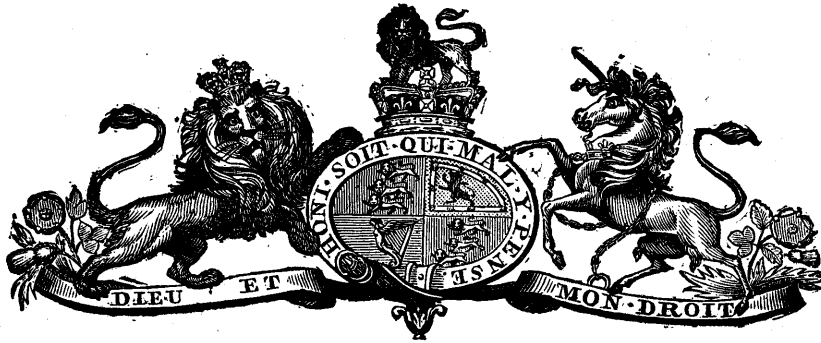


NEW ZEALAND.



TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. XXIV.

ANALYSIS.

- | | |
|---|--|
| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Annual sum of £10,000 for thirty years to be paid quarterly out of Consolidated Fund to the Special Fund, to an account to be kept there and called "The State Forests Account." All receipts from State Forests to be paid to said account. 3. Moneys at State Forests Account, on what to be expended. 4. One of the Responsible Ministers to be Commissioner of State Forests. 5. Conservator of Forests, and salary. Assistant Conservators, and salaries. Other officers. 6. Definition of State Forests. 7. Agreements for cancellation of pastoral leases. Rents to go to State Forests Account. If no agreement, lease not to be affected. | <ol style="list-style-type: none"> 8. Leases, &c., of State Forests may be granted, not extending beyond the year 1884. 9. Town may be constituted within State Forests. 10. Surplus revenues may be invested. 11. By-laws. By-laws may apply to State Forests generally, or to one or more in particular. Penalties may be imposed. 12. Proof of by-law. 13. Forfeiture of lease, &c. 14. Conservators, &c., may apprehend offenders without warrant. 15. Persons found on proclaimed land in possession of timber, not accounting for possession, liable to apprehension and penalty. 16. Recovery of penalties, and part payable to State Forests Account. |
|---|--|

An Act to provide for the Establishment of State Forests, and for the application of the Revenues derivable therefrom. Title.

[31st August, 1874.]

WHEREAS it is expedient to make provision for preserving the soil and climate by tree planting, for providing timber for future industrial purposes, for subjecting some portion of the native forests to skilled management and proper control, and for these purposes to constitute State Forests: Preamble.

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 New Zealand Forests Act, 1874." Short Title.

2. Out of the Consolidated Fund the Colonial Treasurer shall pay to the Special Fund, to the credit of an account to be called "The State Forests Account," on the first day of January, one thousand eight hundred and seventy-five, two thousand five hundred pounds, and thenceforth a like sum on the first day of April, the first day of July, the first day of October, and the first Annual sum of £10,000 for thirty years to be paid quarterly out of Consolidated Fund to the Special Fund, to an account to be kept there and called

New Zealand Forests.

"The State Forests Account."

All receipts from State Forests to be paid to said account.

Moneys at State Forests Account, on what to be expended.

One of the Responsible Ministers to be Commissioner of State Forests.

Conservator of Forests, and salary.

Assistant Conservators, and salaries.

Other officers.

Definition of State Forests.

Agreements for cancellation of pastoral leases.

Rents to go to State Forests Account.

day of January in every year up to and including the first day of October, one thousand nine hundred and four.

All receipts arising from State Forests hereafter defined shall be paid to the State Forests Account.

The laws relating to the issue of public moneys shall be applicable to the said Account.

