

New Zealand.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. 23.

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AN ACT to amend the law regulating the sale letting disposal and occupation of the Waste Lands of the Crown within the Province of Auckland.

Title.

[8th October 1866.]

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

I. The Short Title of this Act shall be "The Auckland Waste Lands Act 1866."

Short Title.

II. In the construction of this Act the terms following shall have the meanings here respectively assigned to them "Waste Lands" shall mean Waste Lands of the Crown other than lands taken under "The New Zealand Settlements Act 1863" over which the Native title has been or shall hereafter be extinguished "Superintendent" shall mean the Superintendent of the Province of Auckland "Commissioner" shall mean the Waste Lands Commissioner of the Province of Auckland "Executive Council" shall mean the Executive Council of the Province of Auckland "Province" shall mean the Province of Auckland.

Meaning of terms.

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Certain sections of "Auckland Waste Land Act 1858" repealed.

III. Such of the sections of an Act of the Superintendent and Provincial Council of the Province of Auckland intituled "The Auckland Waste Land Act 1858" as are specified in the Schedule to this Act are hereby repealed from the several times therein respectively mentioned.

I.—GENERAL COUNTRY LAND.

Superintendent may reserve certain general country lands to be sold by auction.

IV. The Superintendent may from time to time reserve such general country land as he may think fit for sale by auction and the same shall be sold in like manner as is prescribed for the sale of town and suburban land by "The Auckland Waste Land Act 1858."

Superintendent to notify when general country land will be open for sale.

V. The Superintendent shall from time to time notify a certain day on and after which any general country land shall be open for selection and sale and previous to that day any person desirous of purchasing any of the same shall send in a written application during office hours under a sealed cover directed to the Commissioner or his Deputy at such place as shall be stated in such notification. Every such application shall have legibly written thereon the words "Application for land" and the name of the intending purchaser and the number of acres he proposes to purchase.

Form of application.

VI. Every such application shall state the number of acres the applicant is desirous of purchasing and shall describe the same as accurately as may be so that the same may be identified and marked on a plan of the district to be provided by the Commissioner.

Purchase money to be deposited.

VII. The purchase money after the rate of ten shillings an acre for the quantity of land applied for shall be paid to a Receiver of Land Revenue who shall give a receipt in duplicate and no application shall be entertained unless one of such duplicate receipts shall be annexed to the application.

Application to be entered in Minute Book.

VIII. The Commissioner or his Deputy shall on receipt of such application (and in the presence of the intending purchaser or his agent if such purchaser or agent should desire the same) enter into a minute book to be kept for that purpose a minute of the receipt of such application.

Minutes to be numbered consecutively.

IX. The minutes to be entered in such book shall be consecutively numbered from one upwards and shall set forth the date of the reception of every such application the name of the intending purchaser the number of acres which he proposes to purchase and the amount which he shall have so paid as the purchase money thereof.

Minute Book to be open for inspection.

X. Such book shall be open to the public for inspection at all times in office hours during which time any person may take a copy of or extract from any minute entered therein on payment of a fee of one shilling.

Applications not to be opened till day appointed.

XI. The applications so received shall not be opened until noon of the first day appointed in the manner aforesaid by the Superintendent for the sale of such general rural land on which day no further application shall be received.

Applications to be opened on day appointed.

XII. The Commissioner or his Deputy shall on the day so appointed and in presence of such of the intending purchasers or their agents as may attend for that purpose proceed to open all such applications so received.

If only one application applicant to be purchaser.

XIII. When it shall appear on opening the said applications that but one person has in manner aforesaid applied to purchase any land and that he has duly paid the purchase money thereof such person shall be deemed the purchaser of such land.

If two or more applicants land to be put up to auction.

XIV. If it should at any time appear before the decision of the Commissioner that two or more intending purchasers have made application for the same land and that each of them has duly paid

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the purchase money thereof such land shall be put up to auction in such blocks as the Commissioner may determine at an upset price of ten shillings an acre on a day to be decided by the Commissioner or his Deputy.

XV. The Commissioner or his Deputy shall immediately after such auction give to each of the unsuccessful persons or his agents an order on the Receiver of Land Revenue for the purchase money so paid by him in respect of such allotment and such Receiver shall pay the same on demand accordingly. Money to be paid to unsuccessful persons.

XVI. After the day fixed for opening the applications sent in as aforesaid all the unsold portions of such general rural lands shall be open for sale to the first applicant for the same. After day fixed unsold land to be open for sale.

XVII. Every such subsequent application must be made in writing to the Commissioner or his Deputy during office hours and must state the quantity and situation of the land and describe the same as accurately as may be so that the same may be identified and marked on a plan of the district to be provided by the Commissioner and no such application shall be entertained unless it be accompanied by a receipt for the purchase money signed by a Receiver of Land Revenue or by some person authorized by him. Form of application for unsold land.

XVIII. The Commissioner or his Deputy immediately on receipt of such application shall in the presence of the intending purchaser or his agent if such purchaser or agent desire it to be done enter in the minute book to be kept for that purpose the day and hour of the receipt of the application the name of the purchaser the quantity situation and description of the land and the amount paid as the purchase money of the same. Commissioner to make minute of application.

XIX. As soon as such entry shall have been made so in conformity with these regulations the land to which the same shall refer shall be deemed to be sold and the purchaser thereof entitled to a Crown Grant. When minute made land to be deemed sold.

