

ANALYSIS.

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A BILL INTITULED

AN ACT to Provide for the Sale of Land Title.
in the Province of Wellington on De-
ferred Payment, and for the Setting
Apart of Land in the Province for
Special Settlement.

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 Wellington Waste Short title.
Lands Act 1871" and it is divided into two parts as follows :

- Part I. Land on Deferred Payments.
- „ II. Special Settlement.

I. LAND ON DEFERRED PAYMENTS.

Blocks may be set apart for sale on deferred payments.

2. It shall be lawful for the Superintendent for the time being of the Province of Wellington with the advice of his Executive Council from time to time by proclamation in the Government Gazette of the said Province to set apart out of the waste lands of the Crown in the said Province one or more block or blocks of land not exceeding in the whole 50,000 acres for the purposes of this part of this Act.

Waste Lands Regulations not to apply to such blocks.

3. Immediately upon the publication of any such proclamation the regulations for the time being in force relating to the sale letting or occupation of the waste lands of the Crown in the said Province shall cease to apply to the land defined in such proclamation except so far as such regulations relate to the form and dimensions of the sections into which such land shall be divided.

Mode and terms of sale.

4. The land in every block set apart by proclamation as aforesaid shall be sold in the manner and upon the terms following :—

- (1.) The price shall be such price not less than 20s nor more than 40s per acre as the said Superintendent with the advice of his Executive Council shall fix in the proclamation setting apart any such block except as hereinafter provided.
- (2.) No person shall be allowed to purchase less than 40 acres nor more than 200 acres in any one such block either in his own name or in the name of any other person.
- (3.) Every person applying to purchase any such land shall deliver to the Commissioner of Crown Lands for the Province of Wellington a written application in the form A in the first schedule to this Act which application may be signed by the applicant or by any person acting on his behalf and shall at the same time pay to the Receiver of Land Revenue for the said Province a deposit equal

to one-fifth of the price of the land for which he applies.

- (4.) If there shall only be one applicant for any piece of land and he shall be qualified to purchase land in such block to the extent applied for the said Commissioner shall accept the application upon payment of the deposit and shall issue to the applicant a license to occupy in the form B in the said first schedule.
- (5.) If there shall be more than one such applicant at the same time for the same piece of land the Commissioner of Crown Lands shall receive the applications and the Receiver of Land Revenue shall receive the deposits and shall pay them into the Bank at which the public account of the Colony is for the time being kept to a deposit account And the said Commissioner shall fix a convenient time and place for a sale by auction of the land applied for and shall give notice thereof in the Government Gazette of the Province.
- (6.) At the time and place so appointed the said Commissioner by himself or some person appointed by him shall sell the said land by auction to the highest bidder If the purchaser thereof shall be a person other than one of the applicants he shall pay the Receiver of Land Revenue a deposit of one-fifth of the price bid by him for such land If the purchaser shall be one of the said applicants he shall pay to the Receiver of Land Revenue such sum if any as shall be needed to make up together with his original deposit one-fifth of the price bid by him and in each case the purchaser

shall be entitled to have a license to occupy in the same manner as if he had purchased without auction.

- (7.) The deposit of every applicant for land put up to auction and not bought by him shall be returned to him by the Receiver of Land Revenue forthwith after the auction.
- (8.) No person who has already purchased any land in any such block shall be permitted to bid in his own name or for his own benefit at any auction of land in such block (unless the extent of land for which he bids shall together with his previous purchase make up not more than 200 acres) and if he shall so bid his bidding shall not be received and if received shall be void.
- (9.) If any land put up for sale by auction under the preceding provisions of this Act shall remain unsold for want of bidders the same shall be again open for purchase on the day next after the holding of the auction and the applications already delivered for the same shall be deemed to have lapsed.
- (10.) In order to prevent the same person buying more than 200 acres of land in any one block, the said Commissioner of Crown Lands shall keep for each block a register of the names and descriptions of all persons who have purchased any land in such block showing the extent of land purchased by each person and such register shall be kept in alphabetical order.

Conditions of license
to occupy to be binding.

5. The conditions set forth in the form of license to occupy in the first schedule to this Act shall be binding upon the purchaser his heirs executors administrators and assigns in the same manner as if embodied in this Act.

