

NEW ZEALAND,



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO  
**VICTORIÆ REGINÆ.**  
 No. 75.

ANALYSIS:

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**AN ACT to regulate the disposal and administration of the Waste Lands of the Crown in New Zealand.** Title

[ Reserved for the signification of Her Majesty's pleasure thereon, 19th August, 1858. ]

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

I. The several Acts, Ordinances, and Regulations, specified in the Schedule to this Act annexed, are, hereby declared to have been valid from the time of the passing or issuing thereof, and the said Acts, Ordinances and Regulations, and the Bills specified in the said Schedule shall hereafter have the full force and effect of Law in the several Provinces to which

Acts, &c, specified in schedule declared valid, and to remain in force with certain exceptions.

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they respectively relate, except so far as the same are repugnant to or inconsistent with the provisions hereinafter contained, that is to say,—

1. No larger quantity of Land than 320 acres shall be put up for sale by auction in any one lot, and the upset price shall in no case be less than 5s. an acre.
2. No Land after the first day of August, 1860, shall be sold upon credit, except such as it may be lawful to set apart for Special Settlement by Immigrants expected to arrive.
3. The priority of choice shall in no case whatever be decided by lot, but in all cases in which two or more applications are made on the same day for any Land open for selection at a fixed price, such land shall be put up to auction at an upset price of the same amount as the fixed price, at which auction only the applicants in person or by their agents shall be allowed to bid. But this provision shall not extend to applications heard before the Waste Lands Board of the Province of Canterbury.

Governor in Council may alter prices of lands.

II. If at any time the Superintendent and Provincial Council of any Province shall recommend to the Governor that an augmentation should be made in the price at which the Waste Lands of the Crown within such Province shall be offered for sale either by selection or by auction, it shall be lawful for the Governor in Council, if he think fit, to fix such price accordingly.

The Governor to constitute Offices and appoint Officers.

III. Subject to the said several Acts, Ordinances, Regulations, and Bills, and in cases where no provision shall have been made in such behalf, it shall be lawful for the Governor in Council in the name and on behalf of Her Majesty to constitute such Offices and Boards, and appoint such Officers as may be necessary for the management and administration of the Waste Lands of the Crown, and for the survey thereof, within the several Provinces of the Colony; and from time to time to make such changes and alterations, and remove such Officers, as he may think fit.

Powers vested in Superintendent to be exercised by Governor.

IV. All the acts authorised or required to be performed by, and all the powers conferred upon or given to the Superintendents of the several Provinces, acting either with or without the advice or the advice and consent of the respective Executive Councils thereof, under or by virtue of the several Acts Ordinances Bills and Regulations specified in the Schedule to this Act, shall henceforth cease to be vested in the Superintendent, and shall and may henceforth be vested in and may be performed and exercised by the Governor alone fully and effectually for all purposes.

Governor may compel performance of engagements.

V. It shall also be lawful for the Governor to exercise and perform every power and act which may be necessary to complete, carry out, or compel the performance of any subsisting Contract or Agreement, which may have been

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lawfully made, entered into or commenced, under any Law in force within any Province before the coming into operation within such Province, of any of the several Acts, Ordinances, Bills and Regulations specified in the said Schedule.

VI. It shall be lawful for the Governor under his hand and the Public Seal of the Colony, from time to time to delegate to the Superintendent of any Province, or to such other person as the Governor may think fit, all or any of the powers vested in the Governor by Sections 3, 4, and 5, and also by Section 14 of this Act, subject or not, to any limitations or restrictions as he may think fit, and in like manner to revoke any such powers: Provided always, that any power which may be in any Superintendent at the time of the coming into operation of this Act, under any of the Acts, Ordinances, Bills or Regulations specified in the said Schedule, shall thenceforth be deemed and taken to have been duly delegated under this Act.

Governor may delegate powers.

VII. Subject to the said several Acts, Ordinances, Regulations and Bills, it shall be lawful for the Governor in Council from time to time to make and revoke Regulations for the guidance of the several Officers employed in the management and administration of the Waste Lands of the Crown, and for the management and conduct of the business of any Land Board or Office, and for the settling of all disputes and differences relating or incident to the sale, letting, disposal, or occupation of the Waste Lands of the Crown, and all such regulations shall be binding and conclusive on all persons whomsoever.

