

NEW ZEALAND.



TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. XVII.

ANALYSIS.

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AN ACT to amend the Land Laws at present in force in the Province of Hawke's Bay, and make other provisions in lieu thereof. [31st August, 1874.] Title.

BE IT 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 Hawke's Bay Waste Lands Regulations Amendment Act, 1874." Short Title.

2. "The Hawke's Bay Waste Lands Regulations Amendment Act, 1865," and "The Waste Lands Act, 1858," together with the regulations contained in the Schedule thereto so far as they affect the waste lands of the Province of Hawke's Bay, are hereby repealed: Provided, nevertheless, that nothing in this Act contained shall affect or prejudice any contract or engagement made with or by or on Repeal of former Acts.
Engagements under former Acts not prejudiced.

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behalf of Her Majesty previously to the coming into operation of this Act and then incomplete or unfulfilled; and the Commissioner of Crown Lands for the time being shall, anything in this Act contained to the contrary notwithstanding, have full power to carry out perfect and complete all such contracts and engagements, and nothing in this Act shall be deemed to affect any licenses or leases for the occupation of waste lands for depasturing or other purposes issued or agreed to be issued under or by virtue of any former Acts; and the rights of the holders of such leases or licenses shall be and continue to be during the currency of such licenses or leases regulated by and subject to the Acts and Regulations to which the same were subject at the time of the coming into operation of this Act, notwithstanding the repeal of such Acts and Regulations.

Lands to be divided into two classes.

3. The waste lands of the Crown in the said Province of Hawke's Bay shall be divided into two classes as follows:—

- (1.) Town and suburban lands.
- (2.) Rural land.

Town and suburban lands to be sold by auction.

4. All lands reserved as town and suburban lands shall be sold by public auction in manner hereinafter directed, except such lands as have already been proclaimed as open for selection and purchase under the Land Regulations now in force and known as the General Land Regulations of the Province of Wellington, and dated the fourth day of March, one thousand eight hundred and fifty-three, and the additional Regulations of the said province, dated the sixteenth day of June, one thousand eight hundred and sixty-five, which shall be dealt with as provided by clause ten of this Act.

Notice of auction to be given in *Gazette*.

5. Notice of the time and place at which any auction shall be intended to be held, with full particulars of the land intended to be offered for sale, shall be given by Proclamation published in the Provincial Government *Gazette* not less than two calendar months before the date of sale.

Deposit to be paid at sale.

6. At any such sale the highest bidder will be declared the purchaser, who shall immediately pay as deposit one-tenth of the purchase money, and the remaining nine-tenths must be paid within one calendar month next after the day of sale; and should any purchaser make default, the deposit paid shall be declared forfeited and the purchase null and void.

Land unsold at auction may be bought at upset price.

7. In case of any lands remaining unsold at any such auction, it shall be lawful for any person thereafter to become the purchaser of any lands so put up for sale and unsold at the amount of the upset price at which the same was put up for sale, subject to the provision next hereinafter contained.

Or may be put up again by Superintendent.

8. It shall be lawful, however, for the Superintendent, by writing under his hand, to direct the Commissioner of Crown Lands to put up again for sale by auction any land that has already been put up for sale and remained unsold.

Lands to be surveyed. No lot put up to exceed 320 acres.

9. No lands, whether town suburban or rural, shall be offered for sale by auction unless the same shall have been previously surveyed and distinguished by a sufficient mark or number upon a plan to be deposited and exhibited in the office of the Commissioner of Crown Lands; and no larger quantity of land than three hundred and twenty acres shall be put up for auction in any one lot.

Lands open for selection under former Regulations to remain open.

10. All lands which have already been proclaimed as open for selection and purchase under the Land Regulations now in force, and known as the General Land Regulations of the Province of Wellington, and dated the fourth day of March, one thousand eight hundred and fifty-three, and the additional Regulations of the said province, dated the sixteenth day of June, one thousand eight

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hundred and sixty-five, shall remain open for sale at the fixed price of ten shillings per acre.

11. An intending purchaser shall make an application in writing to the Crown Lands Commissioner for the purchase of the land which he may desire to purchase.

