceed a home maintenance area" are inserted after the words "he may".

Section one hundred and seventy-eight, subsection Sec. 178. one: The words "(not being a homestead farm or Crown lease)" are omitted.

The words "Where the holding is difficult of access or where it is otherwise undesirable that the holder or his family should be compelled to reside thereon the local land board may permit the condition of residence to be carried out anywhere within a reasonable working distance of such holding" are inserted next after the words "such village or town"

Subsection two is omitted.

Section one hundred and eighty-two: The words Sec. 182. "or Crown lease" are inserted next after the words "of this Act". Section

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Sec. 184 (1).

Section one hundred and eighty-four, subsection one: The words "Provided that such confirmation shall not in any way prejudice an application for extension of the term of the settlement lease where such application has been lodged prior to the confirmation" are added at the end of paragraph (f).

Sec. 186 (1).

Section one hundred and eighty-six, subsection one: The following proviso is added at the end of the subsection:—

Provided further that, notwithstanding anything herein contained, where any settlement lease, whether made before or after this Act, shall, after the commencement of the Crown Lands Amendment Act, 1916, be subdivided under section two hundred and fifty-seven hereof, and any portion of such lease shall be converted as aforesaid, the price of the conditional purchase or any additional conditional purchase shall be such sum as the Minister and the applicant for conversion agree upon as being the capital value of the land at the date of the application for conversion irrespective of the value of any improvements owned by the applicant for conversion, or failing such agreement within the time prescribed, such sum as, on reference by the Minister, the local land board shall determine to be the said capital value.

Sec. 190.

Section one hundred and ninety, subsection one: The word "or" is inserted at the end of paragraph (e).

The following paragraph is inserted at the end of the subsection:—

(f) a homestead farm.

Subsection five: At the end of the first paragraph the following words are added:—"In the case of a conditional lease the local land board shall also determine the price at which the land may be converted into an additional conditional purchase."

The proviso in subsection six is omitted.

Subsection seven: The words "or homestead farm" are inserted next after the words "conditional lease". Subsection

Subsection eight: The words "or the homestead farm until the expiration of the first twenty-five year period thereof" are inserted next before the words "or the rent of".

Section one hundred and ninety-three, subsection Sec. 193. (1).
one: The words "or of any lease under improvement conditions granted under section twenty-three of the Crown Lands Act Amendment Act, 1903, or section seventy-three hereof" are inserted next after the words "improvement lease".

Section one hundred and ninety-five, subsection Sec. 195. (7).
seven: The word "adjoining" is omitted.

Section one hundred and ninety-seven: The words Sec. 197.
"or resumption" are inserted next before the words "or by granting" and next before the words "of any land", first occurring.

The following is added at the end of the section:—

Where it is desired to acquire land for any public purpose and the owner thereof will not agree to convey the land at a price determined or to be determined by the local land board, the Governor may by notification in the Gazette resume such land; and thereupon it shall become vested in His Majesty, and be deemed to be reserved from sale or lease until otherwise notified by the Minister.

The price to be paid for the land resumed shall be that determined by the local land board or the Land Appeal Court on appeal.

Whenever land is acquired by way of resumption under this section a copy of the Gazette notification declaring such land to be acquired, certified under the hand of the Minister, shall in every case be lodged with the Registrar-General, and be registered by him in the general register of deeds unless the land so acquired is wholly or in part comprised in a grant or a certificate or title under the Real Property Act, in which case, upon production of such notification so certified as aforesaid,

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Sec. 198.

aforesaid, it shall be the duty of the Registrar-General to deal with it, and give effect to such notification as if the same were a memorandum of transfer duly executed under the said Act.

Section one hundred and ninety-eight : The words "In order to complete an exchange of conditionally purchased or conditionally leased land for Crown land" are omitted, and the following words are inserted in lieu thereof :— "It shall be lawful for the Governor, with the consent of the holder, to exchange any Crown lands for lands held under conditional purchase or conditional lease ; and for such purpose".

The words "to have completed the condition of residence attaching thereto, or" are inserted next after the words "such land".

Sec. 202.

Section two hundred and two : The following subsection is added at the end of the section :—

(6) Where any person not authorised in that behalf by the local land board has before or after the passing of this Act enclosed any road, the person occupying or using the land embraced by such road shall be liable to pay, so long as the road shall remain enclosed—per annum, such rent as may be determined by the local land board upon a reference made for that purpose by the Minister.

If the amount of the rent so determined be not paid by the person liable within two months after the date of such determination, the Minister may sue him therefor in any court of competent jurisdiction.

Sec. 214 (1).

Section two hundred and fourteen, subsection one : The words "a homestead farm, suburban holding, Crown-lease," next after the words "other than," are omitted, and the word "an" is inserted in lieu thereof.

The words "Where Crown land containing improvements which are the property of the Crown becomes the subject of a homestead farm, suburban holding, or Crown-lease, separate payment in respect of such improvements shall not be required" are omitted.

Section

Section two hundred and sixteen, subsection one: **George V**,
The word "or" first appearing is omitted, and **No. 29.**
the words "homestead farm, suburban holding," Sec. 216.
or Crown-lease" are inserted next after the
words "special conditional purchase lease".

The words "(in which case no interest shall
be charged)" are inserted next after the words
"local land board" first appearing.

