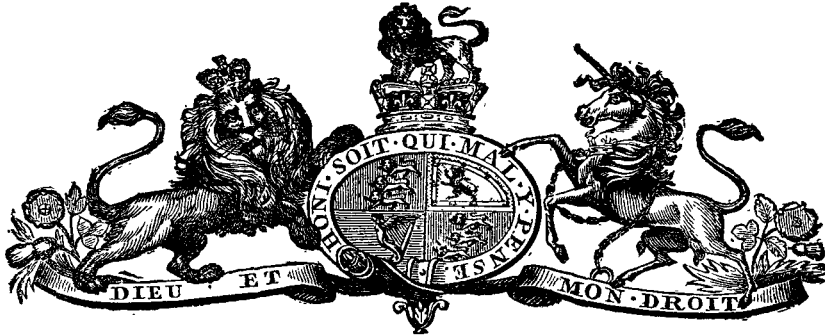


NEW ZEALAND.



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VICTORIÆ REGINÆ.

No. XXXIV.

ANALYSIS.

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AN ACT to amend "The Westland Waste Lands Act, 1870." Title.
[29th September, 1873.]

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 Westland Waste Lands Act Amendment Act, 1873." Short Title.

*Westland Waste Lands Act Amendment.***Interpretation.**

2. In the construction of this Act, the words "the said Act" shall mean "The Westland Waste Lands Act, 1870."

Certain sections repealed of "The Westland Waste Lands Act, 1870."

3. Sections fifteen, twenty-nine, forty-seven, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, and seventy of the said Act are hereby repealed: Provided that all acts matters and things done under or in pursuance thereof, and all rights acquired under such sections or any of them, shall be as good and valid to all intents and purposes as though the said sections had continued in full force and operation.

Application Book to be kept.

4. A book, to be called the "Application Book," shall be kept open during office hours at the Land Office, in which the name of every person desiring to make any application to the Board shall be written in order by himself, or his agent authorized by any writing signed by such person; and such person or his agent shall at the same time give to an officer to be appointed by the Board for that purpose particulars of his intended application, which particulars shall be in writing, and in the case of any application for the purchase or leasing of any land, shall give sufficient information to identify the land applied for.

Application fee.

5. At the time of entering his name in the Application Book every applicant for the purchase or leasing of Crown lands shall pay to the officer to be appointed by the Board as mentioned in the preceding section a fee of two shillings and sixpence, which shall be paid into the Province of Westland Account and form part of the land revenue.

Applications to be dealt with in order entered in Application Book.

6. The Commissioners shall, during the sitting of the Board, consider and determine all applications in the order in which the names of the applicants shall appear in the Application Book: Provided that if any person shall not appear either personally or by some agent duly authorized in writing on his behalf before the Board, when called in his turn, his application shall be dismissed until his name shall appear again in the book in order.

When concurrent applications, land to be put up to auction, &c.

7. If two or more persons apply on the same day for the same rural land, such land shall be put up for sale by auction at the upset price of one pound per acre, or at such reduced upset price as may be authorized by the Governor acting on the recommendation of the Provincial Council and Waste Lands Board, at the sitting of the Board, when such applications in the usual course of business are called on for consideration, and the highest bidder shall be the purchaser: Provided that unless the person who shall be declared the purchaser at such auction shall immediately pay twenty-five per centum of the purchase money to the Receiver of Land Revenue, and the remainder within seven days, such land shall be again put up to auction at the ensuing sitting of the Board, and the said deposit shall be forfeited and paid into the Land Fund of the Province.

Cash deposit of 10 per cent. to be made in certain cases.

8. In all cases wherein applications are made to the Waste Lands Board to recommend the sale of land at a less price than one pound per acre under the said Act, such application shall be accompanied by a cash deposit of ten per centum upon the value of the land, computed at the price at which the applicant is desirous of purchasing such land; and in the event of the assent of the Governor being given to the sale of such land at the price indicated by the applicant, and such applicant not effecting such purchase, the said deposit may be forfeited and paid into the Land Fund of the Province, and if the assent of the Governor to such proposed sale is not obtained the deposit shall be returned.

As to corporate succession.

