

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE,
27TH NOVEMBER, 1879.]

Mr. Thomson.

Land Act 1877 Amendment.

ANALYSIS.

- | | |
|---|---|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. Commencement of Act. 2. "Crown Lands Sale Act, 1877," repealed. <p style="text-align: center;">AS TO LAND ON DEFERRED PAYMENTS.</p> <ol style="list-style-type: none"> 3. Former Proclamations validated. 4. Governor may declare residence optional. 5. Land may be sold at 20s. and 90s. respectively. Price may be augmented. 6. Several small sections may be grouped into one allotment. 7. Cultivation of forest lands. 8. Selector of improved lands to pay value of improvements. 9. Selector entitled to grant after necessary improvements completed. 10. "Homestead" owners may not become selectors. 11. 12. Payments for pastoral lands to be treated as ordinary revenue. 13. Selector not allowed to assign his interest unless all conditions fulfilled. 14. Section 54 of "Land Act, 1877," amended. <p style="text-align: center;">LAND ON IMMEDIATE PAYMENT.</p> <ol style="list-style-type: none"> 15. Governor may appoint time of sale of lands, and fix class and price. <p style="text-align: center;">IMPROVEMENTS ON RUNS.</p> <ol style="list-style-type: none"> 16. Fencing and other improvements may be removed on termination of lease. <p style="text-align: center;">PREPAYMENT OF RENT OF RUNS.</p> <ol style="list-style-type: none"> 17. Sections repealed. (1.) Date of license. (2.) Rent of runs to be paid in advance on sales by auction. (3.) Proportion of rent to be paid in advance. <p style="text-align: center;">JOINT APPLICATIONS ON DEFERRED PAYMENTS.</p> <ol style="list-style-type: none"> 18. Two or more selectors may hold an allotment as tenants in common. | <ol style="list-style-type: none"> 19. Co-selectors to have the same right to transfer as ordinary selectors. 20. On fulfilment of conditions, Governor may issue one Crown grant for allotment, or a Crown grant for each subdivision, as may be desired by co-selectors. <p style="text-align: center;">VILLAGE SETTLEMENTS.</p> <ol style="list-style-type: none"> 21. Governor may set apart any Crown lands for village settlements. 22. Governor may fix terms and conditions. (1.) Subdivisions. (2.) May be sold on immediate or deferred payments. (3.) Price. (4.) Applications. (5.) Duplicated applications decided by lot and auction, according to class. 23. Village allotments may be leased. 24. Five thousand acres of lands enumerated in First Schedule of "Public Reserves Sale Act, 1878," may be set apart for village settlements. <p style="text-align: center;">SPECIAL SETTLEMENTS.</p> <ol style="list-style-type: none"> 25. Governor may set apart blocks of rural land. 26. Governor to fix terms and conditions. (1.) Price. (2.) Deposit. (3.) Conditions of improvement to be defined by regulations. (4.) Land shall not be set aside for more than seven years. (5.) Lands not taken up within seven years may be declared open as ordinary Crown lands. 27. Power to make contracts with persons promoting settlements. 28. Rebate may be allowed in respect of adult persons introduced from United Kingdom. <p style="text-align: center;">LEASING OF RESERVES.</p> <ol style="list-style-type: none"> 29. Reserves may be leased for fourteen years. 30. Amended reading of section 9, Appendix L, of "Land Act, 1877." 31. Section 17 of "The Waste Lands Administration Act, 1876," revived. |
|---|---|

A BILL INTITULED

AN ACT to amend "The Land Act, 1877."

Title.

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

Clause erased.

5	<p>1. The Short Title of this Act is "The Land Act 1877 Amendment Act, 1879," and it shall be read subject to the interpretations contained in the fourth section of "The Land Act, 1877," which is hereinafter called "the said Act."</p>
---	--

New clauses 1 and 2.

Short Title.
Commencement of
Act.

1. The Short Title of this Act is "The Land Act 1877 Amendment Act, 1879," and it shall come into operation on the first day of *January, one thousand eight hundred and eighty.*

It shall be read subject to the interpretations contained in the fourth section of "The Land Act, 1877" (which is hereinafter called "the said Act"), excepting when the same may be inconsistent with the context of this Act.

"Crown Lands Sale Act, 1877," repealed.

2. From and after the commencement of this Act "The Crown Lands Sale Act, 1877," shall be repealed; but this repeal shall not affect the past operation of such Act.

AS TO LAND ON DEFERRED PAYMENTS.

Former Proclamations validated.

