

[AS REPORTED FROM THE WASTE LANDS COMMITTEE, 23RD AUG., 1893.]

Hon. Mr. McKenzie.

CHEVIOT ESTATE DISPOSITION.

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A BILL INTITULLED

AN ACT to provide for the Administration and Disposition of ^{Title.} certain Land in the County of Cheviot, in New Zealand, lately purchased by the Crown.

- 5 WHEREAS under the provisions of "The Land and Income Assessment Act, 1891," the trustees of the estate of the late Honourable William Robinson, of Christchurch, in New Zealand, deceased, as owners of the lands lying within the County of Cheviot, in New Zealand, known as the "Cheviot Hills Estate," on or about the twenty-first day of December, one thousand eight hundred and ninety-one, furnished a return to the Commissioner of Taxes wherein the value of the said lands, for the purposes of the said Act, was stated to be two hundred and sixty thousand two hundred and twenty pounds: And whereas in virtue of the powers vested in him under the said Act the said Commissioner assessed the value of the said lands at the sum of three hundred and four thousand eight hundred and twenty-six pounds:

No. 27—2.

And whereas, on or about the tenth day of October, one thousand eight hundred and ninety-two, the said trustees gave notice in writing to the said Commissioner to the effect that they were dissatisfied with the amount at which the said lands were assessed, and called upon him to reduce such assessment to the sum at which such lands had been valued in the return so made by the said trustees, or else to purchase such lands at such sum : And whereas the said Commissioner decided not to reduce the assessment so made by him, but to purchase the said lands subject to the approval of the Governor in Council, as required by the said Act : And whereas on or about 10 the twenty-ninth day of December, one thousand eight hundred and ninety-two, the Governor of New Zealand, in pursuance and exercise of the powers and authorities enabling him under "The Land and Income Assessment Act, 1891," and "The Land and Income Assessment Act Amendment Act, 1892," and by and with the advice and 15 consent of the Executive Council of the said colony, consented to and approved of the purchase or acquisition from the said trustees by the said Commissioner, on behalf of Her Majesty the Queen, of the said lands hereinbefore mentioned at or for the sum of two hundred and sixty thousand two hundred and twenty pounds, being the value 20 of such lands as specified in the return furnished by the said trustees as aforesaid : And whereas notice of the approval and consent of the Governor in Council as aforesaid was duly given to the said trustees, and by deed bearing date on or about the nineteenth day of April, 25 one thousand eight hundred and ninety-three, made between Joseph Palmer, Francis Henry Dillon Bell, Elizabeth Eliza Robinson, Emily Campbell, Charles Ralph Campbell, and Eleanor Lance, all therein respectively described of the one part and being the trustees of the estate of the said William Robinson, and Her Majesty the Queen of the other part, the said trustees, in accordance with the provisions 30 of the hereinbefore-mentioned Acts, conveyed and assured to Her said Majesty the lands therein described, comprising the Cheviot Hills Estate, for the sum of two hundred and sixty thousand two hundred and twenty pounds : And whereas the said lands so conveyed, together with certain other lands, are particularly described in the 35 Schedule to this Act, and it is expedient that the effectual administration and disposition of all the said lands should be provided for by law in the manner hereinafter set forth :

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, 40 as follows :—

Short Title.

1. The Short Title of this Act is "The Cheviot Estate Disposition Act, 1893."

Interpretation.

2. In this Act, unless inconsistent with the context,—

"Cheviot Estate" means the land acquired by Her Majesty 45 the Queen as hereinbefore mentioned, and includes all the land described in the Schedule to this Act:

"Minister" means the Minister of Lands for the time being appointed under "The Land Act, 1892:"

"The Land Act" means "The Land Act, 1892," and includes 50 any Act passed in amendment thereof.

3. The Cheviot Estate so acquired by and conveyed to Her Majesty the Queen as hereinbefore mentioned is hereby declared to be Crown lands within the meaning of the Land Act vested in Her said

Majesty and her successors, freed and discharged from all limitations, powers, and provisions contained in the last will and testament of the late Honourable William Robinson, and from all estates, interests, claims, and demands of what nature soever heretofore subsisting
 5 under or by virtue of such last will and testament or which could in any manner arise thereunder or in any other manner whatsoever ; and all such lands shall be administered, sold, leased, or otherwise disposed of on behalf of Her said Majesty under and subject to the provisions of this Act.

10 4. Out of the Cheviot Estate such part or parts thereof as shall be thought suitable shall be set apart from time to time for towns, and also one or more village settlements, which shall respectively be so set apart in accordance with the provisions of the Land Act ; reserves for public purposes may also be made in any part of the
 15 Cheviot Estate from time to time in the manner provided by the Land Act.