3. In accordance with the appropriation of the General Assembly, money to the credit of the State Forests Account may be expended in and about the management of State Forests, including planting, the construction of roads and bridges within or for the purpose of access to such forests, the payment of moneys in the nature of rents for lands acquired for State Forests, the purchase of lands for State Forests, the education in the science of forestry of persons employed or to be employed in the management of such forests, the establishment of schools and colleges for teaching forestry, the establishment of nurseries for trees, and for generally giving effect to the intentions of this Act to create improve and extend State Forests.

4. Such one of the Responsible Ministers of the Crown in New Zealand as the Governor shall from time to time determine shall be appointed and be called "the Commissioner of State Forests;" any other of such Ministers may act for such Minister. Hereinafter such Minister, and the Minister for the time being acting for him, is referred to as "the Commissioner."

5. There shall be a Conservator of State Forests, who shall from time to time be appointed and removable by the Governor. An engagement may be made with any person so appointed for four years from the time of such appointment, at a salary to be fixed by the Governor at or previously to such appointment. After the expiration of such period of four years, the salary of the Conservator of Forests shall be subject to the annual appropriation of the General Assembly.

There shall be two Assistant Conservators, who shall from time to time be appointed and removable by the Governor. An engagement may be made with the persons appointed to be such Assistant Conservators for three years from the time of such appointment, at such salaries respectively as the Governor may before or at the time of such appointment fix, not exceeding in each case the annual salary of four hundred pounds. After the expiration of the said period of three years, the salary of such Assistant Conservators shall be subject to the annual appropriation of the General Assembly.

The salaries of all other officers engaged in or about the administration of this Act shall be subject to the appropriation of the General Assembly. The salaries of the Conservators, Assistant Conservators, and other officers engaged in or about the administration of this Act shall be paid out of the State Forests Account.

6. The State Forests shall consist of such lands as the General Assembly shall hereafter from time to time determine, and of such lands within any province as the Superintendent of any province, on the recommendation of the Provincial Council of such province, shall in the meanwhile request the Governor to set apart for the purpose; and the revenues arising from such lands shall be paid to the State Forests Account.

7. If any of the lands so set apart are subject to a pastoral lease or license, the Commissioner may arrange with the lessee or licensee the terms of the surrender or cancellation of such lease or license, and unless such terms are agreed upon, the lands shall continue to be held under such lease or license until the expiration thereof; but all rents licenses fees or other revenues arising from the land in the meanwhile shall be paid to the State Forests Account.

New Zealand Forests.

Until the lessee or licensee has entered into an agreement with the Commissioner, he shall be subject to all the conditions and penalties and enjoy all rights and privileges such as he would have been subject to or have enjoyed if the land had not been so set apart.

If no agreement, lease not to be affected.

8. The Governor may in the name of the Queen grant such leases licenses or privileges of parts or over parts of State Forests as he may think fit; but such leases licenses or privileges shall not extend over a period terminating later than the thirty-first day of December, one thousand eight hundred and eighty-four.

Leases &c. of State Forests may be granted, not extending beyond the year 1884.

9. The Governor may proclaim towns in State Forests, but any one town shall not exceed two thousand acres, and the land within such towns may be sold disposed of or reserved in such manner, and for such purposes and on such terms, as the Governor in Council may from time to time direct; and such towns may be constituted Municipal Corporations or be subject to local government in like manner as other towns in the Province wherein such towns are situated.

Town may be constituted within State Forests.

10. Surplus moneys to the credit of the State Forest Account, which in the opinion of the Governor in Council will not be required for expenditure for at least thirteen months henceforward, may be invested as directed by the Governor in Council for such periods as in his opinion the money may not be required, but in no case shall such period extend beyond the thirty-first day of December, one thousand nine hundred and four.

Surplus revenues may be invested.

11. The Governor in Council may from time to time make alter or repeal such regulations and by-laws as he thinks proper for any of the following purposes:—

By-laws.