3. All Proclamations, Orders, warrants, or other instruments made prior to the coming into operation of the said Act, by which respectively any land was opened for selection on deferred payments are hereby validated, and all lands declared open on deferred payments under any such instrument shall be deemed to have been declared open under the said Act.

Clause erased.

3. Notwithstanding anything contained in the said Act, or in "The Crown Lands Sale Act, 1877," it is hereby declared as follows:—

(1.) The Governor may from time to time fix the upset price at which any allotments of rural or suburban land open for sale on deferred payment may be disposed of, being not less in any case than *thirty* shillings per acre for rural land, and *ninety* shillings per acre for suburban land, and may increase the upset price of any allotments which he may consider to be of special value.

(2.) Where any land has heretofore been subdivided into sections less in area than the maximum allowed for occupation on deferred payments, the Governor may group two or more of such sections together to make up as approximately as may be the maximum area of an allotment: Provided always that in no case shall any section be subdivided, nor shall any such sections be so grouped into an allotment unless the same are immediately contiguous to one another, nor shall the maximum area of an allotment be augmented.

(3.) In respect of land wholly covered with forest,—
Subsection five of section sixty-three of the said Act shall not apply; and in subsection eight of the same section the words "substantial improvements" shall include "further clearing or cultivation."

(4.) Where fencing, buildings, or other improvements have been made on land open on deferred payment, and the Governor shall decide to pay compensation for the same, the value thereof shall be assessed and declared at least one month before the time appointed for receiving applications for occupation of the land whereon such improvements have been made.

The value so assessed shall be paid to the Receiver of Land Revenue by the selector of the land within one month of making his selection, and in default thereof he shall forfeit his license and the deposit paid on application.

In case the person to whom any compensation as aforesaid is payable shall become the selector of any land in respect whereof such compensation is so payable, then neither the assessed value of the improvements shall be paid by the selector nor shall compensation be paid to the selector, in respect of so much of the land as is comprised within his selection.

New clauses 4 to 9.

4. The Governor, in setting apart any land for sale on deferred payments, may, if he think fit, under section fifty-three of the said Act, proclaim that subsection four of section sixty-three of the said Act shall or shall not apply to the whole or any part of the land so set apart: Provided also that this provision shall apply to lands taken up on deferred payments prior to the passing of this Act.

Governor may declare residence optional.

5. The Governor may from time to time fix the upset price at which any allotments of rural or suburban land open for sale on deferred payment may be disposed of, being not less in any case than twenty shillings per acre for rural land, and ninety shillings per acre for suburban land, and may increase the upset price of any allotments which he may consider to be of special value.

Land may be sold at 20s. and 90s. respectively.

6. Where any land has heretofore been, or may hereafter be, subdivided into sections less in area than the maximum allowed for occupation on deferred payments, the Governor may group two or more of such sections together to make up as approximately as may be the maximum area of an allotment: Provided always that in no case shall any section be subdivided, nor shall any such sections be so grouped into an allotment unless the same are immediately contiguous to one another, nor shall the maximum area of an allotment be augmented.

Price may be augmented.

Several small sections may be grouped into one allotment.

7. In respect of land wholly covered with forest,--

Subsection five of section sixty-three of the said Act shall not apply; and in subsection eight of the same section the words "substantial improvements" shall include "further clearing or cultivation."

Cultivation of forest lands.

8. Where fencing, buildings, or other improvements have been made on land afterwards opened for application on deferred payment, and the Governor shall decide to pay compensation for the same, the value thereof shall be assessed and declared at least one month before the time appointed for receiving applications for occupation of the land whereon such improvements have been made.

Selector of improved lands to pay value of improvements.

The value so assessed shall be paid to the Receiver of Land Revenue by the selector of the land within one month of making his selection, and in default thereof he shall forfeit his license and the deposit paid on application.

In case the person to whom any compensation as aforesaid is payable shall become the selector of any land in respect whereof such compensation is so payable, then neither the assessed value of the improvements shall be paid by the selector, nor shall compensation be paid to the selector, in respect of so much of the land as is comprised within his selection.

Moneys paid to any Receiver as value for improvements shall not be deemed to be land revenue.

9. Any selector who in respect of the class of land he occupies shall, at any time after three years, have completed the improvements enumerated in subsections five to eight inclusive of section sixty-three of said Act, anything in subsection nine of section sixty-three of said Act notwithstanding, shall be entitled to the right to a grant of the land on payment of so much of the price thereof, if any, as shall remain unpaid.

Selector entitled to grant after necessary improvements are completed.

