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Sir G. Grey.

LAND FOR SETTLEMENTS.

ANALYSIS.

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A BILL INTITULED

AN ACT to authorize the Utilisation and other Acquisition of Private Lands for Subdivision for Purposes of Settlements. 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 is "The Land for Settlements Act, 1887." Short Title.

2. In this Act, if not inconsistent with the context,—
"Commissioner" means the Commissioner of Crown Lands of the land district where any land is situate : Interpretation.

10 "Local authority" means a Borough Council or County Council, or, when "The Counties Act, 1876," is suspended, it includes a Road Board :

15 "Owner" means any person, company, or corporation owning private land in fee-simple, and includes any trustee,
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executor, administrator or mortgagee, having a legal power of sale of private land; and in respect of Native land includes any Native owner thereof, either as aforesaid, or owning under Native tenure, or under order of freehold tenure made by the Native Land Court :

“ Private land ” means any land alienated from the Crown, and includes all Native land held under Native tenure or the title to which has been determined by the Native Land Court :

“ Purchase-price ” means the purchase-price of any allotment as defined by section *thirteen* :

“ Rural land ” means land at a greater distance than one mile from the nearest outer boundary of a borough :

“ Suburban land ” means land at a less distance than one mile from the nearest outer boundary of a borough.

3. For the purpose of forming settlements under this Act, the Governor, from time to time, on behalf of Her Majesty—

(1.) May take any Crown lands, valuing the same at the price of not less than shillings per acre; or may contract with any owner of private land in any part or parts of the colony for the purchase thereof, in blocks of such area as he shall think fit, at any price not exceeding the valuation made of such land for the purposes of the Property Assessment Act, together with not more than pounds per centum on such valuation added thereto; or

(2.) May take under the provisions of Part II. of “ The Public Works Act, 1882,” as for a public work any private land which is held under grant from the Crown, subject to compensation being made to the owner thereof as provided in Part III. of the said Act.

(3.) May contract with any surveyor approved by the Surveyor-General for the survey or subdivision of any lands acquired under this Act.

In any case where no valuation as aforesaid has been made of any land proposed to be purchased under this Act, the Governor may require the Property-Tax Commissioner to make such valuation for the purposes of this Act.

Parts II. and III. of “ The Public Works Act, 1882,” are hereby incorporated with this Act, and the settlement of lands for the purposes of this Act shall be deemed to be a public work within the meaning of the said Act.

4. The Council of any county, or any Road Board in a county wherein “ The Counties Act, 1876,” is suspended, may make recommendations to the Governor, for the purchase or acquisition under this Act of any rural land it may deem suitable for farm allotments for the purposes of this Act; and

The Council of any borough may similarly recommend the Governor to purchase or acquire any suburban land in the vicinity of the borough or any town land within the limits of the borough which it may deem suitable for cottage allotments for the aforesaid purposes.

5. The Governor shall remit every recommendation received from any local authority aforesaid for report by the Surveyor-General and the Commissioner, and shall then refer these reports to a Board consisting of at least three members specially appointed for the purpose of considering such reports, which sitting in open Court shall take such

Governor may purchase or take lands for settlements.

Local authorities may apply for lands to be acquired under Act.

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evidence as it may deem necessary as to the suitability of the land contained in each recommendation for the purpose to which it is proposed to appropriate it, and as to the value of the said land, and upon the receipt of such reports the Governor may, with the advice of his Executive Council, give effect to any such recommendation, if he think fit, and purchase or acquire any such lands under the provisions of this Act, but shall not in anywise be compelled to do so.

6. The Governor in Council may authorize the Colonial Treasurer from time to time to issue land bonds for any sum not exceeding the total sum agreed or awarded to be paid for any land purchased or taken under the authority of this Act, and may deliver such bonds in payment for the land to the owner thereof, or may dispose of such bonds by public tender to any person who may desire to purchase them.

Land bonds to be issued for amount of purchase-money.

7. Every such bond shall be signed by the Colonial Treasurer and by the Controller and Auditor-General:—

Form of bonds, &c.

(1.) Shall be for a sum of not less than _____ pounds, and shall be payable to bearer at any time after not less than _____ years from the date of the issue thereof, upon _____ months' notice to that effect;

(2.) Shall bear interest at a rate not exceeding _____;

(3.) Shall be payable, both as to principal and interest, at such places, within the colony or in London, as shall be named in the bond;

(4.) Shall be numbered consecutively in series of bonds of the same value, so that no two bonds of the same value shall at any time bear the same number.

