

NEW ZEALAND.

ANNO VICESIMO QUARTO ET VICESIMO QUINTO

VICTORIÆ REGINÆ.

No. 20.

ANALYSIS.

Title.	
Preamble.	
1. Short Title.	
2. Lands to be reserved for settlement by the Waste Lands Board.	
3. Money expended on Public Works to be added to upset price of such lands.	
4. Compensation for roads &c. may be given in land.	
5. Payment for Roads or Public Works may be made in land.	
6. Certificates of remission of price of land to be given.	
7. Reserves of land to be published.	
8. Duration of reserves.	
9. Maximum sum to be remitted.	
10. Sections of former Regulations repealed.	
11. Deposit on mining applications.	
12. Dead rent on mineral lands.	
13. Royalty on minerals.	
14. No conditions as to amount or quantity of minerals to be raised.	
15. Clauses to be inserted in mineral lease.	
16. Special Clauses to be inserted in Mining leases for Coal Fields in the Grey District.	
17. Mineral lands leased not to be sold by the Crown.	
18. Applications for land under lease may be received. Fees to be paid.	
19. Holders of former leases may exchange them for leases under this Act.	
20. Holder of Lease to surrender same on requisition of Waste Lands Board.	
21. Deposit required by Section 11 to be paid on prior applications.	
22. Provisions as to payments of fees in Section 18 to extend to applications made prior to Act coming in force.	
23. Objections and disputes how to be settled.	
24. Applicant for Depasturage License to pay proportional cost of survey.	
25. Provisions for mineral lands not to apply to auriferous lands.	
26. Old Regulations rescinded.	
27. Act when to come into operation.	

**AN ACT to amend the Regulations for the Sale or Disposal of Crown Lands in the Province of Nelson.** Title.

*[Reserved for the Signification of Her Majesty's pleasure.]*

**WHEREAS** certain Regulations for the sale and disposal of the Waste Lands of the Crown within the Province of Nelson contained in a Bill passed by the Provincial Council thereof and specified in the Schedule to the "Waste Lands Act 1858" of the General Assembly of New Zealand were declared valid by the said Act and are now in force in the said Province And it is expedient that the same be amended Preamble.

**BE IT THEREFORE ENACTED** by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows

I. The Short Title of this Act shall be the "Nelson Waste Lands Regulations Amendment Act 1861." Short Title.

RESERVATION OF LAND FOR SETTLEMENT &c.

II. It shall be lawful for the Waste Lands Board of the Province of Nelson whenever it may seem expedient so to do to Lands to be reserved for settlement by the Waste Lands Board.

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*Nelson Waste Lands Regulations Amendment.*

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reserve from sale temporarily any blocks of land that the Provincial Government may intend to prepare for settlement by the making of roads or the construction of other public works therein Provided that notice of such reserve shall be given in the *Government Gazette* of the Province of Nelson and in some newspaper circulated in the Province.

Money expended on Public Works to be added to upset price of such lands.

III. Whenever any such blocks of land shall have been reserved and the Provincial Government shall have caused such roads or other public works to be constructed therein in order to facilitate the settlement of the same either out of monies voted by the Provincial Council for such roads or public works or under the provisions hereinafter contained for authorising the remission of the purchase money of land as payment for labor it shall be lawful for the Board to add to the upset prices that would have been set upon such respective blocks of land under the Waste Lands Regulations aforesaid any such sums though in excess of the maximum prices prescribed thereby as shall be equivalent to the money expended on such roads or public works or to the purchase money to be remitted as aforesaid in payment for the same within such blocks respectively.

LAND IN PAYMENT FOR ROADS OR LABOR ON PUBLIC WORKS.

Compensation for roads &c. may be given in land.

IV. Whenever any owner of land shall be entitled to compensation in respect of any land which shall have been taken for the purposes of a road or any other public work or in respect of damages done to his property by the taking of such land for such purposes such person shall upon application to the Waste Lands Board receive a certificate entitling him to a remission of so much of the purchase money of any land to be bought by him at auction under the Waste Lands Regulations or taken at a price to be assessed by the Waste Lands Board as shall be equal to the compensation aforesaid.

Payment for roads or Public Works may be made in land.

V. Whenever any person or persons shall after public tender in the usual manner contract with the Superintendent to make and complete within a given time any public road bridge or other similar 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 require for the due completion of such contract it shall be lawful for the Waste Lands Board at its discretion to reserve from public sale in the manner and for the time hereinafter provided such portion or portions of land as the person or persons so contracting shall desire to receive in payment as aforesaid Provided always that such portion or portions of land shall be previously assessed by the Waste Lands Board and such assessment shall have been agreed to by the person or persons contracted with And provided further that all such blocks of land shall be taken and assessed as far as practicable in accordance with the aforesaid Regulations as regards size shape and locality of sections of land.

Certificates of remission of price of land to be given.

VI. Upon the production of a certificate from the Superintendent that the work contracted to be done has been satisfactorily completed the person or persons contracting shall receive from the

*Nelson Waste Lands Regulations Amendment.*

Waste Lands Board a certificate entitling him or them to a remission of the assessed price of such portion or portions of land or so much thereof as shall be equal to the sum for which he or they has or have contracted to execute the work agreed upon.

VII. Every such reservation of land from public sale shall be published in the *Government Gazette* of the Province and in some Newspaper circulated therein. Reserves of land to be published.

VIII. No such reservation shall continue in force for a longer period than two years from the date on which it shall have been made. Duration of reserves.

IX. No greater sum shall be remitted to any one person under the foregoing clauses than one hundred and fifty pounds in any one year nor shall the total sum so to be remitted exceed Two thousand pounds in the same period. Maximum sum to be remitted.