(5-) 10. No person who at any time acquires or has acquired a freehold under the system of occupying land known as the "homestead" system, in force in the Land Districts of Auckland and Westland respectively, shall be allowed to become a selector under the said Act.

"Homestead" owners may not become selectors.

(6-) 11. In section fifty-nine of the said Act, the words following shall be omitted, that is to say:—" And the payments made by the selectors shall from time to time, until the amount of such one-third paid over to such County Council or Road Board, as the case may be :"

And the words following are hereby inserted in lieu thereof :—

"And one-third of the payments made from time to time by the selectors shall, as the same arise respectively, be paid over to such County Council or Road Board, as the case may be.

Payments for pastoral lands to be treated as ordinary revenue.

(7-)11-12. The provisions of section fifty-nine of the said Act shall not apply in respect of any pastoral lands sold on deferred payments, but the whole of the payments made from time to time in respect thereof shall be dealt with as ordinary land revenue.

New Clauses.

Selector not allowed to assign his interest unless all conditions fulfilled.

12- 13. No selector shall be allowed to assign his interest in the land, as provided in section sixty-five of the said Act, until he has held the land for three years from the date of license, and unless he has fulfilled all the conditions required up to the time of transfer.

Section 54 of "Land Act, 1877," amended.

13- 14. In section fifty-four of the said Act, the following words shall be omitted,—that is to say, " Where more applications than one are made on the same day for the same land, the land applied for shall be put up at public auction, and the bidding at such auction shall be limited to the applicants."

And the words following are hereby inserted in lieu thereof:—" Where more applications than one are made on the same day for the same land the occupancy of the land shall be determined by lot, in such manner as the Governor may appoint."

Clauses 4 and 5 erased.

4. The Governor may at any time, by warrant under his hand, appoint the time at which any town, suburban, or rural lands shall be offered for sale, whether or not any such lands have at any time previously been offered for sale.

Provided that nothing herein contained shall annul any of the provisions of the forty-fourth section of the said Act.

5. From and after the commencement of this Act, the provisions of the one hundred and thirteenth section of the said Act, empowering holders of depasturing licenses from the Crown, within the Provincial District of Canterbury, to remove improvements made by them in certain cases, shall apply to all holders of such licenses in any part of the colony.

New Clauses.

LAND ON IMMEDIATE PAYMENT.

Governor may appoint time of sale of lands, and fix class and price.

14- 15. The Governor may at any time, by warrant under his hand, appoint the time at which any town, suburban, or rural lands shall be offered for sale, whether or not any such lands have at any time previously been offered for sale; and may classify and re-classify such lands, and fix the price thereof, being a price not less than the minimum prescribed for land of the same class in the said Act, or any Act amending the same.

Provided that nothing herein contained shall annul any of the provisions of the forty-fourth section of the said Act. But, anything in the said Act notwithstanding, the Governor may, if he think fit, offer, in terms of the said Act, any land on pastoral lease which remains unsold after having been offered twice for sale by auction at an interval of not less than six months.

IMPROVEMENTS ON RUNS.

15. 16. From and after the commencement of this Act, any person who has been the holder of a pastoral license may, in the case where the run is not again offered for lease, remove buildings, fencing, enclosures, or other improvements made by him while lessee, at any time within three months after the sale of the land comprised in such run: Provided that it shall not, in any case, be necessary to give notice to him of any such sale.

Fencing and other improvements may be removed on termination of lease.

PREPAYMENT OF RENT OF RUNS.

16. 17. Sections one hundred and twenty-two and one hundred and twenty-three of the said Act are hereby repealed, and in lieu thereof it is enacted as follows:—

Sections repealed.

(1.) Every license of a run purchased at auction as aforesaid shall, if the run is held under license at the time of sale, bear date on the next first day of March following the determination of such license, and in respect of lands not held under license shall bear date on the next first day of March following the date of such auction.

Date of license.

(2.) The person who shall pay the highest sum by way of annual rent for any run sold at auction shall be entitled to receive a license to occupy the same for pastoral purposes, provided he shall pay the amounts hereinafter mentioned in advance at the time of such auction; and in default of such payment the run shall be forthwith again put up to auction.

Rent of runs to be paid in advance on sales by auction.

(3.) The amount to be paid in advance at the time of auction by the purchaser of the license of any run shall be—

Proportion of rent to be paid in advance.

(a.) If the run is held under license at the time of sale, and the said license is extended to the month of March following the determination of the license, the said purchaser shall pay in advance one half-year's rent of the run on the new license; and if the run is held under license but there is no such extension of the said license, then he shall pay in advance the rent of the run for the whole period between the determination of the old license and the date of the new license.