6. At the end of two years from the day of purchase of any land Report as to compliance with conditions.
 under this part of this Act or as soon as conveniently may be thereafter
 some person appointed by the Superintendent shall report to the
 Commissioner of Crown Lands whether or not the purchaser thereof
 has during the said two years fulfilled the conditions of his license to
 occupy and if upon such report it shall appear that such purchaser has
 fulfilled the said conditions the said purchaser shall be entitled to the
 land with respect to which the report is made on payment of the
 residue of the purchase money as provided by this Act.

7. If upon such report it shall appear that the purchaser has with Unfavorable report to annual purchase.
 respect to any piece of land purchased by him failed to fulfil the
 conditions of his license to occupy and no appeal against such report
 shall be had within the time herein limited for such appeal the purchase
 by such purchaser shall be deemed void from the expiration of the last-
 mentioned time and the deposit paid by such purchaser and the land
 purchased with all improvements thereon shall be forfeited to Her
 Majesty.

8. Immediately upon the receipt by the said Commissioner of Appeal against report.
 Crown Lands of any such report as is mentioned in the last-preceding
 section he shall send by post or otherwise to the person against whom
 such report is made at his address if any be known to the said Commis-
 sioner and if none then at the land purchased by him a notice in the
 form C in the said first schedule or to the like effect and if the purchaser
 shall deem such report false he may within fourteen days after the
 delivery or posting of the said notice appeal to any Resident Magistrate
 holding a Court near the place where the land is situate by giving a
 written notice to such Resident Magistrate in the form D in the said
 schedule or to the like effect and paying therewith a deposit of £5 The

said Resident Magistrate shall forthwith appoint a time and place for hearing the said appeal and shall give notice thereof to the appellant and to the said Commissioner of Crown Lands. At the time and place so appointed he shall sit to hear the appeal and shall examine upon oath all such persons as shall be tendered as witnesses by either party and shall determine whether or not the appellant has within the said period of two years fulfilled the conditions of his license to occupy. The said Resident Magistrate shall have power to administer oaths and to adjourn the sitting from time to time and from place to place. The decision of the said Resident Magistrate shall be final and there shall be no appeal therefrom and the proceedings shall not be removable by certiorari either by the purchaser or by the Commissioner of Crown Lands or Her Majesty the Queen.

Effect of decision on appeal.

9. The Resident Magistrate shall give written notice of his decision to the said Commissioner of Crown Lands and to the appellant. If such decision shall be that the appellant has not within the said period of two years fulfilled the conditions of his license to occupy the sum deposited with the Resident Magistrate shall be forfeited and paid into the public account and shall form part of the consolidated Revenue of the Colony. And the Commissioner of Crown Lands shall proceed in the same manner as if the appellant had submitted to the original report. If such decision shall be that the appellant has within the said period fulfilled the said conditions the appellant shall be entitled to the land in respect whereof such decision is made in the same manner as if the report had originally been to the same effect as the decision and the sum deposited with the Resident Magistrate shall be returned to the appellant.

Payment of future instalments.

10. Immediately after the making of a report in favor of any purchaser of land under this Act or in case of an appeal immediately

after the decision in favor of any purchaser such purchaser shall pay to the said Receiver of Land Revenue the second instalment of purchase money being a sum equal to the whole deposit originally paid by him on purchasing the said land and he shall pay a like sum in like manner at the end of the third fourth and fifth year from the day on which he purchased such land or at such earlier time not before the time when the said second instalment falls due as the purchaser shall think fit.

11. If any purchaser of land under this part of this Act shall fail to pay any sum of purchase money in the manner required by this part of this Act on or before or within thirty days after the day on which the same ought to be paid the said land and all improvements thereon and all sums of money already paid for the same shall be forfeited to Her Majesty.

Forfeiture on non-payment.

12. When the whole of the purchase money of any land purchased under this part of this Act has been paid in the manner prescribed by this Act the Governor shall issue to the purchaser thereof a grant from the Crown thereof the purchaser paying such fee and sums of money as shall for the time being be payable in respect of such grant and of the registration of the title of the purchaser under the Land Transfer Act 1870 The title conferred by every such grant shall be deemed to relate back to the day when the payment of the purchase money was completed and that day shall be inserted in the habendum of the grant.

