

Sir G. Grey.

FAIR RENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to constitute a Court to fix, under certain Circumstances, a Fair Rent to be paid by any Occupier of the Public Lands. Title.

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

- 5     1. The Short Title of this Act is "The Fair Rent Act, 1887." Short Title.
2. In this Act, if not inconsistent with the context,— Interpretation.
- "Land district" or "district" means a land district constituted under "The Land Act, 1885:"
- 10    "Commissioner" mean the Commissioner of Crown Lands for the land district wherein any particular lands in question are situate:
- "Public lands" or "lands" mean all Crown lands as the same are defined in "The Land Act, 1885," and include all reseves and other lands set apart for primary and secondary education under "The Education Reserves Act, 1877:"
- 15    " Court " means the Land Court constituted under this Act:
- " Landlord," in respect of all Crown lands vested in Her Majesty within any district, includes the Commissioner of the district:
- 20    " Rent-day " means the day upon which any rent becomes due and payable:
- " Rent " includes periodical payments in respect of lands held on the system known as the deferred-payment system:
- 25    " Tenant " includes a person holding lands on the system known as the deferred-payment system.
3. A Court is hereby constituted, to be styled "The Land Court," which shall hold its sittings at least once a year in each land district of the colony. Land Court constituted.
- 30    The Court shall consist of a Judge of the Supreme Court as president, and of two other members.

The members of the Court shall be any two Resident Magistrates duly authorised in that behalf.

The Governor, by warrant under his hand, from time to time may appoint such Resident Magistrates as he shall think fit to be members of the Court, and any Magistrate so appointed shall be deemed to be duly authorised to sit as a member of the Court at any sittings thereof in any part of the colony; and the Governor may cancel any such appointment as he thinks fit. 5

Times and places of sitting.

4. The Governor, by notification in the *Gazette*, from time to time may appoint, vary, or cancel the times and places of sittings of the Court in the several districts of the colony. 10

Regulations and appointments.

5. The Governor, by Order in Council, from time to time may make, vary, and revoke regulations for the practice and procedure of the Court, and may make and revoke all necessary appointments of officers, and do all things necessary for the due working and efficiency of the Court, and for fixing the fees to be paid in respect of any application to, or matter brought before, the Court. 15

Court may determine fair rent of holding

6. The tenant of any public lands who finds his rent excessive, or such tenant and the landlord of such lands jointly, may apply to the Court at any of its sittings in the district to fix a fair rent to be paid by such tenant for the lands in his holding, and thereupon the Court, after hearing the parties, and having regard to the interests of the landlord and tenant respectively, and considering all the circumstances of the case, the holding, and district, may determine what is such fair rent. 20

Judicial rent to be fixed for years.

7. The rent so fixed by the Court shall be deemed to be the judicial rent to be payable by the tenant as from the period commencing at the rent-day next succeeding the decision of the Court, and shall not be alterable or capable of further adjustment under this Act for a period of years from the rent-day last mentioned. 30

Relief to tenants in arrears.

8. Where the tenant of any public lands has been unable to pay the rent of his holding for more than six months, and has apparently no prospect of being able to pay the rent so in arrear, he may make application to the Commissioner for relief, who shall forthwith report the case to the Governor, who thereupon, if he thinks fit, may apply to the Court to determine what relief should be given to the tenant. 35

The Court, after hearing such evidence as may be adduced before it, may make such recommendations to the Governor in the case as it shall think just, and the Governor may adopt or reject such recommendations either in part or in whole, and, if he shall think fit, may make any remission of the rent in arrear to the tenant as shall be in accord with any such recommendations, and this Act shall be a sufficient warrant for the Governor so to do. 40

Frivolous applications may be rejected with costs.

9. When the Court, on the hearing of any application, shall be of opinion that the same is unreasonable in its character, or of a frivolous or vexatious nature, the Court may dismiss the application altogether, or may accede to it in a modified form, and subject to such conditions to be performed by the tenant as it shall think fit. 45

Costs.

10. The Court may make such order as to the payment of costs by either party to any application or other matter brought before it, or divide such costs between such parties, as it shall think just; and 50

may award increased costs against any party who shall make any application or bring any matter before the Court which it shall think unreasonable, frivolous, or vexatious.

5 11. All applications under this Act shall be made at the Court sitting nearest to the place where the lands the subject of such application are situate; but, in case of the Court sitting at more than one place in equal or nearly equal proximity to the said lands, such application may be made to the Court sitting at either of such places, whichever may be most convenient of access.

Applications to be made to nearest Court.

10 12. All proceedings before the Court shall be deemed to be judicial proceedings before a Court of record; and such Court and the Judges thereof shall have all the powers, rights, and privileges which the Supreme Court or any Judge thereof has in respect of the following matters, that is to say,—

Court to be deemed Court of record.

15 (1.) For summoning and compelling the attendance of witnesses, after tender of their expenses, and for the examination of witnesses on oath or affirmation, and for compelling the production of all books, papers, or documents, and for punishing witnesses for refusing to give evidence or produce any book, paper, or document;

20 (2.) For issuing any Commission for the examination of witnesses residing at a distance or unable to attend the Court;

25 (3.) For the punishment of persons guilty of contempt of the Court, in the presence of the Court, at any of its sittings in open Court;

(4.) For making and enforcing any order made by it in its functions under this Act.