



THE  
**NEW ZEALAND GAZETTE.**

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WELLINGTON, THURSDAY, NOVEMBER 23, 1866.

G. GREY, Governor.

**ORDER IN COUNCIL.**

At the Government House, at Wellington, the  
 twenty-third day of November, 1866.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

**WHEREAS** by "The New Zealand Settlements Acts Amendment Act, 1866," it is provided that all lands taken under the authority of "The New Zealand Settlements Act, 1863," or "The New Zealand Settlements Amendment and Continuance Act, 1865," or either of them, and sold and disposed of under the authority of the said first recited Act, entitled "The New Zealand Settlements Acts Amendment Act, 1866," shall be sold or disposed of under regulations to be made by the Governor in Council, which regulations shall be published in the *New Zealand Gazette*:

Now therefore, His Excellency the Governor, in pursuance of the authority vested in him in that behalf, by the said first recited Act, doth hereby, with the advice and consent of the Executive Council of the Colony of New Zealand, make the following regulations for the sale and disposal of lands within the Province of Auckland, which have been taken under the authority of the said recited Acts, or either of them.

*Regulations for the sale of the Lands taken for settlement under "The New Zealand Settlements Act, 1863."*

1. In the construction of these Regulations the terms following shall have the meanings here respectively assigned to them:—"Land" shall mean the lands in the Province of Auckland which have been declared by Order in Council as required for settlement under "The New Zealand Settlements Act, 1863," "Superintendent" shall mean the Superintendent of the Province of Auckland, "Commissioner" shall mean a person appointed by the Governor to carry out these Regulations, "Government Gazette" shall mean the *Government Gazette* of the Province

of Auckland, and "Province" shall mean the Province of Auckland.

2. For the purpose of carrying out these Regulations there shall be a Commissioner from time to time appointed, and removable by the Governor as he shall think fit, and such Commissioner may from time to time appoint fit and proper persons to act as his Deputies at any places within the Province, and every person so appointed shall have the same powers and authority as the Commissioner, and all acts done by any such Deputy shall be as valid as if done by the Commissioner. The Commissioner may remove from office any such Deputy as he may think fit.

3. The Regulations relating to the disposal of land under "The New Zealand Settlements Act, 1863," made by Order in Council on the 16th of May, 1865, are hereby repealed and annulled.

4. Sufficient land shall be set apart for the location of military and other settlers introduced by the Government, to be allotted to their use according to the tenor of their several contracts, and the said land, or any part thereof, may be granted to the several persons as they become respectively entitled thereto under the said contract, or at an earlier date, at the request of the Superintendent, if the Governor shall think fit.

5. The Commissioner shall from time to time divide such of the remaining portions of the said land as he shall think fit into four classes, namely—

1. Town land,
2. Suburban land,
3. Special rural land,
4. General rural land;

And from time to time may vary, alter, and annul any such division in the whole or in part only, and make a new division thereof, and may declare that any land shall belong to any one of the said classes, or shall cease to belong thereto.

*Town, Suburban Land, and Special Rural Land.*

6. Town land, and suburban land, and special rural land, shall be offered for sale by auction at an upset price to be fixed by the Commissioner.

7. The Commissioner shall from time to time

notify in the *New Zealand Gazette*, and in such newspapers in the Colony of New Zealand or elsewhere as to him shall seem meet, what lands are to be sold at such public sales, and the upset prices thereof respectively, and such lands shall not be so offered for sale until at least one calendar month shall have elapsed after the publication of such notification.

8. Such public sales shall be held and conducted by such person at such times and in such places within the said Province as the Commissioner shall by notification in the *Government Gazette* from time to time nominate and appoint.

9. The purchase money of each allotment of land sold at any such sale shall be paid by the purchaser thereof or his agent to the Receiver of Land Revenue, as follows, namely: one-fourth at the time of sale by way of deposit, and the remaining three-fourths within three calendar months after the sale. In the event of the second payment not being made as aforesaid the sale shall be void and the deposit forfeited.

10. It shall be lawful for any person within twelve calendar months after any auction to become the purchaser by private contract of any land so put up for sale as aforesaid and not purchased, on paying for the same in cash the upset price at which the same was put up for sale.

11. Provided always that it shall be lawful for the Commissioner, instead of permitting any land to be purchased as authorized by the last two clauses, to cause the same to be put up again to auction, giving such notice thereof as is hereinbefore provided in respect of land to be offered at auction.

#### *General Rural Land.*

12. The Commissioner shall divide the general rural land into three classes according to relative value, and shall affix a price to each class, as follows:— No. 1 class, fifteen shillings an acre; No. 2 class, ten shillings an acre; and No. 3 class, five shillings an acre; and from time to time may vary, alter, and annul any such division in the whole or in part only, and make a new division thereof, and may declare that any land shall belong to any one of the said classes or shall cease to belong thereto.

13. The Commissioner shall from time to time notify a certain day on and after which any general rural 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, 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.

14. 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.

15. The purchase money, after the rate aforesaid, for the quantity of land applied for, shall be paid to the Receiver of Land Revenue as hereinafter mentioned, who shall give a receipt in duplicate for the deposit, and no application shall be entertained unless one of such duplicate receipts shall be annexed to the application.

16. Twenty per cent. of the purchase money shall be paid at the time of sale, and twenty per cent. within each period of three, six, nine, and twelve months from the day of sale. In the event of any of such payments not being duly made as aforesaid the sale shall be void, and every payment made previously to default shall be forfeited.

17. 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.

18. 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.

19. 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.

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

21. The Commissioner 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.

22. 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 deposit thereon, such person shall be deemed the purchaser of such land.

23. 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 the deposit thereon, such land shall be put up to auction in such blocks as the Commissioner may determine, at an upset price of 15s. or 10s. or 5s. an acre, according to the class to which the same may belong, on a day to be decided by the Commissioner.

24. The Commissioner 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 deposit so paid by him in respect of such allotment, and such Receiver shall pay the same on demand accordingly.

25. 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.

26. Every such subsequent application must be made in writing to the Commissioner 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 a deposit of twenty per cent. of the purchase money, signed by the Receiver of Land Revenue.

27. The Commissioner 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 deposit.

28. As soon as such entry shall have been so made 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 on payment of the balance of the purchase money as hereafter provided.

29. The purchase money shall be paid as follows: twenty per cent. by way of deposit as aforesaid, and the remainder in four equal payments of twenty per

cent., within three, six, nine, and twelve months respectively from the day of sale. In the event of any of such payments not being duly made as aforesaid the sale shall be void, and every payment made previously to default shall be forfeited.

30. Provided always that every application for general rural land shall comprise not less than 40 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, 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.

31. 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.

32. When the land is surveyed by the applicant at his own expense he shall be entitled to an allowance in land according to a scale to be from time to time fixed by the Commissioner for the cost thereof not exceeding five acres for every one hundred acres purchased.

33. 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 the survey, or it shall be lawful for the Commissioner to sell the land to some other person, and in such latter case the deposit paid shall be forfeited.

34. When general rural 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 cent. 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, then and in such case compensation for the whole area taken shall be given to be fixed by arbitration in the usual way.

35. It shall be at any time competent for the Commissioner 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.

FORSTER GORING,  
Clerk of the Executive Council.