9. The twenty-seventh section of the said Act shall be read and construed as if the words "having corporate succession" had been omitted therefrom, wherever these words occur in such section.

Westland Waste Lands Act Amendment.

PUBLIC RESERVES.

10. The Waste Lands Board may temporarily reserve any land for the preservation or sale of timber thereon, and such timber or any part thereof may be sold by auction by the Chief Commissioner of the Waste Lands Board at an upset price and subject to conditions to be fixed in each case by the Board. The purchase money for such timber shall be paid to the Receiver of Land Revenue.

Temporary reserves
of timbered lands.

11. A frontage line shall be taken to mean the boundary of a road river or public reserve, or any stream or watercourse, or any line marked on the map of the Chief Surveyor of the Province of Westland, which shall be declared by the Waste Lands Board to constitute a frontage.

Definition of frontage
line.

PASTURAGE.

12. The Chief Surveyor may from time to time, with the approval of the Waste Lands Board, lay off pasturage runs from such waste lands not declared open for sale, and not required as commonage for stock, and such runs may be in blocks of such area as the Board may determine.

Pasturage runs may
be laid off.

13. The right to depasture stock upon such runs so laid off as aforesaid for such term not exceeding five years as the Board may determine, may be put up for sale by auction by the Chief Commissioner of the Board, at the upset price of twopence per acre per annum, and on payment of the amount of the first year's rental the purchaser of the right to depasture shall receive from the Board a license to depasture stock in the form set forth in the Schedule to this Act, or as near thereto as circumstances will admit, which license shall be transferable by indorsement in the form set forth in such Schedule, and such transfer shall be deemed to be complete upon payment of a fee of one pound to the Receiver of Land Revenue, and notice thereof being given to the Waste Lands Board, and not before. Such license shall entitle the holder thereof to the exclusive right of pasturage over the land therein specified, upon the terms herein and therein stated, but shall give no right to the soil or timber. A reasonable right of way shall be allowed through the pasturage runs for the public, as well as right of entry to miners for the purpose of mining or searching for gold.

Right to depasture
stock, &c.

14. The rent of such runs shall be paid yearly in advance, and if default shall be made in payment of the rent for one month after the same shall have become due, the right to depasture stock upon any such run may be at any time determined by the Waste Lands Board, who may thereupon cancel the license if they shall think fit.

Rent to be paid
yearly in advance.

15. The purchaser of the right to depasture stock upon any such run or runs shall be entitled to a pre-emptive right over five per centum of the total acreage of his run, at the upset price for rural lands: Provided that the right to purchase lands under such pre-emptive right shall not apply to any lands that may in the opinion of the Waste Lands Board be auriferous, and that any land purchased under the pre-emptive right shall be in not more than two blocks: Provided that such purchaser shall within three months from the day of sale describe in writing to be given to the Chief Commissioner of the Waste Lands Board, the portion of his run which he intends to purchase under his pre-emptive right: Provided also that such pre-emptive right shall be exercised during the first two years of the term appointed for the depasturing of stock upon such run, and not afterwards.

Holder of pasturage
license entitled to
certain pre-emptive
rights.

16. The whole of any run or part thereof may at any time be

Runs may be thrown
open for sale.

Westland Waste Lands Act Amendment.

thrown open for sale by the Waste Lands Board, in which case a proportionate part of the annual rental that has been paid in advance for the year current shall be refunded to the licensee of the run so thrown open for sale, and the rent of the portion of the run so thrown open for sale shall thereupon cease: Provided that the purchaser's pre-emptive right under section fifteen of this Act shall not be affected or in any way prejudiced by such run or any part thereof being thrown open for sale.

LEASES OF MINERAL LANDS.

Mineral leases may be granted.

17. It shall be lawful for the Board, with the consent of the Superintendent, to grant to any person applying for the same a lease of land containing or supposed to contain minerals other than gold, or possessing or supposed to possess any special value, upon the following terms and conditions, and upon such other terms and conditions as the Board shall deem necessary:—

Conditions.

