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GREAT BRITAIN
COLONIAL GRANTS
ORDERED BY THE HOUSE
OF COMMONS FOR MAY 1830

(LONDON) 1830

COLONIAL GRANTS.

COPY of the CONDITIONS under which LANDS are granted in the *British North American Colonies*, and in the Colonies of *New South Wales* and *Van Diemen's Land*.

Colonial Department, }
26th April 1830. }

R. W. HAY.

REGULATIONS for granting LANDS in the *British North American Provinces*.

FOR the information of persons desirous of proceeding as Settlers to His Majesty's Provinces in North America, the following summary of the Rules which have been established for the future regulation of Grants of Land, has been prepared by the direction of His Majesty's Principal Secretary of State for the Colonial Department.

The Commissioner of Crown Lands will, from time to time, and at least once in every year, submit to the Governor a Report of the total quantity of each district of Crown property, so far as he may then have ascertained the same; together with his opinion of each description of property, which it may be expedient to offer for sale within the then ensuing year, and the upset price per acre at which he would recommend the several descriptions of property to be offered, provided that the land proposed to be offered for sale does not contain any considerable quantity of timber fit for His Majesty's Navy, or for any other purposes; it being the intention that no grant of the land upon which such timber may be growing should be made until the timber is cleared.

If the Governor should be pleased to sanction the sale of the whole or any part of the land recommended to be sold at the upset price proposed, or at any other price which he may name, the Commissioner of Crown Lands will proceed to the sale in the following manner:—

He will give public notice in *The Gazette*, and in such other newspaper as may be circulating in the Province, as well as in any other manner that circumstances will admit of, of the time and place appointed for the sale of the lands in each district, and of the upset price at which the lots are proposed to be offered, that the lots will be sold to the highest bidder; and if no offer should be made at the upset price, that the lands will be reserved for future sale in a similar manner by auction.

That no lot should contain more than 1,200 estimated acres.

The purchase money will be required to be paid by four instalments without interest; the first instalment at the time of the sale, and the second, third and fourth instalment at intervals of a year.

If the instalments are not regularly paid, the deposit money will be forfeited, and the land again referred to sale.

Purchasers of land at any sale not exceeding 200 acres, being unable to advance the purchase money by instalments as proposed, the Commissioner may permit

CONDITIONS FOR GRANTING LANDS

the purchaser to occupy the same upon a quit-rent equal to five per cent upon the amount of the purchase money, one year's quit-rent to be paid at the time of sale, in advance, and to be paid annually in advance afterwards: upon the failure of the regular payment, the lands to be again referred to auction, and sold. The quit-rent upon lands so purchased in this manner, to be subject to redemption, upon payment of twenty years purchase, and parties to be permitted to redeem the same by any number of instalments not exceeding four, upon the payment of not less, at any one time, than five years amount of quit-rent.

In case, however, the parties should fail regularly to pay the remainder of the quit-rent, the same to be deducted from the instalment paid, and the lands to be re-sold by auction, whenever the instalment may be absorbed by the accruing payment of the remainder of the quit-rents.

Public notice will be given in each district in every year, stating the names of persons in each district who may be in arrears, either for the instalments of their purchases or for quit-rents; and that if the arrears are not paid up before the commencement of the sales in that district for the following years, the lands, in respect of which the instalments or quit-rents may be due, will be the first lot to be exposed to auction at the ensuing sales; and if any surplus of the produce of the sale of each lot should remain, after satisfying the Crown for the sum due, the same will be paid to the original purchasers of the land who made default in payment.

No land will be granted at any other time than at the current sales in each district, except upon application from poor settlers, who may not have been in the Colony more than six months preceding the last annual sale; settlers so circumstanced may be permitted to purchase land not exceeding 200 acres each, at the price at which it may have been offered at the last annual sale, and not purchased, and may pay for the same, or by quit-rent, computed at five per cent on the sale price, and thenceforth these persons shall be considered as entitled to all the privileges, and be subject to the same obligations, as they would have been subject to if they had purchased the land at the last sale.

