



TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. XXII.

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AN ACT to provide for a Grant of Land to certain persons in trust for the surviving Children of Charles William Broughton, deceased.

[22nd September, 1873.]

WHEREAS Charles William Broughton, late of Wanganui, in the Province of Wellington, was treacherously assassinated near Kakaramea, in the Patea district, on the first day of October, one thousand eight hundred and sixty-five: And whereas the said Charles William Broughton left four half-caste children him surviving, and another child of the Native woman to whom the deceased was married hath since been born posthumously: And whereas all the said children are now surviving, and in order to provide an endowment for them it hath been proposed that a grant of land shall be made to Trustees on their behalf in manner hereinafter mentioned:

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

1. The Short Title of this Act shall be "The Broughton Land Grant Act, 1873."

Broughton Land Grant.

Interpretation.

2. In the interpretation of this Act—

The term "Trustees" shall mean not only the Trustees appointed by this Act, but also any other Trustee or Trustees appointed under the provisions hereof, and the survivor of any such Trustee, his heirs executors or administrators.

The term "children" shall mean the children of the said Charles William Broughton, deceased, and who shall be living at the date of the passing of this Act.

Appointment of Trustees.

3. Edward Broughton, of Wanganui, and James Booth, of the same place, Esquires, are hereby appointed to be Trustees under this Act for the purposes hereinafter mentioned.

Trustees may select 200 acres of land from confiscated lands in Province of Wellington.

4. Out of the confiscated lands in the Province of Wellington the said Trustees shall be at liberty to select a block of two hundred acres, such selection to be made within the period of twelve months from the passing of this Act, and subject to the approval of the Governor as regards locality form and all other circumstances.

Trustees to have land surveyed, and deliver plan to the Colonial Secretary.

5. The Trustees shall with all convenient speed cause a survey to be made of the land so selected by them, and shall deliver a plan showing the boundaries and relative position of the same to the Colonial Secretary.

Crown grant to be issued.

6. Upon delivery to him of such plan aforesaid, and upon the selection to be made by the Trustees being approved by the Governor as hereinbefore mentioned, the Colonial Secretary shall cause a grant from the Crown to be forthwith prepared and issued to the said Trustees for the purposes of this Act.

Declaration of trusts of lands to be selected by Trustees.

7. The Trustees shall stand seized of the parcel of land selected by them under the provisions of this Act in trust for the children of the said Charles William Broughton who may be living at the time of the passing of this Act; and subject thereto, all the provisions of "The Maori Real Estate Management Act, 1867," shall, in so far as applicable, be deemed to be incorporated with this Act, and shall be of the same force and effect, both with regard to the said children and their estates or interests in the land to be selected and granted under this Act, and the trusts upon which the same shall be held, and the investment application and division of the rents issues and profits thereof, as if such provisions had been expressly inserted herein.

New Trustees may be appointed.

8. If any Trustee shall die or depart from the Colony, or become unwilling or incapable of acting in the trusts hereof, or shall desire to be discharged therefrom, it shall be lawful for the surviving or continuing Trustee, or the executors or administrators of the last surviving or continuing Trustee, with the approval of the Governor, in writing, and in the manner provided by the ninth section of the last-mentioned Act, to appoint a new Trustee or Trustees in the manner therein mentioned.

Powers of Trustees.

9. All the powers rights incidents and liabilities by the said Act conferred upon or attaching to Trustees appointed under the said last-mentioned Act shall apply to the Trustees under this Act, so far as applicable, as effectually as if such Trustees were appointed under the said Act in respect of real estate subject to the provisions thereof.

In certain cases land to revert to Crown.

10. In case all the children hereinbefore mentioned shall die under age unmarried and without leaving lawful issue, then the said land so selected under this Act, and which has been granted to the Trustees for the purposes of this Act, shall revert to the Crown as if the same had never been selected or granted under the provisions of this Act: Provided, however, that nothing herein contained shall be construed to take away from or affect the special provisions of the last

Broughton Land Grant.

preceding section in so far as it may apply to the said children and their estates or interests arising under this Act.

11. There shall be reserved to Her Majesty the Queen, out of the land selected by the Trustees, such part thereof as may be thought fit (not exceeding at the rate of five acres for every one hundred acres of the land so selected as aforesaid) for the construction in through or upon any part of the same land of any railway tramway road or other work of public utility which may be constructed by or on behalf of Her said Majesty, or by the authority of the General Assembly; and the Trustees or the said children shall not be entitled to any compensation for or in respect of any alleged damage by reason of the construction of any such railway tramway road or other work of public utility in through or upon any lands so reserved as aforesaid.

Right to make railway, &c., to be reserved through land selected.

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