Governor may make regulations.

VIII. All fees payable on the issue of Crown Grants shall be chargeable in the first place with the salary of a Secretary for Crown Lands, and with the costs and expenses of maintaining a Crown Grant Office.

Appropriation of Crown Grant Fees.

IX. So much of the 62nd section of the Constitution Act as authorises the Governor to pay out of the Revenue arising from the disposal of the Waste Lands of the Crown, all the costs, charges, and expenses incident to the collection, management and receipt thereof, is hereby repealed, and except the salaries of the Secretary for Crown Lands and of the Receivers of Land Revenue, and the expense incident to the maintenance of the Crown Grant Office, all the costs, charges, and expenses incident to the management and administration of the Waste Lands of the Crown within each Province of the Colony, shall be regulated by Acts or Ordinances to be passed by the Superintendent and Provincial Council thereof.

Part of section 62, Constitution Act, repealed; costs of administration of Waste Lands to be regulated by Acts or Ordinances of Provincial Councils.

X. All the accounts of such costs, charges, and expenses shall be audited by the Secretary for Crown Lands, and so far as the same relate to each Province, shall be from time to time laid before the Provincial Council thereof.

Accounts of Receipts and Disbursements to be audited by Secretary for Crown Lands.

XI. And whereas it is proper and expedient that power should be given to the Governor to fulfil engagements heretofore made on behalf of Her Majesty, and also to make Reserves for certain public purposes within the colony: Be it therefore

Governor to fulfil contracts, &c.

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further enacted that it shall be lawful for the Governor at any time to fulfil and perform any contract, promise, or engagement heretofore made by or on behalf of Her Majesty, and whereof there is evidence in writing, with respect to any allotment or parcel of land within the Colony, and any Crown Grant made in pursuance of any such contract, promise, or engagement, shall be valid.

Governor empowered to make Reserves,

XII. It shall also be lawful for the Governor in Council, at any time and from time to time, to except from sale, and either reserve to Her Majesty, or dispose of in such other manner as for the public interest may seem best, such of the Waste Lands of the Crown in any of the said Provinces as may be required for the purposes of Military Defence, or for the construction of Trunk lines of road, or as Sites for Public Buildings for the use of the General Government, or for other purposes of public utility or convenience; and all such exceptions shall be deemed to have been made whenever the Governor by writing under his hand shall have notified to the Superintendent of the Province in which any land so excepted is situate, that the same is required for any of the purposes aforesaid, and such notification shall have been published in the *New Zealand Gazette*.

Governor may change purpose of, or exchange, or sell Reserves.

XIII. It shall also be lawful for the Governor in Council, by proclamation in the *New Zealand Gazette* to change the specific purpose for which any land has heretofore been or may hereafter be set apart as a reserve for the General Government, and also to exchange any land for the time being set apart as such reserve for other land of equal value, or to sell any land so set apart, as he may think fit; and in case of the exchange or sale of any such land to make a Crown Grant thereof accordingly: Provided always, that in the event of a sale of any such land, the proceeds thereof shall be invested in the purchase of other land, and any land so acquired by exchange or purchase, shall be forthwith proclaimed as a Public Reserve under "The Public Reserves Act, 1854."

Rights to make Roads reserved in certain Crown Grants may be released.

XIV. And whereas Crown Grants have heretofore from time to time been made, in which rights of Road through the Lands therein comprised have been reserved, and it is expedient that power should be given to release such rights: Be it therefore further enacted, that it shall be lawful for the Governor by writing under his hand to release, by an endorsement on the Crown Grant, or by a separate instrument, any rights reserved as aforesaid; and on such release being given, the power to take or set apart any Road by virtue of any such reservation shall thenceforth cease and determine: Provided always, that any Road set apart in pursuance of any such reservation, previously to such release, shall be deemed and taken for all purposes whatsoever to be a Public Road and Highway.

Naval and Military Settlers entitled to land free of cost.