8. All such bonds and the interest thereon shall be a charge upon and shall be paid out of the Consolidated Fund.

Bonds a charge on Consolidated Fund.

9. The Colonial Treasurer may, without further appropriation, pay out of the Public Account all such moneys as may become payable in cash under any contract under this Act, whether for purchase of land, or compensation for its acquisition, or for survey thereof, or for other purpose, and may issue bonds under the provisions of the foregoing sections to an amount sufficient to provide for such payments.

Treasurer may make certain payments in cash.

10. No bonds shall be issued under this Act, in the first instance, for a greater amount, in the whole, than _____ thousand pounds sterling.

Maximum amount of bonds.

But so soon as any lands acquired by means of the first issue of bonds under this Act are leased, the Colonial Treasurer shall report the fact to the General Assembly, and may apply for its authority to make a further issue of bonds, and so on from time to time, provided that the total value of the bonds issued at any time shall not, after the first issue of bonds, exceed a sum equivalent to two-thirds of the total amount of the purchase price of lands under lease or open for lease at such time under this Act.

FARM ALLOTMENTS.

11. The Governor shall cause all blocks of land taken or purchased under this Act for farm allotments to be surveyed and subdivided, with all necessary roads, into allotments of convenient size, as he shall think fit, but not less than _____ acres nor exceeding _____ acres each; and shall proclaim the same to be open for lease in perpetuity at a quit-rent, on application to the Commissioner of the district wherein such allotments are situate.

Rural lands to be subdivided into farm allotments for lease on application.

- Value of allotments.** **12.** Where any block of land has been surveyed and subdivided into allotments, the Surveyor-General shall apportion the sum paid for the purchase of the block amongst the various allotments into which it is subdivided according to the area, quality, and situation thereof respectively, and so that the total value of the several allotments taken together shall be as nearly as may be equivalent to the total sum paid or to be paid for the block. 5
- Purchase price of allotments.** **13.** To the value apportioned to each allotment as aforesaid there shall be added a fair proportionate part of the cost incurred in surveying and subdividing the block, and the laying off roads therein, if necessary, and of all expenses incurred in preparing the land for settlement and the total sum so ascertained shall be deemed to be the purchase price of such allotment for the purposes of this Act. 10
- Priority of applications.** **14.** All applications for land under this Act shall be determined according to the priority of making the same. 15
- All such applications shall be in writing addressed to the Commissioner, who shall date and number the same consecutively in the order in which they are received; and priority of application shall be determined by such date and number. If two or more applications for the same allotment are received at the same time, the Commissioner shall determine the priority of the same by lot. 20
- Conditions of application.** **15.** No application shall be granted to any person who is not of the full age of _____ years and upwards, nor to any person until the applicant has made and deposited with the Commissioner a declaration to the following effect:— 25
- I, A.B., of [*Insert place of abode and occupation*], do solemnly and sincerely declare—
1. That I am of the full age of _____ years and upwards.
 2. That I am applying for the lands comprised in my application solely for my own use and benefit, and not, directly or indirectly, for the use or benefit of any other person whomsoever.
 3. That, including the said lands, I am not the owner, tenant, or occupier, directly or indirectly, either by myself or jointly with any other person or persons, of any lands under this Act exceeding in the whole three hundred and twenty acres.
 4. That I have not at any time disposed of any lease of lands occupied by me under this Act.
- And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand, intituled "The Justices of the Peace Act, 1882."
- A.B.
- Declared at _____, this _____ day of _____, 18____, before me, _____
Justice of the Peace.
- No applicant to hold or possess more than 320 acres.** **16.** Any applicant may become the lessee or holder of more than one allotment under this Act, provided that he shall not at any time be the holder under this Act or any other Act of more than *three hundred and twenty* acres of land altogether, whether freehold or leasehold. 30
- Allotments may be leased on special terms, with advance for erection of homestead.** **17.** Subject to such regulations as the Governor is hereby authorised to make in that behalf, the Colonial Treasurer may, in manner provided in section *nine*, from time to time, at the direction of the Governor, advance, for the after-mentioned purposes, any sum not exceeding in the whole _____ pounds sterling on any allotment selected by any selector born in New Zealand, or who has been resident therein continuously for not less than _____ years and who shall be of good character and repute, namely— 35

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- (1.) For the erection of a homestead ;
- (2.) For the purchase of necessary agricultural implements ;
- (3.) For the supply of rations for twelve months.