- (1.) That the lease shall comprise so much land as shall in the opinion of the Board be necessary for the efficient working of the minerals or the beneficial use of the land supposed to possess special value.
- (2.) The term to be granted shall be any number of years not to exceed twenty-one, at the option of the lessee.
- (3.) That a money rent be reserved.
- (4.) That the lease may contain any or all of the following clauses:—
 1. For securing payment of the rent.
 2. For enabling some person on behalf of the lessor to enter and examine the mine.
 3. For securing that a plan of the mine shall be made and kept on the works for inspection, on payment of a fee of five shillings for each inspection.
 4. For securing the regular proper and efficient mining and working of the minerals.
 5. For making void the lease on breach by the lessee of the covenants therein contained.
 6. For delivering up the property at the termination of the lease in good tenantable repair.
 7. For enabling the lessee to abandon the working of the minerals whenever he shall find the same unprofitable to work, and to surrender the lease.
 8. For securing payment by succeeding tenant of valuation of buildings and machinery necessary to the proper working of the mine.

Compensation for improvements.

18. It shall be lawful for the Board, on the expiration of any mineral lease, to cause all buildings and machinery necessary for the proper working of the mine then on the land held under such lease to be assessed, and the amount of valuation shall be paid by the incoming tenant to the Board before such incoming tenant shall be let into possession of the land to be comprised in the lease; and the Board shall pay over to the person who at the expiration of the old lease was the lessee or transferee and holder of such lease the amount received for such valuation: Provided always that no lessee shall have any claim for valuation or compensation for or on account of any improvements, either against the Crown or the Board; but when and as soon as any sum of money shall be received by the Board from any new lessee in payment of improvements, such sum shall be paid over by the Board to the person who at the expiration of the old lease was holder thereof.

Westland Waste Lands Act Amendment.

19. Every application for a lease shall be sent in by the applicant to the Land Office in Hokitika, in a form to be prescribed by the Board; and it shall be lawful for the Board either to grant or refuse the lease, or to put the lease of the land up to auction at a rent to be fixed by the Board.

Application dealt with.

20. The land comprised in any lease may at the request of the lessee, at any time after an occupation of three years, be put up to sale by auction, subject to the lease thereof already granted, at an upset price to be fixed by the Board with the concurrence of the Superintendent.

Leased land may be submitted to auction.

21. Every applicant for any such lease shall furnish to the Board, within a time to be fixed by the Board after the application shall have been agreed to, and before a lease shall be granted, a description of the land to be leased, with a plan, which shall be made and prepared by a surveyor to be approved of by the Board, at the expense of the applicant.

Applicants to furnish plans before lease granted.

OCCUPATION LICENSES FOR RAISING COAL AND OTHER PURPOSES.

22. It shall be lawful for the Board to issue licenses in forms to be by the Board prescribed, authorizing the holders to occupy for any period not exceeding seven years from the granting thereof, so much of the waste lands of the Crown as shall be specified therein, for any of the under-mentioned purposes, namely:—

Occupation licenses may be granted.

Raising of lignite or coal.

Removal of clay for bricks or pottery.

Removal of sand gravel or stone.

Working of quarries.

Sites for saw-mills flour-mills.

Sites for tanneries fellmongers' yards.

Sites for slaughter-yards brick-kilns.

Sites for potteries ferries jetties.

Sites in thinly inhabited districts for inns and accommodation-houses.

Provided that the licenses hereby authorized to be granted shall not, in the case of inns and accommodation-houses, authorize the sale of fermented or spirituous liquors. For such purposes, the law in force regulating the sale of fermented or spirituous liquors shall not be affected hereby.

23. The Board shall determine the extent of land to which such license shall give a right of occupancy, and the licenses shall have effect only within the district specified in them.

Occupancy defined.

24. Any unlicensed person occupying or using any waste lands for any of the before-named purposes shall, on conviction thereof, be liable to a penalty not exceeding twenty pounds, to be recovered in a summary way.

Penalty of unlicensed persons.

25. No such license shall preclude the Governor from reserving, or the Board from selling or reserving, or shall in any way affect the rights of the Crown to the land occupied in virtue of such license. All disputes between holders of such licenses shall be heard and decided by the Board.

Disputes, how decided.

26. A fee of two pounds shall be paid for each lease and one pound for each license, which may be transferred from one person to another, with the consent of the Board, on payment of a fee to be fixed by the Board.

Transfer of licenses.

TIMBER.