Sites for towns and
village settlements
may be set apart,
and reserves made
for public purposes.

New clause.

20 4A. In order to utilise the existing boundary-fences, the Minister may, on behalf of Her Majesty, purchase, sell, or exchange any portion Boundary-fences.
of the lands adjacent to any such fence ; but so that any exchange shall be of equal value, or that such purchase or sale shall be effected after valuation, and any money payable or receivable shall be taken from or paid into the Cheviot Estate Account, and any land acquired shall be deemed to be part of the said Cheviot Estate.

25 5. Subject as aforesaid the residue of the Cheviot Estate shall be deemed to be rural land, and shall be sold or leased under this Residue of the
estate to be rural
land.

Act in the following proportions :—

30 One-third part thereof shall be sold for cash by public auction ;
One-third part thereof shall be disposed of upon lease in per-
petuity ; and
One-third part thereof shall be disposed of upon lease for
grazing-farms.

The proportions of land before mentioned may be varied or altered by the Minister from time to time if he is satisfied that the public needs 35 so require, and any such variation or alteration may be in diminution or increase of such proportions.

40 6. The Minister shall cause such rural land to be classed into first- and second-class agricultural land, and first- and second-class grazing-land, but so that no area of agricultural land shall exceed six hundred and forty acres in any one section, and no area of grazing-land shall exceed five thousand acres in any one block :

45 Provided that if at any time any sections of agricultural land of a less area than six hundred and forty acres, or any blocks of grazing-land of a less area than five thousand acres, are first offered for sale or lease and not sold or leased, such sections or blocks (according to the respective classes of land) may be grouped together and sold or leased as one section or block, as the case may be, but not exceeding in either case the area hereinbefore provided.

50 7. Notice shall from time to time be given in the *Gazette*, by or under the direction of the Minister, of all land open for sale, lease, or other disposition under this Act, and of any variation in or addition thereto, and in and by any such notice the time, mode, and terms of sale, lease, or other disposition shall be set forth ; and every such sale, lease, or other disposition shall, subject to this Act, be 55 made in accordance with and subject to the provisions of the Land Act.

Proportions, and
mode of disposal
of land.

Classification of
rural land.

Proviso.

Notification of land
open for sale or
lease.

Mode of determining capital value, and how upset price fixed.

Terms of payment for lands sold for cash.

Power of sale in case of default in payment of balance of purchase-money.

Town lands to be sold for cash; if not sold, may be leased.

Rural lands offered for cash and not sold open for selection at upset price.

All such lands shall be applied for, sold, or leased at the principal land office in the Canterbury Land District, or at any local land office in the said district established under the Land Act.

8. The capital value of land sold or leased under this Act shall be ascertained in such manner as the Minister may appoint, and the upset price thereof shall be fixed at a rate sufficient to cover the cost of the original acquisition of the Cheviot Estate, *with four and a half per cent. interest from date of purchase*, together with a sufficient sum added thereto to cover the cost of survey and subdivision, the cost of roads and other improvements now existing or made, or that may hereafter be made thereon prior to such valuation, the price of so much of the land as shall be absorbed by roads and reserves, and the estimated cost of administration of this Act.

9. (1) *Rural Lands sold for cash may be paid for as follows:—*

One-fourth part of the purchase-money shall be paid in cash immediately on the close of the sale, one-fourth part thereof within thirty days next after the date of sale, and one-half part thereof in five years from the date of sale, such part to bear interest at the rate of five pounds per centum per annum until payment, such interest to be paid by the purchaser at the expiration of every half-year following the date of sale;

Or, at the option of the purchaser,—

One-fourth part of such purchase-money may be paid in cash immediately on the close of the sale, and the remaining three-fourths thereof within thirty days next after the day of such sale.

(2.) No Crown grant or other instrument certificate of title shall issue to any purchaser for cash until full payment of his purchase-money and interest (if any), and in case any purchaser shall make default in payment of such purchase-money or interest or any part thereof respectively for a period of sixty days after the same has become due as the case may be the Minister may cause possession of such land and of all improvements thereon to be recovered on behalf of the Crown, as provided by the Land Act, and thereafter may sell or dispose of such land and improvements by public auction on such terms and conditions as he thinks fit, and either for cash or partly for cash and partly upon like terms as the same was originally sold. If the original purchaser has paid any part of the purchase-money before default the Minister may repay the same to such purchaser with the value of any improvements made on the land, or such part of such purchase-money or value as the Minister thinks fit, and less any loss occasioned to the Crown by any such resale, together with the costs and expenses the Crown may have been put to in recovering possession and reselling such land.