## LEASING OF MINERAL LANDS.

X. Sections 50 51 and 53 of the aforesaid Bill are hereby repealed. Sections of former Regulations repealed.

XI. A deposit of five pounds shall be paid upon every application for a Mining Lease which amount will be deducted from any future royalty or rent paid under any lease granted in respect of such application. Deposit on mining applications.

XII. There shall be paid by the lessee of any mineral lands for every acre comprised in the lease a dead rent of sixpence per acre for each of the first two years of the lease and one shilling per acre for each year of the residue of the lease and one shilling per acre for each year of any renewed lease but any sums paid by the lessee as a royalty upon the minerals raised in any one year shall be deducted from the amount of the dead rent payable for such year and whenever the amount of such royalty shall in any one year equal or exceed the amount of the dead rent no such dead rent shall be required for such year. Dead rent on mineral lands.

XIII. There shall be reserved a royalty or rent not less than one-fiftieth and not exceeding one twenty-fifth of the minerals raised. Royalty on minerals.

XIV. No mineral lease shall impose upon the lessee any condition as to the nature or quantity of minerals to be raised. No conditions as to amount or quantity of minerals raised.

XV. The lease shall contain clauses for securing the payment of the royalty or rent for enabling some person on the part of the Government to enter and examine the mine for delivering up the property at the termination of the lease in good tenantable repair for enabling the lessee to surrender the lease whenever he shall think proper so to do upon payment of all rent or royalty due up to the time of such surrender and for making void the Lease upon breach of the stipulations terms and conditions contained in such Lease. Clauses to be inserted in mineral lease.

*Nelson Waste Lands Regulations Amendment.*

Special Clauses to be inserted in Mining Leases for Coal Fields in the Grey District.

**XVI.** Provided always that in every Lease of Land for Mining purposes within the Coal Fields of the Grey District there shall be inserted such conditions for securing the efficient working of the mine and for the payment of such rent and Royalty in addition to the amount thereof specified above and for the forfeiture termination or renewal of the Lease as the Waste Lands Boards may think right.

Mineral lands leased not to be sold by the Crown.

**XVII.** No land comprised in any such lease shall be sold by or on behalf of the Crown during the continuance of the same and in every case where the conditions of the lease shall have been duly fulfilled the lessee shall be entitled to a renewal of the lease on the same terms as those of the original lease Provided that no land shall be leased for Mineral land which shall be adapted for agriculture.

Applications for land under lease may be received. Fees to be paid.

**XVIII.** Applications for a Mineral lease of any land already under such lease or for any part thereof may be received during the continuance of such last named lease but to entitle the applicant in case of the forfeiture or determination of such last named lease to the next lease of such land or any part thereof a fee of five pounds for every portion of land up to one square mile and after the rate of five pounds for every additional square mile or portion of a square mile applied for shall be paid in advance for every twelve months commencing at the date of the application of the continuance of the prior lease after such date.

Holders of former leases may exchange them for leases under this Act.

**XIX.** Every holder of a Mineral lease granted before the first day of August 1861 may at any time within two years thereafter at his option surrender the same and shall be entitled to a fresh lease under this Act.

Holder of Leases to surrender same on requisition of Waste Lands Board.

**XX.** Every holder of a Mineral Lease granted after the first day of August 1861 under the aforesaid Regulations shall surrender the same on being required so to do by the Waste Lands Board and be entitled to receive a Lease under the provisions of this Act of the land comprised in the aforesaid Lease.

Deposit required by Section 11 to be paid on prior applications.

**XXI.** Within three months after this Act shall have come into operation there shall be paid in respect of every application made prior to that date the deposit required by Section XI the said deposit to be deducted as therein provided.

Provisions as to payment of fees in Section 18 to extend to applications made prior to Act coming in force.

**XXII.** The provisions in Section XVIII relating to the payment of fees upon applications for land already under lease shall extend to all such applications made prior to the coming into operation of this Act and the payment of such fees shall date from the period last mentioned.

Objections and disputes how to be settled.

**XXIII.** All objections to applications for Mineral leases and all disputes arising with respect thereto or to the boundaries of Mineral leases applied for or leased shall be proceeded with and disposed of in the same manner in all respects as is provided by the regulations aforesaid in the case of pasture lands and the Waste Lands Board aforesaid shall have the like powers to hear and dispose of the same accordingly.

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*Nelson Waste Lands Regulations Amendment.*

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SURVEYS OF PASTURE LANDS.

XXIV. In any case where the Provincial Government shall have caused tracts of land to be surveyed with respect to which Licenses for Depasturing purposes have been or are likely to be applied for every applicant for such a License shall on receiving the same pay to the Provincial Government towards the cost of such survey a sum bearing the same proportion to the cost of the whole survey as the number of acres comprised in the License to be issued to him shall bear to the whole number of acres so surveyed by the Provincial Government.

Applicant for Depasturing License to pay proportional cost of survey.

GENERAL.

XXV. The Provisions herein contained relating to the leasing of Mineral lands shall not apply to auriferous lands.

Provisions for leasing mineral lands not to apply to auriferous lands.

XXVI. The Regulations now in force within the Province of Nelson relating to the sale and disposal of the Waste Lands of the Crown so far as the same are repugnant to this Act shall be and the same are hereby rescinded.

Old Regulations rescinded.

XXVII. This Act shall not come into operation until Her Majesty's pleasure shall have been taken thereon and the same shall have been confirmed by Her Majesty with the advice of Her Privy Council and a Proclamation of such confirmation having been given shall have been made by the Governor.

Act when to come into operation.