

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Thursday, the 11th day of August, 1881.

NOTICES RELATING TO ORDERS OF THE DAY.

ADOPTION OF CHILDREN BILL.

Mr. TOLE, in Committee, to move the following amendments:—

To strike out the expression "Resident Magistrate," wherever it occurs in the Bill, and insert the words "District Judge" in lieu thereof.

In clause 3, line 25. After the word "consent," to insert the words "in writing."

In clause 3, line 33. After the word "consent," to insert the words "and on being satisfied that the applicant is of sufficient ability to bring up the child, and that the interests of such child will be promoted by the adoption."

At the end of clause 3 to add,—

"Provided that nothing herein contained shall be deemed to prohibit the adoption of any child by any person of good repute who is forty years older than such child, subject, nevertheless, to the said evidence and consent, and to the satisfaction of the District Judge in manner aforesaid."

Clause 4. To add the following words: "and, except by husband and wife, as herein, no child shall be adopted by more than one person."

In clause 5, line 5. After the word "criminal" to insert the words: "and all advantages and benefits and other legal consequences of the natural relation of parent and child."

At the end of clause 5 to add,—

"Nor be entitled to take property expressly limited to the heirs of the body or bodies of the adopted parents, nor property from the lineal or collateral kindred of such parents by right of representation; nor acquire any property vested or to become vested in any child of lawful wedlock of such adopted parent, in the case of intestacy of such last-mentioned child, or otherwise than directly through such adopted parent."

In clause 6, line 15. After the words "adopted child," to insert the words, "and subject to all liabilities affecting such child."

At the end of clause 6 to add,—

"And such order shall thereby terminate all the rights and legal responsibilities and incidents existing between the said child and his or her natural parents, except the right of such child to take property as heir or next of kin of his or her natural parents, directly or by right of representation."

In clause 7, line 17. After the word "make," to insert the words, "and from time to time alter and revoke."

In clause 7, line 20. After the word "prescribing," to insert the words, "the mode of registering and keeping a proper register of all such orders, and also for prescribing."

In clause 7, line 20. To omit the word "thereof," and insert the words, "of such procedure and registration."

Mr. TOLE, in Committee, to move the following new clauses, after clause 6:—

7. Upon the application of the manager for the time being of any institution established in connection with any religious denomination, and not maintained by Government subsidy, who is desirous of adopt-

ing any deserted child in connection with such institution, the District Judge of the district wherein such institution is situated, on being satisfied—

(1.) That such child is deserted, and of the same religious denomination as that of the institution whose manager makes the application ; and

(2.) That such institution is properly conducted, and is capable of properly bringing up such child,

may make an order authorizing the manager for the time being to adopt such child in connection with such institution, such child retaining his or her own name, and in no manner inheriting or succeeding to any property, real or personal, or otherwise howsoever, of such manager or institution.

8. Sections *four, five, and six* shall in no way apply to the case of any child adopted as in section *seven* of this Act, except as to the determination on such order of all rights of natural parents, and as to the rights of such child to take property, as respectively stated in section *six* of this Act :

Provided such child shall be entitled to the support, maintenance, education, and advancement afforded by such institution, and all such other rights, benefits, privileges, and advantages appertaining thereto, and which it shall be the duty of the person or body managing or controlling the said institution to provide.

LAND ACT 1877 AMENDMENT BILL.

Mr. PITT, in Committee, to move the addition of the following new clauses :—

Appendix E to the said Act is hereby repealed, and the following shall be substituted in lieu thereof :—

APPENDIX E.

The Land District of Nelson.

BE IT ENACTED that, within the Land District of Nelson,—

1. Notwithstanding anything contained in section one hundred and twenty-one of this Act, all rural lands, whether within or without mining districts, shall be open for sale or lease by application to the Board, to be made in manner to be from time to time determined by the Board, and such lands shall be divided into sections, subject to the provisions of this Act, and be of such size as the Board may from time to time determine, and any section may at any time previous to advertising for sale be altered or subdivided by the Board ; but no alteration shall take place between the time of advertising the same for sale and the time of its being offered for sale by auction.

Rural lands to be sold by auction.

2. Rural land, except as is otherwise hereinafter provided, shall be first offered for sale by public auction, and, if not sold, may be put up again to auction, or declared open for sale or leasing, after thirty days' notice, at a price to be assessed by the Land Board, being not less than the upset price at which the same was offered for sale by auction.

Upset price.

3. The upset price of rural land shall be from ten shillings to forty shillings per acre, as may be fixed by the Board.

Land to be surveyed before sale.