Intending purchaser to apply in writing.

12. Such application must contain the name and description of the intending purchaser, and must be signed by him or his agent, and contain as accurate a description of the land applied for as may be reasonably possible; and the purchaser, at the time of making such application, shall pay to the Receiver of Land Revenue the full amount of his purchase money.

Form of application. Purchase money to be paid.

13. Applications for the purchase of land shall be lodged at the office of the Commissioner of Crown Lands between the hours of ten a.m. and three p.m. on all week days other than Saturday; and on Saturday between the hours of ten a.m. and one p.m. All applications shall have priority according to the time at which they are received, and it shall be the duty of the Commissioner, at the time of receiving any application, to mark thereon the hour and minute at which the same was received.

Time of lodging applications. Priority of applications.

14. In case the Commissioner of Crown Lands shall be personally absent from his office at the time when any application shall be tendered, such application shall be provisionally received by the Clerk in the Crown Lands Office, who shall issue a provisional order or authority to the Receiver of Land Revenue to receive the purchase money, and such application, followed by payment, shall give the said applicant priority; but if the Commissioner, on subsequent examination, shall discover that the said application, for some lawful reason, should not have been received, it shall be the duty of the said Commissioner to reject the said application, and give the applicant notice thereof; and thereupon the purchase money paid by the applicant shall be returned.

In absence of Commissioner, applications to be provisionally received by Clerk.

15. Every allotment of land applied for under these provisions must, so far as the natural features of the country will admit, be selected of a rectangular form, and, where fronting upon a river road lake or coast, be of a depth from the front of at least half a mile; and no land shall be selected so as to monopolize the wood or water in any particular locality, or be of a less extent than forty acres.

Form and size of allotments.

16. Where lands shall be purchased in districts in which all future lines of road have not been determined and laid out, a right of road will be reserved to the Crown, an allowance being made to the purchaser for such reserve according to the following scale:—

Right of roads reserved, and allowance made for same.

Purchasers of five hundred acres or less will receive an allowance of five acres per cent.

Purchasers of five hundred acres and not exceeding a thousand acres will receive an allowance of four acres per cent.

Purchasers of more than a thousand acres will receive an allowance of three acres per cent.

17. All applications for the purchase of land shall be forthwith entered in a book to be kept in the Crown Lands Office, and to be called the "General Register of Applications for Land;" and such book shall be open to the inspection of the public during the regular office hours, and any person may take a copy of or extract from such register.

Register of applications to be kept.

18. A return of every application received and completed, distinguishing the name of the applicant, the extent and a short particular of the land applied for, and the amount of purchase money paid, shall be rendered monthly by the Crown Land Commissioner to

Return to be published in *Gazette*.

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the Superintendent, and shall be by him published in the *Provincial Government Gazette*.

Rural lands to be put up to auction at an upset price of not less than 10s.

19. From and after the coming into operation of this Act, all lands not being town or suburban land or lands reserved from sale by the Superintendent as hereinafter provided, or lands already proclaimed as open for selection by virtue of the Land Regulations, and dated respectively the fourth day of March, one thousand eight hundred and fifty-three, and the sixteenth day of June, one thousand eight hundred and sixty-five, shall be sold and disposed of by public auction at an upset price of not less than ten shillings per acre, in the manner directed by this Act, at such times, in such allotments, and at such upset price as the Superintendent of the province shall from time to time by Proclamation under his hand, and published by him in the *Provincial Government Gazette*, direct.

Superintendent may withdraw lands from sale.

20. The Superintendent may at any time by Proclamation under his hand, and published in the *Provincial Gazette*, withdraw and reserve from sale the whole or any part of any lands not already sold or applied for in terms of this Act; and all lands so withdrawn or reserved shall afterwards be sold only by public auction, in manner directed by this Act.

Superintendent may make reserves.

21. It shall be lawful for the Superintendent from time to time to make reserves for the sites of townships and small-farm settlements, or for any other purposes of public utility, or for purposes conducing to the safety health or enjoyment of the public; and the Superintendent shall by Proclamation under his hand, and published in the *Provincial Government Gazette*, notify the land reserved and the objects for which the said reserves were made.