10. Town lands shall be sold only for cash, and if not sold on the day of sale may be leased for any term not exceeding fourteen years, at a rent not less than five pounds per centum on the upset price of such land, but so that the lessee shall not have any right of compensation for improvements at the expiration of his lease.

11. Rural lands offered for sale by auction for cash and not sold shall be open for selection on the next following day, or at any time thereafter, at the upset price fixed as before provided; but nothing

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herein shall be deemed to prevent the exercise of any powers by this Act vested in the Minister in respect of such land at any time before or after such selection, and the Minister shall at all times have power to refuse to receive or allow any application whatsoever relating to the purchase or lease of any such lands.

12. The rental of land open for lease in perpetuity shall be five pounds per centum on the capital value of such land as ascertained under this Act, and every lease shall be subject to such terms and conditions as to cropping and using the land as shall be indicated 10 or referred to in any general notification relating to such lands made before the same are declared open for application or sale.

Rental of lands leased in perpetuity, and terms of leases.

13. (1.) Lands set apart as grazing-farms shall be disposed of by way of lease from time to time for any term not exceeding twenty-one years.

Term of lease of grazing-farms.

15 (2.) The land to be leased and the upset rental thereof shall be notified in accordance with this Act, and all such land shall be first opened for application on such day as the Minister may appoint.

Upset rental and date when open for application.

(3.) All lands which have been notified as open for application as aforesaid, and not selected on the day mentioned in the notification, 20 shall remain open for selection.

Land notified as open and not selected to remain open.

(4.) In case of more than one application at the same time for the same land the right thereto shall be decided by ballot, as provided by or under the Land Act.

If two or more applicants for same land, right to be decided by ballot.

25 (5.) The upset rental shall not be less than five pounds per centum on the capital value of the land to be leased, and every lease shall be subject to such terms and conditions as may be indicated or referred to in any general notification in the *Gazette* relating to such lands and made before the same are declared open for application.

Rate of rental and terms of lease.

30 14. Every lease of a grazing-farm shall be subject also to the following provisions :—

Conditions of lease of grazing-farm.

(1.) On the expiration or other determination of the lease the former lessee shall not have any right of renewal, but shall be entitled to full valuation for improvements of a substantial character effected on the land as hereinafter provided.

35 (2.) Such improvements shall mean and include reclamation from swamps, clearing of bush, gorse, broom, sweet-briar, or scrub, fencing, draining, sinking wells or water-tanks, constructing water-races, sheep-dips, making embankments or protective works of any kind, and in addition to the foregoing the erection of any building requisite or necessary for the purpose of working the land as a grazing-farm; and the value of all such improvements shall be ascertained one month at least before the expiry of the existing lease in such manner as the Minister may direct.

40 (3.) If a lease is forfeited for breach of conditions such valuation shall be made on recovering possession of the land.

45 (4.) Payment of any valuation shall be made to the Receiver of Land Revenue by the new lessee of such land before he is admitted into possession, and moneys so paid to the Receiver shall not be deemed part of the Cheviot Estate Fund hereinafter mentioned or of the Land Fund.

- (5.) The amount of the valuation for such improvements, in case of the land being re-let, when paid by the new lessee shall be paid by the Receiver of Land Revenue to the original lessee or other person entitled, and, in case of forfeiture, less any rent which may be due to the Crown at the date of such forfeiture and the costs of recovering possession of the land and also the charges and expenses of reletting such land, and making, issuing, and completing any fresh lease.
- (6.) In any case where it is determined that any lands included in any lease shall not again be offered for further lease, then the amount of the valuation so ascertained as aforesaid shall be paid to the outgoing lessee or occupier, less any arrears of money due to the Crown by him in respect of such lands, and such amount shall be paid out of the Cheviot Estate Fund hereinafter mentioned.

Temporary licenses for grazing purposes may be issued in certain cases.

Licenses to be surrendered in certain cases.

No "thirds" or "fourths" payable to any local authority.

Applicant to make required declaration.

Power to lay off and construct public roads, &c.

15. (1.) The Minister may from time to time grant temporary licenses for grazing purposes over any lands not open for application or not taken up under this Act, such licenses to be for a period not exceeding three years, at such rental, and subject to such terms and conditions, as he shall think equitable.

(2.) Every such license shall be surrendered on demand, to be cancelled in respect of so much of the land comprised therein as shall be opened for sale or lease under this Act, without any right of compensation to the licensee on any account whatsoever, who may however remove any fencing or other improvements he may have erected on the land.