27. If any person shall fell saw split or remove any timber from the waste lands of the Crown, or assist in so doing, without being duly

Timber may not be removed without due license.

Westland Waste Lands Act Amendment.

licensed under the said Act, he shall be liable to a penalty not exceeding twenty pounds: Provided that nothing herein contained shall render the holder of a miner's right liable to any penalty on account of any timber which he may have felled or removed for the purpose of gold mining operations or for his own domestic use.

SPECIAL SETTLEMENTS.

28. Subdivision three of the subsection (*d*) of the seventy-eighth section of the said Act is hereby repealed, and the following subdivisions shall be substituted in lieu thereof:—

Size of blocks, annual rental, &c.

(3.) Rural lands may be leased in blocks of not less than twenty-five acres nor more than two hundred and fifty acres for seven years at an annual rental, payable in advance, at the rate of three shillings per acre.

Rental paid prior to purchase to be considered as deposit.

(4.) If at any time of continued residence the lessee shall purchase the said town suburban or rural land held by him under a lease, at the upset price as fixed in the said Act, the rental paid prior to the purchase shall be considered as the deposit made at the application for the purchase of the said land, and upon the balance being paid to the Receiver of Land Revenue, the purchaser shall be entitled to a Crown grant thereof: Provided also that if at any time the lessee of any town suburban or rural section shall neglect to pay the annual rent within three months after the same shall become due, the Waste Lands Board shall have power to determine such lease, and to declare such lease forfeited, and to dispose of the same by auction, inclusive of improvements effected thereon; and after payment of the rent due and the expenses of the sale, the surplus shall be handed over to the lessee.

Rangers appointed.

29. The Waste Lands Board may appoint one or more Rangers, whose duty shall be to see that the provisions of this Act are carried into effect, and to report any neglect or breach thereof to the Waste Lands Board.

LANDS IN GOLD FIELDS IN COUNTY TO BE DEALT WITH UNDER THIS ACT.

Act to apply to land within gold fields.

30. Whereas by an Act of the General Assembly intituled "The Gold Fields Act, 1866," it is enacted that any district proclaimed or to be proclaimed a gold field shall not be subject to any provisions of any law for the time being in force regulating the sale disposal and occupation of Crown lands within the Province in which such gold field is situate, except (amongst other exceptions) so far as the provisions of such law may specially authorize the sale or leasing of land within a gold field: Be it enacted that notwithstanding anything in the said last-mentioned Act, or any Act amending the same or passed for the like purposes, contained to the contrary, all lands situate within any gold field now or hereafter to be proclaimed within the said County shall be sold leased or otherwise dealt with under this Act, in the same manner, by the same persons, and subject to the same conditions as if such lands were not situate within a gold field, and this Act shall be deemed to specially authorize such sale lease or other disposal.

Act to be read as part of "The Westland Waste Lands Act, 1870."

31. This Act shall be deemed and taken to be part of "The Westland Waste Lands Act, 1870," and shall be construed accordingly.

Westland Waste Lands Act Amendment.

SCHEDULE.

Schedule.

Province of }
Westland. } LICENSE TO DEPASTURE STOCK.

WHEREAS , of , hath been duly declared the licensee entitled to the right to depasture stock for years upon the waste lands of the Crown within the Province of Westland hereinafter specified, on the terms and upon the conditions hereinafter mentioned: Now therefore, we, in pursuance of the power vested in us as Commissioners of the Waste Lands Board for the said Province, do hereby grant to the said the exclusive license from and after the date hereof until the day of , 18 , to depasture stock upon the land situate and bounded as hereinafter described, that is to say, Run No. , and containing acres or thereabouts; subject, nevertheless, to the payment of the rent of per acre yearly in advance on the day of in each and every year, and to all the provisions and conditions contained in the laws and regulations now in force for the letting, disposal, and occupation of the waste lands of the Crown within the Province of Westland.

Given under our hands at the sitting of the Waste Lands Board held at , on the day of 18 .

A.B.
C.D.
E.F.

Indorsement.

I, the within-named , for valuable consideration to me paid by , of , do hereby transfer to the said the within-written pasturage license, and all my estate and interest therein.

Witness my hand this day of , 18 .
Witness—

WELLINGTON, NEW ZEALAND:

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