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(Mr. J. E. Brown.)

# Canterbury Waste Lands.

## ANALYSIS.

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## A BILL INTITULED

“The Canterbury Waste Lands Act, 1872.”

Title.

**W**HEREAS it is expedient to alter and amend the Regulations now in force in the Province of Canterbury for the sale and disposal of the Waste Lands of the Crown in the said Province :

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 Canterbury Waste Lands Act, 1872,” and shall come into operation on the first day of December, one thousand eight hundred and seventy-two.

Short Title.

**2.** The clause of the Canterbury Waste Lands Regulations numbered thirty-four is hereby repealed, and in lieu thereof the following is substituted :—

All lands not included in any of the foregoing Regulations shall be open for sale as rural land at a uniform price of forty shillings per acre, payable either in cash or subject, as hereinafter mentioned, in ~~four~~ equal instalments, together with interest, at the rate of five pounds per centum per annum on the unpaid balance for the time being until payment thereof. The instalments, with interest added, are as follows :

Lands open for sale on deferred payments.

**20**      Ten shillings cash on application.

~~Ten shillings, two years after application, with interest on unpaid balance to date.~~

~~Ten shillings, four years after application, with interest as aforesaid.~~

~~Ten shillings, six years after application, with interest aforesaid.~~

**25**      At the commencement of third year after application, five shillings and sixpence.

At the commencement of fourth year after application, five shillings and ninepence.

**30**      At the commencement of fifth year after application, six shillings.

At the commencement of sixth year after application, six shillings and threepence.

At the commencement of seventh year after application, six shillings and sixpence.

At the commencement of eighth year after application, six shillings and ninepence.

Persons authorized to take up land.

~~3. No person shall have the privilege of taking up land under the foregoing section, unless such person at the time of making application is a male over eighteen years of age, or a widow, and that such applicant is not owner lessee or occupier, nor is any person in trust for such applicant owner lessee or occupier of more than one hundred acres of land in all in the Province, and that such applicant shall not at any time previously have applied to take up land on deferred payments under this Act.~~ 5 10

3. No person shall take up land under the foregoing section unless such person at the time of making application is a male over eighteen years of age, or a widow, and no person shall take up land who is the owner, either by himself personally or by some other person in trust or for his behoof, of more than two hundred acres of land in the Province : Provided no person shall be allowed to purchase less than twenty acres or more than two hundred acres in all under the provisions of this Act. 15

4. Each applicant, on or before making application, shall make the declaration in the Schedule A hereto before the Commissioner of Crown Lands or a Justice of the Peace, and any person making a declaration false in any particular shall be liable to be imprisoned with or without hard labour for any time not exceeding three years. 20

License to occupy.

5. Immediately on payment of the ten shillings cash on application, the applicant shall receive from the Commissioner a license to occupy, in the form in the Schedule B hereto, and as soon as may be thereafter the land shall be laid off by a Government surveyor as provided by clause forty of the said Regulations. 25

6. The conditions set forth in the form of license to occupy in the Schedule B shall be binding upon the purchaser in the same manner as if embodied in this Act. 30

Liability of applicant.

7. On the issue of such license to occupy, an acceptance thereof shall be signed at the foot and at the foot of a duplicate thereof by the applicant, and when signed the applicant his heirs executors and administrators shall become liable to the payment of the unpaid instalments of purchase money and interest at the due dates, and such instalments and interest, or any of them, may be recovered at the suit of the Commissioner of Crown Lands for the Province of Canterbury for the time being, before a Resident Magistrate or two Justices of the Peace, and such Commissioner may also from time to time recover any unpaid balance by distress on the land in the same manner as rent in arrear. 35 40

If principal or interest unpaid land to be forfeited.

8. If any instalment of principal and interest, or any part thereof, be in arrear for two calendar months after the same becomes due, or if during the life of the applicant, and before the whole purchase money and interest is paid, the applicant shall not personally occupy such land, or if he shall before payment in full transfer convey lease mortgage encumber or charge the same or any part thereof, or agree to transfer convey lease mortgage encumber or charge the same, or if the declaration hereinbefore mentioned be false in any particular, the Commissioner of Crown Lands, on being satisfied of the facts, shall declare by advertisement in the *Gazette* that the land is forfeited, and thereafter the same shall revert to the Crown, free from all claims, and all deposits theretofore paid shall be absolutely forfeited to the Crown, and the applicant and all persons claiming under him who shall thereafter be upon or occupy such land shall be considered as trespassers and intruders, and as unlawfully occupying the same within the meaning of "The Crown Lands Act, 1862." 45 50 55