16. Notwithstanding anything contained in any provision of the Land Act, no "thirds" or "fourths" for road-making purposes shall be payable to any local authority in respect of any land sold or leased under this Act.

17. Every applicant for the purchase or lease of land under this Act shall make a statutory declaration in such one of the forms in the Schedule to the Land Act, with such modification as may be necessary for the purposes of this Act, as the Minister shall require, and such form shall be indicated in the notification opening such land for sale or lease.

Any declaration made under this Act shall for all purposes be deemed to have been made under the Land Act.

18. (1.) The Minister may from time to time lay off, construct, and maintain all such public roads, streets, bridges, culverts, drains, fences, and other works as may be necessary to afford access to the Cheviot Estate or any part thereof:

(2.) The cost of laying out, constructing, or maintaining such public roads, streets, bridges, culverts, drains, fences, and other works shall be borne and paid out of the "Cheviot Estate Account," hereinafter provided for, or out of any funds provided by the General Assembly for such purposes:

(3.) After the constitution of any local authority in whose district any such works are situated, all liability in respect of the construction or maintenance of such public roads, streets, bridges, culverts, drains, fences, and other works as aforesaid shall be borne

by the body which such local authority represents, and such body shall have jurisdiction thereover accordingly.

19. (1.) The Minister may cause the Mansion House, and such other buildings connected therewith as he may determine then standing on the Cheviot Estate, together with such portion of land contiguous or adjacent thereto as he deems suitable, to be sold by public auction for cash at such time as he shall think fit.

Power to sell the Mansion House and land adjacent.

(2.) The upset price shall be fixed by the Minister after valuation by such person as he shall appoint for that purpose; and if the said Mansion House, buildings, and land be not sold by public auction the same shall be open for sale on application at the upset price so fixed as aforesaid, or at such other price as the Minister may determine.

Upset price to be fixed by Minister.

20. All moneys received under this Act shall be paid into the Public Account to a separate account, to be called "The Cheviot Estate Account," and shall be applied for paying *interest and all expenses* incident to the administration of this Act, whether for surveys or subdivision of land, or for the cost of laying off, constructing, and maintaining roads, streets, bridges, culverts, drains, fences, and other works as aforesaid, and of all other expenses incurred under this Act.

Moneys received under Act to be paid into a separate account.

21. The Colonial Treasurer may, without further appropriation, pay out of the moneys at credit of the said separate account all such sums as shall be payable under this Act for all or any of the purposes aforesaid, and the residue thereof shall be appropriated from time to time in such manner and for such purposes as the General Assembly may direct.

Payments may be made out of this account without further appropriation.

22. (1.) Any power, duty, or function which, by the Land Act, or any part of that Act, is vested in, or could be exercised by, the Governor or the Land Board of the district in which the Cheviot Estate is situated shall, in respect of the land affected by this Act, be vested in and may be exercised by the Minister: Provided that the Minister may, from time to time, delegate to the said Board all or any of the powers, duties, or functions by this Act vested in him.

Powers under Land Act may be exercised by the Minister, who may delegate same to Land Board.

35 (2.) Nothing herein shall be deemed to interfere with or restrict the powers, duties, and functions of the Commissioner of Crown Lands for the said district under the Land Act or any other Act so far as the same may be requisite or necessary for the purposes of this Act.

Saving of powers of Commissioner of Crown Lands.

40 (3.) Subject to the terms of this Act, every sale, lease, or other disposition of land effected, granted, or made thereunder shall be deemed effected, granted, or made under the Land Act; and every person at any time making any application or doing any act or thing under or by virtue of this Act for the purpose of acquiring any estate or interest in any land thereunder shall be deemed to have made such application or done such act or thing under the provisions of the Land Act; and, subject as aforesaid, all the provisions of the Land Act, so far as applicable, shall extend and apply to the lands comprising the Cheviot Estate, and this Act shall be read and construed accordingly.

General provisions of Land Act to apply to this Act.

Schedule.**SCHEDEULE.**

All that area in the Canterbury Land District containing by admeasurement 85,361 acres (more or less) : Bounded towards the north generally by the Waiau-ua River, from Section No. 200, Lowry Peaks Survey District, to a point in line with the eastern boundary-line of Section No. 1, Cheviot Survey District ; thence to and by that section and by Sections Nos. 2 and 39, and again by the Waiau-ua River ; towards the east by the sea ; towards the south by the Hurunui River ; and towards the west generally by the Kaiwara River and Sections Nos. 75, 76, 77, 78, 79, 80, 81A, 82, 83, 84, 85, 86, 87, 88, 89, and 200, Lowry Peaks Survey District.

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