XV. Whereas it is desirable to encourage the Settlement of Naval and Military Settlers throughout the Northern Island of New Zealand: Be it therefore further enacted, that Naval and

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Military Officers whether on full or half pay, and every non-commissioned Officer and Private, Marine, and Seaman, whether belonging to Her Majesty's service or to the service of the East India Company, who may retire or obtain his discharge from the service to which he may belong, or who having retired or obtained his discharge for the purpose of settling in the Provinces of New Plymouth, or Wellington, has not selected land under any former law or regulation enabling Naval and Military Settlers to select land free of cost, shall be entitled to land free of cost in the said Provinces respectively, in like manner and upon the same terms and conditions as Naval and Military Settlers are entitled to land free of cost under the "Auckland Waste Lands Act, 1858." And the several powers and duties of the Commissioner appointed under the said Act in respect of land to be so granted, shall be exercised and performed by any Commissioner of Crown Lands in the said several Provinces of New Plymouth and Wellington.

XVI. The Acts passed by the General Assembly of New Zealand, intituled respectively "The Waste Lands Act, 1854," and "The Provincial Waste Lands Act, 1854," are hereby repealed. Former Acts repealed.

XVII. 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 the Privy Council, and a Proclamation of such Confirmation having been given, shall have been made by the Governor of the Colony. Commencement of Act.

XVIII. The Short Title of this Act shall be "The Waste Lands Act, 1858." Short Title

*Waste Lands.**SCHEDULE*

*Of Acts, Ordinances, Bills and Regulations for the Sale, Letting, Disposal and Occupation of the Waste Lands of the Crown, referred to in this Act.*

Provinces,	By what Legislature or other authority enacted, or put in force.	Session and number of Acts or Ordinances.	Title, or Short Title.	Date assented to or put in force.
Province of AUCKLAND.	Act of the Governor and Provincial Council.	Session VIII., No. 2.	Auckland Waste Lands Act, 1858.	9th March, 1858.
	Bill passed by the Provincial Council, and reserved for the Governor's assent.	Session VIII., No. 3	Immigration Certificate Bill, 1858.	At passing of this Act.
Province of NEW PLYMOUTH.	Proclamation of the Governor under the Waste Lands Act, 1854.	.....	Regulations for the Sale and Disposal of the Waste Lands of the Crown.	20th October, 1855.
Province of WELLINGTON.	Proclamation of the Governor-in-Chief under the Constitution Act.	.....	General Land Regulations.	4th March, 1853.
	Proclamation of the Officer administering the Government, under the Waste Lands Act, 1854.	.....	Additional Land Regulations for the Amendment and Extension of the Regulations of 4th March, 1853.	16th June, 1855.
Province of NELSON.	Bill passed by the Provincial Council, and reserved by the Superintendent for the Governor's assent.	Session V.,	Nelson Waste Lands Bill, 1858.	At passing of this Act.
	Bill passed by the Provincial Council, and reserved by the Superintendent for the Governor's assent.	Session V.,	Dun Mountain Railway Act, 1858.	At passing of this Act.
Province of CANTERBURY.	Proclamation of the Governor under the Waste Lands Act, 1854.	.....	Regulations for the Disposal, Sale, Letting, & Occupation of the Waste Lands of the Crown.	9th February, 1856.
	Proclamation of the Governor under the Waste Lands Act, 1854.	.....	Amended Regulations.	14th August, 1856.
	Ordinance of the Governor and Provincial Council.	Session VII., No. 2.	Waste Lands Regulations Amendment Ordinance.	6th January, 1857.
	Bill passed by the Provincial Council, and reserved by the Superintendent for the Governor's assent.	Session IX., No. 1	Waste Lands Regulation Amendment Bill.	11th February, 1858.
Province of OTAGO.	Proclamation of the Governor under the Waste Lands Act, 1854.	....	Land Regulations.	12th February, 1856.
	Ordinance of the Governor and Provincial Council.	.....	Land Sales and Leases Ordinance, 1856.	27th January, 1857.
	Ordinance of the Governor and Provincial Council.	.....	Town Land Sales Ordinance, 1857.	11th February, 1858.