(b.) In respect of lands not previously held under license, the aforesaid purchaser shall pay in advance the rent of the run described in the license from the date of the auction to the first day of September next after the date of the license.

New Clauses, 18 to 31.

JOINT APPLICATIONS ON DEFERRED PAYMENTS.

17. 18. Two or more selectors may make a joint application to hold as tenants in common an allotment of rural land open for sale on deferred payments. One of the selectors only shall be required to reside on the land, as provided in the said Act; but in all other respects each selector in a joint application shall be subject to the same conditions, limitations, restrictions, and disqualifications as prescribed in the said Act in the case of any one selector.

Two or more selectors may hold an allotment as tenants in common.

18. 19. Any selector in a joint application may transfer his interest in the land to a co-selector, or to some one other person, as provided in section sixty-five of said Act; and, in the event of the death of a selector in a joint application, the executors or administrators shall have the same powers to assign the interest in the land of the deceased selector as is provided in the case of the decease of any selector in the said Act.

Co-selectors to have the same right to transfer as ordinary selectors.

On fulfilment of conditions, Governor may issue one Crown grant for allotment, or a Crown grant for each subdivision, as may be desired by co-selectors.

19. 20. On becoming entitled to a Crown grant for the land held by selectors as tenants in common, the Governor may issue a grant to them of such land as tenants in common, or may, on the joint request of the selectors or their assigns, and on the production of an approved subdivisional survey of an allotment or group of allotments, issue a Crown grant for each of the subdivisions in favour of the respective selectors or assigns, as may be agreed on among themselves.

VILLAGE SETTLEMENTS.

Governor may set apart any Crown lands for village settlements.

20. 21. The Governor, by Proclamation in the *Gazette*, may from time to time set apart, out of any Crown lands, such blocks or allotments of land contiguous to any line of railway or main lines of road as he shall think fit, and declare the same open for sale as village settlements; and he may from time to time alter, amend, or revoke any such Proclamation.

Governor may fix terms and conditions.

21. 22. The Governor in Council may fix the terms and conditions upon which the lands comprised in any village settlement shall be disposed of, and the mode of payment for the same, subject to the rules following:—

Subdivisions.

(1.) Every village settlement shall be surveyed and divided into village allotments not exceeding one acre each, and small farm allotments not exceeding fifty acres each; or, if the Governor so direct, a village settlement may be divided into village allotments only, or into small farm allotments only.

May be sold on immediate or deferred payments.

(2.) The Governor may fix a day on which any allotments within a village settlement shall be open for application, and may appoint that any of such allotments shall be sold for cash immediately on purchase, or on deferred payments subject to the conditions of the said Act.

Price.

(3.) The price of village allotments shall be not less than *five* pounds per allotment, and of small farm allotments not less than *one* pound per acre.

Applications.

(4.) All applications for land in village settlements shall be made in the same manner as other applications for land are directed to be made under the said Act.

Duplicated applications decided by lot and auction, according to class.

(5.) If more persons than one apply for the same allotment on the same day, the right to occupy the allotment shall be determined by lot amongst the applicants in respect of small farm allotments; but, in respect of village allotments, the same shall be disposed of at public auction amongst the applicants at an upset price of not less than *five* pounds for each allotment.

Village allotments may be leased.

22. 23. The Governor may grant a lease of any allotment within a village settlement for any term not exceeding ten years, subject to such rent and conditions as he shall think fit and may grant in any such lease a condition that the lessee may, at any time during the currency of his lease, purchase the land described in such lease, at a sum to be stated in such lease, not being less than *thirty* shillings per acre in any case.

Five thousand acres of lands enumerated in First Schedule of "Public Reserves Sale Act, 1878," may be set apart for village settlements.

23. 24. Notwithstanding anything contained in "The Public Reserves Sale Act, 1878," it shall be lawful for the Governor to set apart, out of the lands described in the First Schedule of the Act last named, any area or areas not exceeding in the whole *five* thousand acres, and dispose of the same as village settlements under the foregoing provisions of this Act.

SPECIAL SETTLEMENTS.

5 24. 25. The Governor, by Proclamation in the *Gazette*, may from time to time set apart out of any rural lands such blocks of land as he shall think fit, and declare the same open for special settlement; and he may from time to time alter, amend, or revoke any such Proclamation. *Provided that the total amount of land set apart as special settlements in the colony shall not exceed one hundred thousand acres in any one year*

Governor may set apart blocks of rural land.