4. No land shall be sold unless the same shall have been previously surveyed, and distinguished by appropriate numbers upon a plan to be deposited and exhibited in the Principal Land Office.

Applicant may survey land at his own cost.

5. It shall be lawful for the Board to allow any applicant for the purchase of unsurveyed land to have such land surveyed at his own expense, by a surveyor authorized by the Surveyor-General in that behalf. The land may then, unless reserved or withdrawn from sale, be put up to auction, and an allowance made to the purchaser for the expense of the survey at the rate of five acres for every hundred acres. Should the land be reserved or withdrawn from sale, the applicant

shall be paid the cost of the survey, such cost to be ascertained and limited as provided in the section next hereinafter contained.

Cost to be refunded if applicant not purchaser.

6. If the land so surveyed be purchased by any other person than the original applicant, the purchaser shall, in addition to the amount bid for the same at the sale, pay to the Receiver of Land Revenue, to be paid by him to the original applicant as the cost of the survey, such sum not exceeding one shilling and sixpence per acre as may be assessed by the Board; and, if the land so surveyed be not sold at auction, the Board shall add a sum limited and assessed as aforesaid to the upset price of the land, and such sum shall be paid to the original applicant if and when such land is sold.

Land open for selection on application.

7. Rural land not open for sale under any of the preceding provisions may be purchased in such sections as the applicants may describe and point out, subject to the provisions of this Act, at the maximum price of two pounds per acre: Provided that whenever land so purchased is beyond the limits of the surveys already executed or about to be immediately executed, the expense of the survey thereof shall be borne by the purchaser, who shall deposit the estimated cost with the purchase-money.

Land open for leasing.

8. Any person may apply for a lease of Crown land in accordance with such regulations as may at the time be in force for the sale of Crown lands in the provincial district, and, in the event of such application for a lease being acceded to, shall be entitled to a lease thereof for a term of fourteen years at an annual rental of ten pounds per centum on the assessed value for sale, payable in advance; and on the due and punctual payment of such rent for the term of fourteen years, and upon the due performance and observance of the covenants contained or implied in such lease, he shall be entitled to a Crown grant of such land: Provided always that no greater quantity of land than three hundred and twenty acres shall be so leased to any one person: Provided also that the minimum price of such land shall not be less than ten shillings per acre.

9. It shall be lawful for the lessee of any lands assessed under the last preceding section, and at the rental therein mentioned, to purchase the fee-simple of the land comprised in such lease, at any time before the expiration thereof, upon paying in one sum the balance of the total amount of the fourteen years' rental reserved in and by such lease.

Leases under previous Acts may be exchanged.

10. Any lessee under any previous Act for leasing Crown lands in the Provincial District of Nelson may exchange his lease for a lease under this Act, on payment of the fees: Provided the leasehold does not exceed three hundred and twenty acres; and the lessee under any previous Act as aforesaid may purchase the freehold of his leasehold, at a price to be assessed by the Board, not being less than ten shillings per acre, provided such leasehold does not exceed three hundred and twenty acres.

Occupied licenses.

11. It shall be lawful for the Board to grant to any person an occupation license for pastoral purposes of any Crown lands, of such area and subject to such payment by the license and upon such other terms, as may be agreed upon by and between the Board and the licensee: Provided that any such license shall cease and be determined at any time, in respect of the whole or any portion of the land over which it may have been granted, in the event of the whole or such portion of the said land being reserved, leased, or sold by the Board, or required for gold-mining purposes, and that without any notice to that effect being necessary to be given to such licensee; and the licensee shall not be entitled to compensation.

12. Notwithstanding anything to the contrary contained in this Act, whenever any lands set apart for a town or village shall be open

for sale as town lands, if any of such lands so set apart shall have been within a proclaimed gold field, and shall have, for a period of two years preceding, been occupied under business license or other lawful authority as a residence or business site, or shall have been so occupied for any less period than two years and improvements of the value of fifty pounds at least have been made on such land by the occupier, then the Board may, if they shall think fit, sell such land to such occupier, without putting up the same to auction, at such price as shall be fixed by the Board, not being less than at the rate of ten pounds for forty perches of land.

MINERS' PROSPECTING LICENSES AND MINING LEASES.