- (1.) For regulating the duties of Conservators and Assistant Conservators of Forests, and other officers under this Act, and prescribing what acts or omissions by such officers shall be punishable by penalties as breaches of such regulations or by-laws, and for prescribing and regulating the powers of such officers in and for preventing the cutting removing and destruction of timber contrary to the regulations or by-laws under this Act.
- (2.) For prescribing the mode and form of application for leases or licenses of, or the grants of privileges in, State Forests, and the terms and conditions of such leases licenses and grants.
- (3.) For the management and administration of the affairs of State Forests under this Act.
- (4.) For regulating the seasons at and mode in which the lessees licensees or grantees of privileges may fell trees in such forests, and cut or remove timber or bark therein or therefrom.
- (5.) For requiring such lessees licensees and grantees to take from all trees cut down all the timber fit for use.
- (6.) For preventing all unnecessary destruction of growing timber in State Forests.
- (7.) For preventing the danger and spread of fire in State Forests.
- (8.) For prohibiting trespassing on State Forests, and for regulating access thereto.
- (9.) For the protection of roads in State Forests.
- (10.) For regulating and authorizing the construction maintenance and use of tramways railroads and other roads and ways in State Forests, and for charging rents tolls or other dues for the use of tramways railroads and other roads and ways in such forests.

New Zealand Forests.

(11.) And generally, for facilitating and more effectually carrying into execution the objects of this Act.

By-laws may apply to State Forests generally, or to one or more in particular.

Any such regulations and by-laws may be made applicable to State Forests under this Act generally, or to one or more of such Forests in particular.

Penalties may be imposed.

And the Governor in Council may by any such regulation or by-law to be made under this Act impose reasonable penalties, not exceeding fifty pounds for any one offence, and every such regulation or by-law shall be so framed as to allow the Justice before whom any such penalty may be sought to be recovered, to order a part only of such penalty to be paid if such Justice shall think fit.

Proof of by-law.

12. Every regulation and by-law made under this Act shall be published in the *New Zealand Gazette*, and upon such publication shall come into operation and have the force of law as if the provisions thereof were contained in this Act, and the production of a *New Zealand Government Gazette* or printed paper purporting to be such *Gazette*, in each case purporting to be printed under the authority of the New Zealand Government, containing therein printed matter purporting to be a regulation or by-law made under this Act, shall be sufficient proof thereof.

Forfeiture of lease, &c.

13. Every lease or license or grant of privilege made under this Act shall be subject to forfeiture for infraction of any one of the conditions to which it is subject; and in such case the Minister shall have the right, without any suit or other proceeding at law or in equity, or compensation to the lessee licensee or grantee, to cancel the same, and to make a new lease license or disposition of the land timber or limits described therein to any other person, at any time during the term of the lease license or grant so cancelled: Provided that the Minister if he see fit, may refrain from enforcing the forfeiture of such lease for non-payment of rent or other moneys.

Conservators, &c., may apprehend offenders without warrant.

14. Any Conservator or other officer appointed under this Act may, without warrant, apprehend any unauthorized person found cutting or removing any timber or bark on or from any lands forming part of the State Forests under this Act; and any person so apprehended as in this section aforesaid shall be taken as soon as reasonably may be before some Justice of the Peace, to be dealt with according to law.

Persons found on proclaimed land in possession of timber, not accounting for possession, liable to apprehension and penalty.

15. Any person found within any of the State Forests under this Act, or on any road in its vicinity, and having in his possession any tree or part of a tree, who on being thereunto required by any Conservator of Forests or other officer under this Act, or by any person having a right of property or the right to cut wood on any such land or part thereof, whether leased or not, or by any one acting on behalf of such person, refuses to give a satisfactory account of the manner in which he became possessed of any such tree or part of a tree, may be carried by the party interrogating him before any Justice of the Peace; and if such person does not satisfy the Justice that he came lawfully by the said tree or part of a tree, he shall on conviction by such Justice forfeit and pay, over and above the value of such tree or part of a tree so found, any sum not exceeding five pounds.

Recovery of penalties, and part payable to State Forests Account.

16. All penalties imposed by this Act, or any regulation or by-law made hereunder, shall be recoverable only on summary conviction before any Justice or Justices of the Peace, and two-thirds of all such penalties shall be payable to the State Forests Account.