In cases of settlers who shall be desirous of obtaining grants of land, in distinct districts not surveyed, or in districts in which no unredeemable grant shall have been made, the Commissioner of Crown Lands will, under the authority of the Governor, at any time within a period of seven years from the date hereof, grant permission of occupancy to any such settlers, for lots of land not exceeding 200 acres, upon consideration that they shall pay a quit-rent for the same, equal to five per cent upon the estimated value of the land at the time such occupancy shall be granted; and the persons to whom claims of occupation shall be made, shall have liberty to redeem such quit-rents at any time before the expiration of the seven years, upon the payment of twenty years purchase of the amount, and at any time after the termination of the seven years, upon the payment of any arrear of quit-rent which may be then due, and twenty years purchase of the annual amount of the rent.

No patent will be granted until the whole of the purchase money shall have been paid, nor any transfer of the property made, except in case of death, until the whole of the arrears of the instalments or quit-rent shall have been paid.

The purchase money for all lands, as well as quit-rents, shall be paid to the Commissioner of Crown Lands, or to such person as he may appoint, at the times and places to be named in the condition of the sale.

TERMS upon which LAND is granted to SETTLERS in *New South Wales* and *Van Diemen's Land*.

For the information of persons proceeding to New South Wales and Van Diemen's Land as Settlers, it has been deemed expedient to prepare the following summary of the Rules which His Majesty's Government have thought fit to lay down for regulating the Grants of Land in those Colonies:—

1.—A division of the whole territory into counties, hundreds and parishes is in progress; when that division shall be completed, each parish will comprise an area of about twenty-five miles; a valuation will be made of the lands throughout the colony, and an average price will be struck for each parish.

2.—All the lands in the Colony not hitherto granted, and not appropriated for public purposes, will be put up to sale at the average price thus fixed, or be granted to settlers upon other conditions.

3.—Until a survey and valuation of the whole of the lands shall have taken place, persons desirous of purchasing, as well as those who wish to obtain lands without purchase, will have the permission of selecting their land within certain prescribed limits, and the land which they may so select will be surveyed and valued as soon as practicable, and be sold, or be granted under quit-rent, according to the option of the settler.

4.—All persons proposing to purchase lands must transmit a written application to the Governor, in a certain prescribed form, which will be delivered at the Surveyor General's Office to all persons applying, on payment of a fee of 2s. 6d.

5.—The land selected by individuals who have obtained leave to purchase, will be valued by the Commissioners with as little delay as possible, and will be put up to sale for one month (by proclamation), and will not be sold at a lower rate than the value fixed. Sealed tenders for the purchase of the land advertised as above to be addressed, under cover, to the colonial secretary, and marked "*Tender for land*." At the end of a month from the date of the proclamation, the tenders will be opened in the presence of such persons as the Governor may appoint, when the land will be disposed of to the person making the highest tender, if approved by the Governor.

6.—All correspondence with the local government respecting grants of land must take place through the Office of the Surveyor General, in the same manner as is prescribed in regard to the land which the parties may be desirous of purchasing.

7.—A deposit of ten per cent upon the whole value of the purchase to be paid down, the remainder to be paid half-yearly, by promissory notes, payable at such intervals of time and under such regulations as may be agreed upon by the Governor.

8.—On payment of the money, a grant will be made in fee simple to the purchaser, at the nominal quit-rent of a pepper-corn.

9.—The largest quantity of land which shall be sold to any individual is 9,600 acres; the lands will generally be put to sale in lots of three square miles, or 1,920 acres; persons wishing to make more extensive purchases, must apply to the Secretary of State, in writing, with full explanations of their object and means.

10.—Lands may also be obtained without immediate purchase, but upon different conditions.

11.—Persons desirous to become grantees without immediate purchase, will address themselves to the colonial secretary, who will furnish them with the established form of application; when the Governor shall be satisfied of the character and respectability of the applicant, the colonial secretary will be instructed to furnish him with a letter to the Land Board, in order that the amount of capital which he can command may be ascertained; stock of every description, implements of husbandry, and other articles which may be applicable to agricultural purposes, are to be considered as capital; as likewise any half-pay or pension which the applicant may receive from Government.

