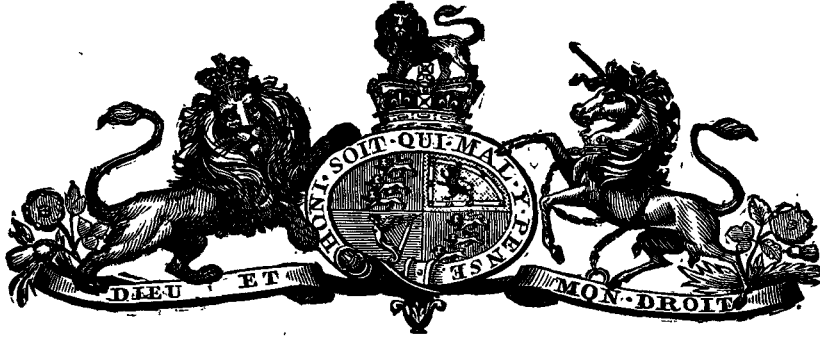


NEW ZEALAND.



TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. XVIII.

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AN ACT to amend "The Marlborough Waste Lands Act, 1867." Title.
[31st August, 1874.]

WHEREAS it is expedient to amend "The Marlborough Waste Lands Act, 1867:" Preamble.

BE IT THEREFORE 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 Marlborough Waste Lands Act 1867 Amendment Act, 1874." Short Title.

2. Sections twelve, thirty-seven to forty-nine both inclusive, fifty-six, fifty-seven, and Schedules A and D of "The Marlborough Waste Lands Act, 1867," are hereby repealed; but such repeal shall not affect any lease or agreement for a lease, or any other contract matter or thing lawfully made or done under the said Act, before the coming into operation of this Act; and in section eighty of the same Act the words "in the form set forth in Schedule D to this Act" are hereby struck out. Repealing clause.

Marlborough Waste Lands Act 1867 Amendment.

Size of sections to be fixed by Board.

3. Sections of town, suburban, rural and pastoral and mineral lands may be of such size as the Waste Lands Board may from time to time determine, provided that no section of land shall be more than three hundred and twenty acres. Within the above limits, any section may at any time previous to sale be altered or subdivided by the Waste Lands Board; but no alteration shall take place between the time of advertising the same for sale and the time of its being offered for sale by auction.

LEASES OF MINERAL LANDS.

Mineral lease may be granted.

4. 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 may be fixed by the Waste Lands Board, not exceeding six hundred and forty acres.
- (2.) The term to be granted shall be any number of years not to exceed twenty-one.
- (3.) That a money rent shall 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 from time to time 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 to be fixed by the Board.
 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 surrender the lease.
 8. For granting free access when necessary over the waste lands to the lands or mines demised, and for reserving full rights of way over and through such lands or mines.

Application to be sent to Land Office.

5. Every application for a lease shall be sent in by the applicant to the Land Office 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 paid to the Board.

Deposit.

6. Any person applying for a lease of any waste lands for the purpose of mining for any or all minerals other than gold, shall at the time of the application deposit one shilling for every acre over which the application extends, which deposit shall be deducted from any future fees or rent to be paid for or under the lease to be granted in respect of such application.

Applicant to furnish plan.

7. 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

Marlborough Waste Lands Act 1867 Amendment.

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.

8. It shall be lawful for the Board, if they shall think fit, on the receipt of a fee of five pounds, to grant protection for a period not exceeding thirty days to any discoverer of auriferous land outside any proclaimed gold field over a block of such land not exceeding sixteen acres and a half on a quartz reef or ten acres on alluvial ground; and in case of any other metals or minerals, the Board may, on receipt of a fee of three pounds, grant protection for a period not exceeding sixty days over a block of land not exceeding fifty acres.

Protection to discoverers of minerals.

9. Any land so protected as aforesaid shall be marked out by posts, and the word "Protected" posted in some conspicuous place on the said land.

Protected land to be marked.

10. All objections to applications for mining leases, and all disputes arising with respect to the boundaries of lands under such leases, shall be decided by the Board.