The amount of such advance shall in every case be added to the purchase price of the allotment as determined under section *thirteen*, and the yearly quit-rent to be paid in respect of the allotment under section *eighteen* shall be _____ pounds per centum on such increased purchase price.

In case of forfeiture of the allotment the value of the homestead and other buildings erected as aforesaid and of any advances made shall be deemed to be a sum due to Her Majesty, and shall be deducted from the value of any improvements which may be payable to the lessee of the allotment under section *twenty*.

18. Every lease of an allotment shall be subject to the terms and conditions hereinafter mentioned, that is to say :—

Conditions of leases
on quit-rent.
Forfeitures.

(1.) The yearly quit-rent per allotment in any block of land shall be a sum equivalent to _____ pounds per centum on the purchase price of the allotment ascertained as in section *thirteen* mentioned, whereof _____ per centum shall be deemed to be a charge to cover the cost of surveys and of the general administration of this Act.

(2.) The rent shall be paid by the lessee to the Receiver of Land Revenue of the district in which the allotment is situated, in two equal instalments, half-yearly in advance, on such days as shall be fixed in the lease thereof.

(3.) Every lease shall be prepared and issued on behalf of Her Majesty to the lessee by the Commissioner, who shall, in respect of such lands and the lessees thereof, have all the powers, authorities, and remedies as he has in respect of Crown lands and any lessees or occupiers thereof.

(4.) On failure of any of the conditions contained in his lease, or if the lessee shall allow any rent to be in arrear for six months, the Commissioner shall declare such lease to be forfeited, and the land and improvements thereon shall thereupon revert to Her Majesty.

Provided that no forfeiture for non-payment of rent shall be enforced if such rent be paid to the Receiver of Land Revenue aforesaid within *one* month after the expiration of the aforesaid *six* months.

19. If it shall be made to appear to the Governor that under the special circumstances of any case injustice or undue hardship will be suffered by the immediate forfeiture of any lease, the Governor in Council may, after due inquiry, suspend the operation of such forfeiture for such time and upon such conditions as he shall think fit.

Forfeiture may be
suspended.

Every such order and the papers in relation thereto shall be laid before both Houses of the General Assembly as early as may be.

20. When the lease of any allotment shall be forfeited as aforesaid, a valuation of the improvements made on the land shall be ascertained by arbitration in such manner as the Commissioner may direct, and such lease shall, within six months of such forfeiture, be declared to be again

Forfeited allotments
to be again leased.

open for offer on application as if it had never been leased, subject, however, to the payment by the new lessee to the Receiver of Land Revenue of the valuation of the improvements on the land before he is admitted into occupation.

Valuation of improvements to be paid.

After deducting from the amount received for improvements the arrears of rent and all other sums which may be due to Her Majesty, as well as all expenses and losses incurred by Her Majesty in consequence of the forfeiture of the lease, the sum of money remaining, if any, shall be paid to the previous lessee or to his lawful representatives. 5

If application is not made for any allotment within *twelve* months after the forfeiture thereof, the Governor shall declare the lease of the same open for sale by public auction at such upset price as he shall think fit. 10

Terms on which grant may be obtained.

21. Any person who, having leased an allotment shall, after not less than five years' occupation thereof, pay to the Receiver of Land Revenue any rent which may be due in respect thereof, and any advances made thereon, together with the whole purchase-price of the allotment, shall receive a grant of the said allotment. 15

Lessee not to dispose of lease for five years after obtaining it.

22. No lessee shall be entitled to dispose of the lease of any land obtained under the provisions of this Act before the expiration of five years from the date of his lease. 20

And no lessee who disposes of his lease under this Act shall be allowed to acquire another lease thereunder.

COTTAGE ALLOTMENTS.

Subdivision of suburban or town lands.

23. The Governor shall cause all blocks of suburban or town lands acquired under this Act to be subdivided, with all necessary roads or streets, into cottage allotments of such size as he shall think fit, or as the Borough Council, upon whose recommendation the land was acquired, may desire. 25

Value and price.

The value and purchase price of such allotments respectively shall be apportioned in the same manner as hereinbefore provided with respect to rural lands, as also the quit-rents to be paid in respect thereof. 30

Borough Council to pay quit-rents, and may construct cottages.

24. The Borough Council aforesaid shall pay all quit-rents in respect of such allotments, half-yearly in advance, to the Receiver of Land Revenue of the district, and may erect houses or cottages on such allotments. 35

It shall be lawful for such Borough Council to apply the general funds of the borough for either of the aforesaid purposes.

Terms of leases. Conditions of occupation.

