AUCKLAND.

Report from G. J. MUELLER, Esq., Commissioner of Crown Lands, Auckland.

Department of Lands and Survey,
District Office, Auckland, 16th July, 1903.

REFERRING to your circular of the 9th instant, in which, by direction of the Right Hon. the Premier, you request me to give the result of my experience in connection with the ballot system now in vogue, I have to state that I attribute the present unsatisfactory state of affairs to the following causes:—

1. The doing away with the necessity of lodging a deposit when making the application for lands.

This alteration in the law was supposed to be specially favourable to the poor applicant, but experience in this district has shown that it is eminently favourable to the moneyed applicant or speculator, as he can now obtain people to make application, and thereby increase his chances of success in ballot. We have had cases here where applications in the same handwriting, and signed by different clerks and others have been lodged. Since the deposit with the application has been abolished and "agreement to pay" has been substituted the friends and relations or members of the applicant's family are, as a rule, in requisition to increase the latter's chances at the ballot by making application in this way. The applicants for favourite sections have thus been doubled and tripled, as compared with what they were when deposits had to be lodged with the applications.

2. The facilities with which transfers can be effected at present.

A dummy can transfer to his principal twelve months after he has taken up the land. During the first twelve months no residence is required. All that is needed to be done are the paltry improvements equal to only 10 per cent. on the capital value of the land. If it was tedious and difficult to effect the first transfer dummyism would not be so prevalent as it is. There would be fewer applicants for the lands, most of them *bonâ fide* applicants, and the present difficulties with the ballot would be greatly reduced.

My recommendations, therefore, by way of remedying the evils now existing are as follows:—

(1.) Amend the Land Act, and make it compulsory for every applicant to lodge the necessary deposit (half-year's rent and lease fee, as the case may be) with his application.

(2.) Amend the present occupation-with-right-of-purchase and lease-in-perpetuity forms as shown in specimens attached hereto marked "A" and "B." As the declaration now stands in section 3, the dummy with an easy conscience may feel no compunction in swearing that he has acquired such land solely for his own use or benefit, seeing his object is to obtain the promised bonus of £10 or £50 from his principal, but it will require somewhat of a "wrench of conscience" to swear that the land is acquired for "the purpose of cultivation either by or for himself."

(3.) Amend the present application-for-rural-lands-for-cash form as shown on sample attached hereto marked "C" by the insertion of an additional clause to the following effect: "That I am of the age of twenty-one and upwards." At present the age-limit is not stated on the form. By "The Land Act, 1892," it is fixed at seventeen years, but seeing that a certificate of title cannot be granted to a minor, I strongly recommend that the age be raised to twenty-one years. Several of the Australian Colonies, I may add, fix the age of cash purchasers at twenty-one, whereas the age of intending lessees or licenses is only sixteen, which is one year less than with us.

(4.) Disallow a married woman, unless living apart and judicially separated from her husband by an order of Court, to make application for land under lease or license if her husband is already a lessee or licensee of the Crown. The percentage of married-women applicants has been very large since the amendment of section 93 of the Act of 1892 by the substitution of the word "selector" for the word "owner" in the first line in the third paragraph. If the husband is to comply with the residence conditions on his holding, it is somewhat difficult to understand how his wife can comply with these conditions on her section, perhaps three or four miles from her husband's. In fact, section 93 as it now stands is contradictory, for in the first paragraph no married woman not judicially separated from her husband can be the holder of a lease or license, and in the third paragraph any married woman may become a selector—namely, purchaser, lessee, or licensee of the Crown. (See also definition of word "selector" in the interpretation clause).

(5.) Make the obtaining of permission to transfer, &c., more stringent than hitherto. To accomplish this object, I recommend that the following conditions be imposed before any selector can transfer or sublet, or in any way part with his lease, license, or certificate of occupation, or any portion thereof; and the suggested alterations and provisions should be recast and embodied in an Amendment Act to be passed this session.

(*a.*) In the case of lease or license under Part III. of "The Land Act, 1892," no transfer sublease, or subdivision should be granted before a lessee or licensee has been three years in possession or occupation, and has personally resided thereon for at least two years, and has effected substantial improvements to the value of at least 30 per cent. on the capital value of the land.

(*b.*) In the case of lands acquired for cash under Part III. of "The Land Act, 1892," no transfer, &c., to be granted before the expiration of three years from the date of purchase, nor before the improvements stipulated in section 148 of the last-named Act and in the occupation certificate have been effected. (Occupation certificate marked "D" attached for reference.)