Issue of grant.

13. When any land purchased under this part of this Act has been forfeited to Her Majesty the Commissioner of Crown Lands shall sell the same and the improvements thereon by public auction for cash at such time and place as he shall appoint but not at a price less than 20 shillings per acre At such sale any person may bid and purchase notwithstanding his having purchased land in the same block to the

Sale of forfeited lands.

extent of 200 acres and the purchaser of any such forfeited land shall be entitled to receive a grant thereof from the Crown which shall be issued to him accordingly on payment of such fees as aforesaid.

Interest of purchaser not assignable except under provisions of Act.

14. The interest of a purchaser in land under this part of this Act who has not paid the whole of his purchase money shall not be assignable at law or in equity except under the provisions of this Act and shall not be capable of being charged encumbered extended or taken in execution in any manner whatever.

Substitution of person for purchaser.

15. If any purchaser of land under this part of this Act who has not paid the whole of his purchase-money or his executors or administrators shall desire to assign his interest in land occupied by him under one license to occupy he or they may apply to the said Commissioner of Crown Lands to accept instead of himself some one person as purchaser and if the said Commissioner shall think fit to accept such person and such person shall not be disqualified to purchase land in the same block to the extent of the land proposed to be transferred the said Commissioner shall cancel the existing license to occupy upon the same being produced to him or if the destruction or loss thereof be proved to his satisfaction he may dispense with the production thereof and shall issue to the person accepted a new license on payment of a fee of one pound to occupy in the same terms and of the same date as the original license but with the name of such person substituted as purchaser and thereupon such person shall be deemed to be and to have been from the date of the original purchase the purchaser of the land mentioned in such license and his name shall be entered in the register of purchasers and he shall thereafter be disqualified from purchasing land in the same block in the same manner as if he had been the original purchaser.

Substitution in case of insolvency.

16. If any purchaser of land under this part of this Act who has

not paid the whole of his purchase money shall become bankrupt or under the provisions of any Act for the time being in force vest his property in a trustee for the benefit of his creditors the trustee or other person in whom his property shall be vested may transfer the interest of such purchaser therein with the assent of the said Commissioner of Crown Lands in the same manner as the purchaser might have done if he had not become bankrupt or vested his property as aforesaid.

PART II.

17. The second section of "The Wellington Waste Lands Act ^{Repeal.} 1870" is hereby repealed.

18. It shall be lawful for the Superintendent of the Province of Wellington with the advice of his Executive Council by proclamation in the Government Gazette of the said Province to set aside out of the waste lands within the Province of Wellington the native title of which has been extinguished any block or blocks for the purpose of special settlement not exceeding in the whole 100,000 acres on such terms as may be sanctioned by the Governor in Council anything in the existing regulations for the management or disposal of the waste lands in the Province to the contrary notwithstanding Provided always that no land shall be sold at a less price than land of a similar description is now sold at under the regulations aforesaid and that the proceeds thereof shall be subject to any lien already imposed thereon by any Act of the General Assembly.

Blocks may be set apart for special settlement.

19. Neither the whole nor any part of any block of land so set aside shall continue so set aside for a period of more than three years from the date of the proclamation whereby the same shall be set aside nor be again set aside under this Act But every contract made with respect to any such block or any part thereof whilst the same remains

Limitation of time for which blocks shall remain set apart.

so set aside shall be performed notwithstanding that the block has ceased to be so set aside.

Superintendent may contract for settlement of blocks.

20. It shall be lawful for the said Superintendent with such advice as aforesaid from time to time to 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 of the said blocks of land place upon any land with respect to which such contract shall be made persons desiring to settle thereon Provided that 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 agree to perform and observe the terms sanctioned by the Governor in Council under this part of this Act and the provisions of this part of this Act.

Superintendent may employ agents.