XX. Provided always that every application for general country land shall comprise not less than forty acres and shall so far as the features of the country will permit be of a rectangular form and when fronting on a road river lane or coast be of a depth when practicable of not less than three times the length of the frontage and no application which does not comply with these requirements shall be granted but it shall be competent for any applicant with the consent of the Commissioner to amend his application so that any such alteration in no way interferes with any other application duly made at the time. What application shall comprise.

XXI. The Commissioner at the time of any application being granted or as soon as conveniently may be thereafter shall inform the applicant that the land selected will be surveyed by and at the expense of the Government or that the applicant must have the same surveyed at his own expense by a surveyor to be approved of in writing by the Commissioner. Commissioner to inform applicant by whom survey to be made.

XXII. When land is surveyed by the applicant at his own expense he shall be entitled to an allowance according to a scale to be from time to time fixed by the Commissioner for the cost thereof not exceeding in any case after the rate of one shilling an acre. Allowance for survey.

XXIII. Every survey to be made at the expense of the applicant must be completed to the satisfaction of the Commissioner and the plans thereof delivered to him with as little delay as possible and within a time to be fixed by him which shall in no case exceed six calendar months and in default thereof it shall be lawful for the Commissioner either to have the land surveyed at the applicant's cost which shall be repaid by him within one month of the completion of When survey to be completed.

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the survey or it shall be lawful for the Commissioner to sell the land to some other person and in such latter case the purchase money paid by the first applicant shall be returned to him on demand after deducting therefrom one-fifth part as a forfeiture for the default.

Right to lay out road to be reserved.

XXIV. When general country land shall be purchased in a district in which lines of road shall not be determined on and laid out a right of laying out roads over the said land shall be reserved in the grant but not more than five per centum of the land shall be taken for such purpose without payment of compensation for the excess to be fixed by arbitration in the usual way. Provided that if such right be not exercised within five years from the date when the block within which such land is situate was first offered for sale under this Act then and in such case compensation for the whole area taken shall be given to be fixed by arbitration in the usual way.

General country land of especial value may be sold by auction.

XXV. It shall be at any time competent for the Superintendent with the advice and consent of the Executive Council to offer for sale by auction any general rural land which shall be deemed to possess especial value as containing minerals and the regulations hereinbefore contained relating to auction sales shall apply thereto.

II.—LAND FOR SPECIAL SETTLEMENT.

Superintendent may set apart land for special settlement.

XXVI. It shall be lawful for the Superintendent from time to time to declare by proclamation that a certain block of land therein described shall be set apart and reserved for certain immigrants not being fewer than fifty above eighteen years of age expected to arrive or who shall have arrived and desire to settle within the Province of Auckland.

Terms upon which such land to be sold.

XXVII. Such land so set apart and reserved shall be sold exclusively to such immigrants upon the terms and conditions hereinbefore prescribed respectively in reference to town and suburban land and to general country land as the Superintendent may from time to time think fit.

Superintendent may revoke proclamation.

XXVIII. It shall be lawful for the Superintendent at any time to revoke any such proclamation and the land therein comprised shall thereafter be open to be classified and dealt with as though the same had not been set apart and reserved as aforesaid. Provided always that the validity of any act which shall have been done under such proclamation before the revocation thereof shall not be affected by such revocation.

III.—PUBLIC WORKS.

Applications may be made for a grant of land by any person desirous of constructing a public work.

XXIX. If any person shall be desirous of making building or constructing any road bridge or other work of public utility and of being allowed a grant of land in respect of the cost of the same he shall make application in writing to the Superintendent for authority for that purpose.

Superintendent if satisfied shall grant authority.

XXX. If the Superintendent shall be satisfied after proper investigation and inquiry that it is desirable that the proposed road bridge or other work of public utility should be made built or constructed and the plans and specifications shall be approved of by a competent person to be named by the Superintendent the Superintendent shall grant authority for the said work to be completed.

If work satisfactorily completed Superintendent may grant authority to give land scrip.

XXXI. When the said work is completed it shall be examined by a competent person to be appointed by the Superintendent and if such person shall report that the same is constructed in accordance with the plans and specifications and with proper materials and proper workmanship the Superintendent shall give authority to the

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Commissioner to grant to such person land scrip to the extent of one-half of the value of the work performed such value to be fixed by some competent person to be appointed by the Superintendent in that behalf.

XXXII. The Commissioner shall grant land scrip accordingly and such land scrip shall be available as cash at any time within three months for the purchase according to the provisions of this Act of any town suburban or general country land which may be open for sale.

Commissioner to grant land scrip accordingly.

XXXIII. This Act shall be read and construed as part of "The Auckland Waste Land Act 1858" Provided that all the powers and authorities by the Act of the General Assembly intituled "The Waste Lands Act 1858" vested in the Governor shall continue to be vested in the Governor in like manner as if this Act were included in the Schedule of "The Waste Lands Act 1858."

Act to read as part of "Auckland Waste Land Act 1858."

SCHEDULE

Schedule.

REFERRED TO IN THE ABOVE ACT.

Sections of "The Auckland Waste Land Act 1858" numbered 26 27 28 29 30 31 32 33 34 35 36 37 38 39 and 40 repealed from the day this Act shall come into operation.

Sections of the said Act numbered 80 81 and 82 repealed from the first day of March 1867.

WELLINGTON, NEW ZEALAND:

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