The word "fifteen" is substituted for the
word "four" next preceding the word "equal".

The following proviso is inserted at the end
of the first sentence:—Provided that upon
application in the prescribed form being made
by the applicant the payment of such yearly
instalments during the first period of five years
may be deferred; but in such case the pre-
scribed interest on the amount determined or
owing shall be paid each year of the said period;
and thereafter the payment shall be completed
by not more than ten equal yearly instalments
together with interest at the rate aforesaid.

The words "by ten equal yearly instalments,
together with interest at the rate of four per
centum per annum, of which the first shall be
tendered with the application, and the second
and all subsequent instalments shall be paid
on the recurring dates of the granting of the
application, and two or more instalments may
be paid in any one year" are omitted and the
following words are inserted in lieu thereof:—
"as notified in the Gazette in pursuance of
the provisions in that behalf contained in this
Act: Provided that when the payment of the
capital value of such improvements may be
made by instalments, interest shall be charged
on the unpaid balance at the rate of four per
centum per annum, and two or more such
instalments may be paid in any one year".

Subsection two: The word "or" first appearing
is omitted and the words "or week-end lease"
are inserted next after the words "special
conditional purchase lease".

The

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The words “(in which case no interest shall be charged)” are inserted next after the word “determination”.

Sec. 217.

Section two hundred and seventeen: The words “week-end lease” are inserted next after the words “special conditional purchase lease”.

Sec. 222 (1).

Section two hundred and twenty-two, subsection one: The words “snow lease” are inserted next after the words “settlement lease”.

The following proviso is added at the end of the section:—“Provided that such tenant-right in improvements on a snow lease shall accrue only in respect of improvements effected with the permission of the Minister”.

Sec. 238.

Section two hundred and thirty-eight: The words “or—in any case where her husband has not acquired a suburban holding—a suburban holding” are inserted next after the words “Crown-lease,” in paragraph (b).

Sec. 250 (3).

Section two hundred and fifty, subsection three: The following paragraph is added at the end of the subsection:—“And such lessee or licensee shall not be entitled to interfere with the use of such routes or camping-places by bona-fide travellers, teamsters, or carriers, or to impound any stock that they may reasonably require for the purposes of their journey or business or to bring any action in respect thereof while such stock shall keep within the boundaries of the said routes or camping-places.”

Sec. 254.

Section two hundred and fifty-four: The following paragraph is inserted at the end of the section:—

“Any person duly authorised by the Minister in that behalf may impound any stock trespassing on such lands, and may sue the owners of such stock for trespass.”

Sec. 260.

Section two hundred and sixty, subsection two: The following proviso is added at the end of the subsection:—“Provided that an original conditional purchase shall not be transferred separately from any additional conditional purchase

purchase made in virtue thereof until all the **George V,**
conditions attaching to the original conditional **No. 29.**
purchase except that of payment of balance
of purchase money have been duly complied
with."

Subsection five: The words "Minister's consent thereto shall be obtained. The" are inserted next before the word "Minister" in paragraph (b).

Section two hundred and sixty-seven: The following ^{Sec. 267.} proviso is added at the end of the section:—

Provided that where such first-mentioned holding was applied for on or after the first day of February, one thousand nine hundred and nine, any future transfer thereof shall be subject to the provisions of section two hundred and seventy-two as though it were an original holding.

Section two hundred and sixty-eight: The words ^{Sec. 268.} "homestead farms, Crown-leases" are inserted next after the words "settlement leases"

The words "whether of the same tenure or not" are inserted next after the words "transfer their holdings".

The proviso is omitted and the following proviso is inserted in lieu thereof:—

Provided that—

(a) unless the Minister otherwise directs, where part only of a holding is a subject of the exchange, and the holdings are not of the same tenure, or being of the same tenure are subject to different conditions or restrictions, such exchange shall be of the land and not of the holding or part of the holding; and that in any such case land exchanged for other land shall be held on the same terms and be subject to the same conditions as those under which such other land was held at the date of the exchange; and

(b)

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(b) an exchange of portion of a holding shall not be permitted if the portions exchanged will not, in the opinion of the local land board, be within a reasonable working distance of the holdings to which they are respectively to be attached.

The following words are added at the end of the section :—“The provisions of this section shall also apply where the holder of any of the aforesaid holdings and the holder of freehold land desire to exchange their holdings, or any part thereof.”

Sec. 272.

Section two hundred and seventy-two, subsection two : All the words in the subsection following the words “refuse such consent” are omitted and the following words are inserted in lieu thereof :—“which discretion shall be independent of the recommendation (if any) of the local land board ; but the Minister shall not refuse consent unless the matter has been referred to the local land board for recommendation ”.

Subsection six : The following words are added at the end of the subsection :—“and (in cases where the grant has issued) so as to apply not only to the whole, but also as to each and every part of the land comprised in such grant.”

Sec. 307 (1).

Section three hundred and seven, subsection one : The words “or allotted in exchange with the Crown” are inserted next before the words “does not adjoin,” in paragraph (b).

The following paragraph is inserted next after paragraph (d) :—

(dA) The fact that a conditional lease or part thereof is held apart from the conditional purchase or additional conditional purchase in virtue of which it was made shall not operate to prevent its conversion into an additional conditional purchase.