21. The said Superintendent with the advice of his Executive Council may from time to time employ any agent or agents in Great Britain for the purpose of entering into any contract or contracts under this part of this Act and for the purpose of contracting with persons desiring to settle upon any land set apart under this part of this Act and to delegate to any such agent or agents all or any of the powers by this part of this Act conferred upon the Superintendent and upon the Superintendent with the advice of his Executive Council except the power of setting aside land by proclamation and all or any of the powers which under the terms sanctioned by the Governor in Council may be vested in the Superintendent and in the Superintendent with the advice of his Executive Council and may from time to time terminate the employment of any such agent or agents and the delegation of all or any of the powers to be delegated under this Act Provided that no such employment or delegation shall be terminated until notice thereof shall have been sent to the person employed or to

whom such delegation shall have been made and a sufficient time shall have elapsed for such notice to be received by him in the ordinary course of post.

22. The Superintendent of the Province of Wellington for the time being may allow to any person who shall negotiate or shall since the first day of August 1871 have negotiated the sale to any person not resident in the Province of Wellington of any land under the first part or the second part of this Act or under the regulations for the time being in force for the sale letting or occupation of the waste lands of the Crown in the said Province a commission at such rate not exceeding five pounds per centum on the amount of the total purchase money paid or agreed to be paid upon such sale as he shall think fit and such commission shall be paid forthwith after the sale out of the deposit or purchase money as the case may be by the Receiver of Land Revenue upon the warrant of the said Superintendent before paying such deposit or purchase money to the account to which the same is for the time being payable And such Receiver shall be allowed credit in his accounts for every payment so made by him The said Superintendent shall be the sole judge whether any person is entitled to commission under this provision.

THE SCHEDULE.

FORM A.

APPLICATION FOR LAND ON DEFERRED PAYMENT.

I (name in full) hereby apply to purchase the land hereinafter described that is to say (insert description of land and name of block) under the provisions of the first part of "The Wellington Waste Lands Act 1871.

And I declare that I have not purchased either in my own name or in the name of any other person any land in the said block (except acres held by me under license to occupy dated) Signature.

Date.

To the Commissioner of Crown Lands, Wellington.

FORM B.

LICENSE TO OCCUPY.

(Name in full) having purchased the land described at the foot hereof and paid the deposit of £ for the same is hereby authorized to occupy the said land so long as he shall observe the conditions endorsed herein.

Description of land.

Signature.

Commissioner of Crown Lands.

Date (the day on which the deposit was made or in case of sale by auction the day of such sale.)

CONDITIONS TO BE ENDORSED ON LICENSES TO OCCUPY.

1. The purchaser must before the day of (two years from date) build on the said block a house of the value of at least £10 and must within the said period fence or clear crop or lay down in grass one-tenth part of the said land.
2. An officer appointed by the Superintendent will as soon as may be after the last mentioned period report whether the previous conditions have been fulfilled. If his report is unfavorable to the purchaser the purchaser may appeal to a Resident Magistrate in the manner provided by the first part of "The Wellington Waste Lands Act 1871". When it has been decided that the purchaser has fulfilled the previous condition the purchaser shall pay the residue of the purchase money by instalments as follows :—£ immediately after the decision and a like sum on each of the following days :—

18	18	or earlier if he thinks fit.
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3. If the purchaser fails to perform the above conditions or to pay any instalment within thirty days after it falls due the land and all improvements and all money already paid will be forfeited.
4. If the purchaser or his executors or administrators or a trustee under his bankruptcy shall desire to transfer his land before paying all his purchase money he or they may apply to the Commissioner of Crown Lands to accept another fit person in his place.

FORM C.

To (name in full) Take notice that Mr. has reported that you have not fulfilled the condition number 1 of your license to occupy land in Block dated. If you are dissatisfied with the report you may within thirty days after this notice shall be posted appeal to any Resident Magistrate holding a Court near the land mentioned in your license by delivering to him the notice a form whereof is annexed properly filled up by you (form D to be annexed) and paying him £5 which will be returned to you if your appeal is successful.

Signature.

Commissioner of Crown Lands.

Date.

FORM D.

NOTICE OF APPEAL.

To _____ Esquire Resident Magistrate.
 Take notice that Mr. _____ having reported under
 the first part of "The Wellington Waste Lands Act 1871" that I have
 not fulfilled the condition numbered 1 of my license to occupy land in
 the _____ Block dated _____ 18. I hereby appeal
 against the said report and require you to fix a time and place for
 hearing the said appeal and I deposit herewith £5 0s 0d as required by
 the Act.

My address is :

Signature.

Date.