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9. It shall be in the discretion of the Commissioner of Crown Lands to allow any applicant to cease to occupy or to transfer mortgage or lease on the ground of personal disease or infirmity, not existing at the time of the application, and in such case, or if the applicant shall die before the purchase money and interest is paid in full, to extend the time of payment of any instalment for any period not exceeding one year: Provided if the purchaser, or his executors or administrators (or a trustee under his bankruptcy), shall desire to transfer his land after effecting the improvements required by this Act, he or they may apply to the Commissioner of Crown Lands to accept another fit person in his place.

Provision in case of illness.

10. Any person paying up his then next instalment or instalments of principal and interest in advance shall be entitled to a rebate of interest at the rate of five per centum per annum on the sum paid from the time of payment to the due date.

Rebate on payments in advance.

11. This Act shall be read as part of and together with the rest of the regulations and laws for or affecting the sale letting and disposal of Waste Lands of the Crown in the Province of Canterbury, and the terms "The Waste Land Regulations," and "the said Regulations," when used in this Act mean respectively the Regulations which are brought into operation and enacted by Acts Ordinances and Regulations mentioned in the Schedule to "The Waste Lands Act, 1858."

Act to be part of Canterbury Waste Lands Regulations.

~~10. The right to take up land on deferred payments, under the provisions of the Act, shall cease as soon as twenty thousand acres of land have been so taken up.~~

Duration of Act.

SCHEDULE A.

Schedules.

DECLARATION OF APPLICANT FOR LICENSE TO OCCUPY RURAL LAND ON DEFERRED PAYMENTS.

I A.B. of do solemnly and sincerely declare—

1. That I am [a male over the age of eighteen years, or a widow, as the case may be].

2. That I am not, nor are any persons or person in trust for me, lessee owner or occupier of land exceeding in the whole two hundred acres in the Province of Canterbury.

3. That I have never before made application under "The Canterbury Waste Lands Act, 1872" to take up land on deferred payments.

4. That I apply for the land included in application number [State number of application] exclusively for my own use and benefit, and that I have not directly or indirectly made any agreement or contract in any way or manner or to any person or persons whomsoever by which the possession or title of such land shall inure to the use or benefit of any person except myself, or to convey transfer lease mortgage or encumber the same to any person or persons now or at any subsequent time, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the Legislature of New Zealand, intituled "The Canterbury Waste Lands Act, 1871."

Witness—I.P. or Commissioner of Crown Lands.

SCHEDULE B.

LICENSE TO OCCUPY RURAL LAND ON DEFERRED PAYMENTS.

Province of }  
Canterbury. }

WHEREAS of hath been duly declared the purchaser on deferred payments for the sum of pounds shillings and pence of the section of the Waste Lands of the Crown hereinafter described, and hath this day paid to the Treasurer of the Waste Lands Board of the Province of Canterbury the sum of pounds shillings and pence deposit on such purchase money, the receipt whereof is hereby acknowledged:

Now know all men and these presents witness that we, in pursuance of the powers vested in us as Commissioners of the said Waste Lands Board, do hereby authorize and empower the said A.B., his heirs or administrators to enter upon all that section of land situate and bounded as hereinafter described, that is to say and to hold and enjoy the same, subject nevertheless to the payment of the balance of purchase money and interest, and to the provisions of "The Canterbury Waste Lands Act 1871," and all other

regulations for the sale letting disposal and occupation of the Waste Lands of the Crown in force in the Province of Canterbury.

Given under our hands at the sitting of the Waste Lands Board held at  
 this            day of            18 .

I accept the above. (Date) 18 .

Applicant.

Witness—

*(Conditions to be indorsed on the License to Occupy.)*

1. The purchaser shall within four years enclose the land comprised in his purchase with a good and substantial fence, and shall within the said period cultivate at least one acre out of every ten acres thereof.

2. An officer appointed by the Waste Lands Board shall, within three months of the expiration of the above-named period, report to the Commissioner of Crown Lands whether the previous conditions have been fulfilled; or if he shall report that they have not been complied with, the Commissioner of Crown Lands, on being satisfied of the facts, shall declare by advertisement in the Provincial Government *Gazette* that the land is forfeited, and it shall thereupon be open for sale as Waste Lands of the Crown.