10 25. 26. The Governor in Council may fix the terms and conditions upon which the lands in any special settlement shall be disposed of, and the mode of payment for the same, but subject in every case to the following rules, that is to say,—

Governor to fix terms and conditions.

15 (1.) ~~No~~ Land in a special settlement shall be sold at a price to be fixed by competent valuation not being less than one pound per acre.

Price.

20 (2.) *Not less than one-tenth* of the price of the whole block of land selected for a special settlement shall be paid by the person or persons selecting the same within three months after the deposit of the survey plan of the external boundaries of the block with the Chief Surveyor of the district wherein the block is situate. Such payment shall be made in manner as the Governor shall direct.

Deposit.

25 (3.) Occupation and permanent improvement of the land to a certain proportion of its area, to be defined by regulations, shall be a condition necessary to be performed before the issue of a Crown grant for any such land.

Conditions of improvement to be defined by regulations.

30 (4.) Neither the whole nor any part of any block of land set aside as a special settlement shall continue so set aside for a period of more than seven years from the date of the Proclamation whereby the same shall be set aside; but every contract made with respect to any such block or any part thereof, whilst the same remains so set aside, shall be performed notwithstanding that the block has ceased to be so set aside.

Land shall not be set aside for more than seven years.

35 (5.) All lands within any special-settlement block which, at the expiration of seven years from the same being set aside, shall not be taken up on the conditions of such settlement, may be declared by the Governor in Council to be open to all purchasers as ordinary Crown lands from and after a day to be fixed in such order.

Lands not taken up within seven years may be declared open as ordinary Crown lands.

40 26. 27. The Governor may from time to time contract with any person or persons, company or companies, that such person or persons, company or companies shall, with respect to the whole or any part of any one or more blocks of land set apart for special settlement, place upon any land with respect to which such contract shall be made persons desirous to settle thereon.

Power to make contracts with persons promoting settlements.

45 The person or persons, company or companies, with whom such contract shall be made shall be bound thereby to perform and observe, and to cause the persons placed by them upon such land to perform and observe, the terms sanctioned by the Governor in Council under the foregoing provisions of this Act.

50 27. 28. The Governor may make such rebate in the prices of land as he shall see fit in respect of adult persons introduced from the United Kingdom by and at the expense of any contractor under the last foregoing section, provided that the amount of such rebate shall in no case exceed *ten shillings per acre*: *Provided also that the total rebate shall not exceed twenty pounds for each statute adult.*

Rebate may be allowed in respect of adult persons introduced from United Kingdom.

55 But no such rebate shall be made until the Governor is satisfied that a number of adults have been settled on the land, and improvements have been effected thereon, in each case in conformity with the regulations respectively made in that behalf.

60

LEASING OF RESERVES.

Reserves may be leased for fourteen years.

28. 29. Where any reserve heretofore made, or hereafter to be made, shall not for the time being be required for the specific purpose for which the same was originally made, *or shall be only partially required for such purpose*, it shall be lawful for the Governor to lease such reserve, or any part thereof, upon such terms and conditions as he shall think fit: Provided always that every such lease shall be disposed of at public auction or tender, and shall be for not a longer term than *fourteen* years.

Amended reading of section 9, Appendix L, of "Land Act, 1877."

29. 30. Section nine, in Appendix L, relating to the Land District of Westland, is hereby amended by the insertion of the words "or miner's right," between the words in the third and fourth lines, "under business license," and "in the Township of Ross." The first paragraph, therefore, of the said section shall henceforth be as follows:—

It shall be lawful for the Governor in Council, under regulations to be made in that behalf, notwithstanding anything contained in any Act relating to mining, from time to time to grant to any occupant of land under business license or miner's right in the Township of Ross, in the County of Westland, who has improved such land to the satisfaction of the Warden of the district, a lease for any term not exceeding twenty-one years of the surface of such land, at such rates of payment for rent, and under such restrictions as to the use thereof, as he may think necessary; and such lease shall entitle the holder thereof to all the rights and privileges now enjoyed by holders of business licenses issued under any Act relating to mining.

Section 17 of "The Waste Lands Administration Act, 1876," revived.

31. Section seventeen of "The Waste Lands Administration Act, 1876," whereby the Governor is directed to proclaim Native lands purchased in the North Island to be waste lands of the Crown, whenever the same are free from Native claims and all difficulties in connection therewith, is hereby revived, and the said section shall be deemed to have continued in full force and operation ever since the original passing thereof, notwithstanding the repeal of the said section by "The Repeals Act, 1878."