25. Every such allotment shall be open for lease on application to the Borough Council according to priority of application, which shall be determined by the Council in the same manner as provided in section *fourteen* as to applications made to the Commissioner. 40

(1.) The lease shall be for a term not exceeding twenty-one years, subject to continuous personal occupation by the lessee, and to immediate cancellation of the lease when such occupation is discontinued. 45

(2.) No allotment shall have less than thirty-three feet frontage to a street, with a depth of not less than feet, and not

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more than one house or cottage shall be erected on any one allotment.

5 (3.) No person shall be granted a lease of more than one allotment, and no lease shall be granted to any person who is not of the full age of _____, nor until the applicant has made and delivered to the Town Clerk a declaration in the form or to the effect mentioned in section *fifteen*, which may be adapted to suit each particular case.

10 (4.) The rent of each allotment shall be fixed by the said Council, and shall be paid in such manner as it shall appoint; such rent shall not be more than will be sufficient to pay the quit-rent of the allotment, together with interest on the cost of any improvements thereon, and a fair allowance for depreciation.

15 (5.) No lessee of any such allotment shall be capable of acquiring the grant thereof, or of assigning or transferring his lease thereof.

20 (6.) On the cancellation of any lease a valuation of all improvements made on the allotment with the sanction of the Council shall be made by arbitration in such manner as such Council may direct.

The amount of such valuation shall be paid to the Council by the succeeding lessee before being admitted into occupation, and after deducting from such amount the arrears of rent (if any) and all other sums which may be due to the Council, as well as all expenses and losses incurred by the Council in consequence of the cancellation of the lease, the sum of money remaining (if any) shall be paid to the previous lessee or to his lawful representatives.

30 26. Nothing herein contained shall preclude the Borough Council from leasing any cottage allotment at such price as it shall think fit, subject to the condition of the lessee erecting a cottage thereon to the satisfaction of the Council.

Lessees may erect their own cottages.

35 27. The Borough Council may at any time acquire the grant of any land purchased at its recommendation under this Act, and may apply the general funds of the borough to such purpose.

Borough may purchase as endowments lands acquired under Act

All lands so purchased shall remain as endowment lands belonging to the borough and shall not be alienated.

TOWN LANDS.

40 28. The Governor may, notwithstanding anything contained in this Act, set apart any rural lands purchased or acquired under this Act as sites for towns, and have the same surveyed and subdivided into allotments of convenient size; and also may, by Order in Council from time to time, prescribe the terms and conditions upon which any such allotments shall be open for lease or occupation, and the rent or price to be paid for the same respectively.

Rural lands may be set apart for town sites, and reserves made therein.

And with respect to any such town lands, the Governor shall have the same power of making reserves thereof for public purposes as he has with respect to Crown lands.

50 In apportioning the quit rents to be paid in respect of all town allotments, the purchase price of all allotments reserved as aforesaid shall be apportioned amongst the allotments not so reserved

MISCELLANEOUS.

No land excepted from rates or taxes.

29. No land acquired under this Act shall be exempt from the payment of rates or taxes.

Apportionment of quit-rents on subdivision.

30. Upon any subdivision of any allotment under this Act, the quit-rents of the allotment shall be apportioned by any person appointed by the Commissioner for the purpose according to the manner in which the quit-rents of the block of land were apportioned amongst the allotments therein. 5

Quit-rents not to be land revenue.

31. All moneys received under this Act shall be paid into the Public Account, where they shall be placed to a separate account, and shall not be applicable to any purpose other than is provided by this Act. 10

To be applied to pay interest on bonds and for redemption of bonds.

32. All moneys in such separate account shall be applied towards payment of the interest accruing due on bonds issued from time to time under this Act, and for paying all expenses incident to the administration of this Act; the remainder of such moneys shall be applied, at such times as the Governor shall think favourable, towards the redemption of bonds issued under this Act when due, or of purchasing such bonds at any time in open market, and cancelling the same. 15 20

Colonial Treasurer to furnish annual accounts to the General Assembly.

33. The Colonial Treasurer shall, in each year as soon as may be after the commencement of the session, present to both Houses of the General Assembly a statement of the accounts and of all transactions carried on under this Act during the preceding financial year.

The Controller and Auditor-General shall certify to the correctness of such statement of accounts, and shall append to such certificate any exception he may take to any part of the same. 25

Minister of Lands to report annually as to settlements under the Act.

34. The Minister of Lands shall, in the same manner, present to both Houses of the General Assembly an annual report on the condition and settlement of all lands acquired under this Act. 30