Sale of reserves.

22. All lands reserved as sites for townships or for small-farm settlements, and lands that have been withdrawn from sale by Proclamation as hereinbefore provided, shall be sold by public auction in the manner provided by this Act, and at such upset price as the Superintendent of the province shall direct; and all other lands reserved as provided for by the last clause, shall be dealt with from time to time by an Act or Acts of the Provincial Council of the province, under "The Public Reserves Act, 1854," and the Acts amending the same.

Reserves to be made for educational purposes.

23. It shall be the duty of the Superintendent to reserve from sale in every district one-thirtieth part of the unsold waste lands of the Crown as sites for or the endowment of educational institutions, and generally for the purposes of education, and such lands shall be dealt with, and the particular limits thereof defined, by any Act or Acts of the Provincial Council of the province passed by virtue of "The Public Reserves Act, 1854," and any Act amending the same.

Such reserves to be vested in Superintendent.

24. All lands reserved as provided for by the last clause shall be vested in the Superintendent.

Leases under former Act.

25. All leases granted by virtue of "The Hawke's Bay Waste Lands Regulations Amendment Act, 1865," are hereby confirmed. Upon the expiration of any such lease, the lands comprised therein shall be declared open for sale by public auction pursuant to the provisions of this Act, or such lands may, at the option of the Superintendent, be leased by public auction for a term not exceeding fourteen years, at the best rent that may be obtained, subject to the conditions hereinafter provided.

Leases and licenses under former Act and Regulations, how to be dealt with on expiration.

26. On the expiration of any lease granted under "The Hawke's Bay Waste Lands Act Amendment Act, 1865," or any license granted under the General Land Regulations dated the fourth day of March, one thousand eight hundred and fifty-three, and the additional Land Regulations dated fifteenth June, one thousand eight hundred and fifty-five, the Superintendent may, by Proclamation in the *Provincial*

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Government *Gazette*, give three months' notice of the day hour or place when the lands mentioned in such Proclamation will be offered to be leased by public auction, for the term of fourteen years, to the person who shall bid the highest rent for the same. The Superintendent shall in such Proclamation fix the lowest rents that shall be accepted for the said lands, and thereupon the Commissioner of Crown Lands shall execute to the purchaser a lease of such lands, subject to the following conditions:—

- (1.) If at any time during the term of any such lease the land comprised therein, or any part thereof, shall become included in any reserve to be proclaimed by the Superintendent, or in case any of the said land shall be sold under any of the provisions of this Act, then the said lease or leases shall cease to have any effect so far as the land comprised therein shall be comprised within the reserve so to be made as aforesaid, from the date of such Proclamation or from the date of sale respectively, and the rent payable under the said lease shall abate in proportion to the acreage reserved or sold.
- (2.) All rents shall be payable to the Crown Lands Commissioner on the first day of January in every year: Provided always that half a year's rent only shall become payable in respect of leases granted after the first day of July in any year.
- (3.) When any arrears of rent shall remain unpaid for the space of three calendar months, in such case the lease shall become forfeited and shall cease and determine, and it shall be the duty of the Crown Lands Commissioner to notify in the Provincial Government *Gazette* the fact of such forfeiture, and to put up the land comprised in such lease so forfeited for lease by public auction in manner hereinbefore directed, subject to the said conditions, for a period of fourteen years: Provided nevertheless that in case any lessee shall depart this life, no lease shall be forfeited until after default exceeds six months from the date of his death.
- (4.) The beneficial interest in any lease may be transferred, but no such transfer shall be valid unless and except the conditions contained in or implied by the original lease shall have been performed, and notification of such transfer shall within one calendar month of the date thereof have been given to the said Commissioner.

27. Nothing in this Act contained shall be deemed to repeal alter or affect the provisions of the sixth section of "The Immigration and Public Works Act, 1873."

Section 6 of "The Immigration and Public Works Act, 1873," not to be affected by this Act.

WELLINGTON, NEW ZEALAND:

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