Objectors.

OCCUPATION LICENSES FOR CUTTING TIMBER AND OTHER PURPOSES.

11. It shall be lawful for the Board to issue licenses on such terms and conditions and in such forms as may be by the Board prescribed, authorizing the holders to occupy for any period not exceeding ten 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.

- Cutting and removing flax,
- Cutting and removing timber,
- Removal of stone sand or gravel,
- Working quarries,
- Sites for saw-mills and flax-mills.

12. No such license shall be granted by the Board until at least one calendar month after notice of their intention to grant the same shall have been advertised in the Provincial Government *Gazette*, and in some newspaper circulating within the district in which such license is proposed to be granted; and in the event of any person stating to the Board his objection to the granting of any such license, such objection shall be considered and decided upon by the Board prior to the granting of such license.

Notice of intention to grant license to be advertised.

13. 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.

14. No such license shall preclude 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.

15. The costs of preparing every such license or a transfer of a license shall be borne by the licensee or transferree; and every such license 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.

PASTORAL LICENSES AND LEASES.

16. The right of free entry upon any land held under license or lease for the purpose of searching for gold or any other metal or mineral is reserved to the Board, and to such persons as shall be authorized so to do in writing by the Board, subject to such conditions and to the payment of such deposit as the Board may appoint; and every license or lease shall be subject to a condition that such license or lease may

Right to search for gold, &c., reserved.

Marlborough Waste Lands Act 1867 Amendment.

be cancelled or suspended, as regards the whole land held under the same or any part thereof, when any payable gold or other metal or mineral shall be discovered on the land. And in either case the licensee or lessee shall be entitled to compensation, the amount of which, failing a settlement by agreement between the Board and the licensee or lessee, shall be settled by arbitration in manner set forth in "The Lands Clauses Consolidation Act, 1863."

Mines and minerals
to be reserved.

17. In every such license or lease which may hereafter be granted by the Board, there shall be a proviso reserving to Her Majesty the Queen, her heirs and successors, all mines and minerals in or under the land comprised in such license or lease, with the right to and for Her Majesty, her heirs and successors, her or their lessees or licensees, to search for work and vend such mines and minerals, and to make roads for access to the same through the land comprised in such license or lease, paying or allowing to the lessee compensation for any injury to which he may be subjected by the exercise of such right, such compensation to be determined in manner provided in the last preceding section.

LANDS FOR SETTLEMENT AND PUBLIC WORKS.

Lands may be given
in payment for
public works.

18. Whenever any person shall, after public tender in the usual manner, have contracted with the Superintendent to make and complete within a given time any public work, and shall agree to take land in full or in part payment for such work, and shall have furnished such security as the Superintendent may have required for the due completion of such contract, the Waste Lands Board shall offer such lands for sale by public auction; and in the event of such lands realizing more at such sale by auction than the amount agreed upon for such work, then the contractor shall be paid in money, so that in all cases the agreement shall be to be paid in money or land—provided also that such portion or portions of land shall be shaped situated and assessed in accordance with the regulations in force within the province; and upon the production of a certificate from the Superintendent that the work contracted to be done has been satisfactorily completed, the person so contracting shall receive a certificate entitling him to a grant of such portion or portions of land to be taken by him as payment or part payment, as the case may be, of the price of the work.

Amount to be de-
termined by vote of
Provincial Council.

19. The amount to be disposed of under the last preceding section in payment or part payment of public works in each year shall be determined by vote of the Provincial Council.

Limit of quantity of
land to be given.

20. No greater amount than three hundred acres of land shall under the last preceding section, and in any one year, be granted or contracted to be granted as payment or part payment in land to any one person or in respect of any one contract; and the total amount of land which may under the said section be granted or contracted to be granted as payment or part payment in land in any one year shall not, for or in respect of the construction of any one work, exceed two thousand acres; and the total amount of land which may under the said section be granted or contracted to be granted in any one year, on any account whatever, shall not exceed five thousand acres.

WELLINGTON, NEW ZEALAND:

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