13. When it shall be reported to the Board that minerals of value exist in any Crown land, whether within or without mining districts, they may at their discretion grant to the informant or to any other person applying for the same a prospecting license, giving to such applicant for a term not exceeding twelve months the exclusive right to search for any or all minerals other than gold over such land, not exceeding in quantity six hundred and forty acres, on the following terms :—

- (1.) The description of the land over which the license is sought, and a sketch of the boundaries thereof, must be lodged with the application.
- (2.) A fee of one pound for the license, and a fee of one penny per acre on all the land applied for, must be paid on application being made for the license: Provided that, in the event of a license being granted in respect of part only of the land applied for, a proportionate part of the acreage fee paid shall be returned to the applicant in respect of the area over which the license shall not be granted.

Prospecting licenses may be issued.

Renewal.

14. The Board may, should it think fit, grant a renewal of any prospecting license for any term not exceeding six months, on payment of a fee of one pound by the lessee.

Mining lease may be granted.

15. The holder of any prospecting license may, upon application at any time during its currency, and on payment of the deposits and fees hereinafter provided, obtain a mining lease of such portion, not exceeding two square miles, of the land comprised within the license as the Board may determine, on the terms and subject to the exceptions hereinafter provided; and no mining lease of any land under license shall be granted to any other person than the licensee or his assigns during the currency of such license.

Transfer of license invalid unless registered.

16. No transfer of a prospecting license or mineral lease shall be valid without the consent of the Land Board duly registered at the Land Office, and a memorandum thereof indorsed on the license or lease by the authority of the Board, and the fee of one pound paid for such indorsement and registration.

Deposit on application for lease.

17. Any person applying for a lease of any Crown lands, for the purpose of mining for any or all minerals other than gold, shall at the time of application deposit two shillings for every acre over which the application extends, for the survey of the land applied for.

Survey to be made.

18. The survey thereof shall be made with as little delay as may be by the Government; but, in case it shall not be practicable to make such survey without great delay, the Board may, if it thinks fit, allow the applicant to employ at his own expense some surveyor approved by the Surveyor-General to make such survey, and in such case the applicant shall be entitled to a refund of the payment on account of survey so soon as the plan is accepted by the Board.

Terms of lease.

19. A lease of land surveyed as aforesaid may be granted by the Board to such licensee or applicant as aforesaid, his executors, adminis-

trators, or assigns, for the purpose of mining for any or all minerals other than gold, on the following terms and conditions:—

- (1.) The contents shall not exceed three hundred and twenty acres.
- (2.) The term shall be twenty-one years.
- (3.) There shall be paid a rent of not less than sixpence per acre for each of the two first years of the lease, and not less than one shilling per acre for every subsequent year.
- (4.) There shall be reserved such royalty as the Board may determine, being not less than one fiftieth nor more than one twenty-fifth of the minerals raised; and the value of royalty on any sums paid in lieu of royalty for any one year shall be deducted from the rent for such year, and when the amount of royalty for one year shall equal or exceed the rent for such year no rent shall be paid for such year.
- (5.) The right to mine for gold shall be expressly reserved in the lease.
- (6.) The lease shall include only so much of the surface of the land to which it refers as may be agreed between the Board and the lessee.
- (7.) The lease shall contain clauses for protecting the interests of the Crown, for enabling the lessee to surrender the lease, for granting free access, where necessary, over the Crown lands to the lands or mines demised, and for reserving full right of way over and through such lands or mines.

20. Provided that in every lease there shall be inserted such conditions for securing the efficient working of the mines, and for the payment of such rents and royalties in addition to the amounts above specified, as the Board may think fit.

21. No land comprised in any prospecting license or mining lease shall be sold during the currency thereof; and, in every case where the conditions of the mining lease have been fulfilled, the lessee shall be entitled to a renewal thereof for the same term at double the rents and royalties reserved in the original lease.

22. All objections to applications for mining leases, and all disputes arising with respect to the boundaries of lands under such leases, shall be decided by the Board.

23. Auriferous lands may not be leased under the foregoing provisions, and the decision of the Board, whether land is auriferous or not, shall be conclusive.

24. If any applicant for an agricultural or mineral lease shall withdraw his application, or shall fail to sign and execute the counterpart of his lease for the space of three calendar months after notice shall have been given that the same is ready for signature, he shall forfeit his right to such lease, as well as any deposit he shall have paid at the time of making his application. Any such notice may be delivered personally, or sent by post, addressed to the last known place of abode or business of the applicant, or published in some newspaper circulating in the district.

Further provisions
may be inserted in
lease.

Lease may be
renewed.

Disputes to be
settled by Board.

Auriferous land may
not be leased.

Withdrawal or
failing to sign.