12.—The Land Board will carefully investigate the particulars of the capital which the respective applicants are stated to possess, it being of importance that settlers should not receive a greater extent of land than they are capable of improving, and that grants should not be made to persons who are desirous only of disposing of them. The regulations fixing the period within which persons receiving grants without purchase will not be allowed to alienate the lands (without subjecting themselves to a forfeiture of the grants) will be hereafter notified.

13.—When the Governor is satisfied as to the amount of capital possessed by the applicant (who must have the power of expending in the cultivation of the lands a capital equal to *one-fourth* part of their estimated value at the least), the latter will be furnished by the colonial secretary with a letter to the surveyor-general, who will afford him every necessary information, and will give him a written authority, for which he will pay a fee of 2*s.* 6*d.*, to proceed in search of land.

14.—When he has made this selection, he will apprise the surveyor-general by letter, who will point out in his Report (to be transmitted twice a month for the Governor's information) the situation, &c. of such lands as have been selected; if approved by the Governor, the colonial secretary will give the applicant a written authority to take possession of the land (in which the conditions will be specified) until the grant be regularly made out.

15.—The largest grant that will be made to any fresh settler, without purchase, is 2,560 acres; the smallest, 320 acres.

16.—Lands to be granted in square miles, in the proportion of one square mile, or 640 acres, for every £.500 sterling of capital which the applicant can immediately command, to the extent of four square miles, or 2,560 acres, which is the utmost that can be granted without purchase. The Crown reserves to itself the right of making and constructing such roads and bridges as may be necessary for public purposes, on lands to be granted as above, and also to such indigenous timber, stone and other materials, the produce of the land, as may be required for making and keeping the said roads and bridges in repair, or of compelling the proprietor, after a certain period, to construct roads through his own property, or to contribute, either by money payments or by work performed towards an object so desirable.

17.—A quit-rent of five per cent per annum upon the value of each grant of land, as estimated in the survey, will be levied on all such grants; but such quit-rent will not commence to be levied until the expiration of the first seven years next succeeding the issue of such grant. At the expiration of the above-mentioned seven years, the grantee will become possessed in fee simple of the grant, subject to the payment of the quit-rent, or he will be entitled to redeem such quit-rent, if he prefers that alternative.

18.—The quit-rent will always be redeemable at twenty years purchase, the power of such redemption commencing at the termination of the first seven years, when such quit-rent is first levied.

19.—Every grantee without purchase must, at the expiration of the before-mentioned term of seven years, prove to the satisfaction of the surveyor-general that he has expended in the cultivation and improvement of the land a capital equal to one-fourth of its value, as that value was estimated at the time of his grant; on failure of such proof, the land will be forfeited to the Crown.

20.—No additional grant of land will be made to any person who has not proved, as last mentioned, the necessary expenditure of capital on the lands already granted to him, and that he has sufficient capital in hand to enable him to cultivate to advantage the additional grant for which he applies.

21.—Persons receiving a second grant of land without purchase, will become liable to pay a quit-rent upon the lands comprised in such second grant immediately from the date of it; but any grantee who can show an expenditure of capital upon his first grant, to the amount of five times the estimated value of that grant at the time of its being made to him, will be entitled to a further grant, with a reduction

in his quit-rent at the rate of two-and-a-half per cent on the estimated value of such grant, on proving that he has sufficient capital still in hand to cultivate to advantage the additional grant.

22.—The same regulation will apply to purchasers of land who may make application for a second purchase, and who can show that they have laid out capital upon such land to five times the amount of its estimated value. In such a case, half the estimated value of the new land will be remitted.

23.—Persons desirous to receive grants of land without purchase, on terms different from those above stated, must lay before the Secretary of State, through the Governor of the Colony, if resident there, a full explanation, in writing, of the circumstances which induce them to claim exemption from the operation of these general rules.

24.—The personal residence of individuals on the land which they may obtain by grant or purchase, or the employment on the spot of a free man of approved character and respectability, will be made an indispensable condition.

Colonial Office, Downing Street,
April 1827.



COLONIAL GRANTS.

COPY of the CONDITIONS under which Lands are granted in the *British North American Colonies*, and in the Colonies of *New South Wales* and *Van Diemen's Land*.

Ordered, by The House of Commons, to be Printed,
4 May 1830.
