

NEW ZEALAND.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. 39.

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AN ACT to regulate the Sale Letting Disposal and Occupation of the Waste Land of the Crown within the Province of Nelson. Title.

WHEREAS it is expedient to amend and consolidate the Laws now in force for the Sale Letting and Disposal of the Waste Lands of the Crown in the Province of Nelson Preamble.

Nelson Waste Lands.

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

Short Title.

I. The Short Title of this Act shall be “The Nelson Waste Lands Act 1863.”

Interpretation.

II. In the construction of this Act the words and expressions following shall have the meaning hereby assigned to them unless there is something in the context repugnant to such construction. The terms “Province” “Government” “Provincial Council” “Superintendent” “Commissioner” “Board” and “*Gazette*” shall mean respectively the Province Provincial Government Provincial Council Superintendent Commissioner of Crown Lands Waste Lands Board and *Government Gazette* of or for the Province of Nelson and “Waste Lands” shall mean Waste Lands of the Crown in the same Province.

Repeal of Acts.

III. “The Nelson Waste Lands Regulations Amendment Act 1861” and the Schedule to the “Waste Lands Act 1858” so far as regards the “Nelson Waste Lands Bill 1858” are hereby repealed.

Save as to unfulfilled contracts.

IV. Provided always that nothing herein contained shall affect any contract promise or engagement made with or by or on behalf of Her Majesty or of the Government previously to this Act coming into operation and then incomplete and unfulfilled.

Constitution of Board.

V. There shall be established a Board to be called the “Waste Lands Board” to consist of the Superintendent the Commissioner and the Speaker of the Provincial Council any two of whom shall be a quorum. Provided always that in the event of the dissolution of the Council the Speaker then in office shall continue to be a member of the Board until a new Speaker be elected and provided further that in the event of the death absence or incapacity to act of the Speaker the Board shall be held duly constituted without his presence.

Board to keep a record.

VI. The Board shall keep a full true and particular record of all proceedings transacted by it which shall be open to public inspection during the customary office hours.

Commissioner of Crown Lands ordinary administrative officer.

VII. Ordinary business relating to the Sale Letting and Disposal of Waste Lands shall unless otherwise herein provided be done by a Commissioner of Crown Lands.

RESERVES.

Governor in Council may make reserves.

VIII. The Governor may by Order in Council make such reserves as he may deem expedient for purposes of Military Defence or for the Civil Service and use of the Colony. Provided that every such order shall be published in the *General Government Gazette* and shall be signified to the Board within one month from the date of the order.

Board may make reserves.

IX. It shall be lawful for the Board at any time by resolution published in the *Gazette* to make reserves of lands whether surveyed into sections and advertised for sale or not so surveyed

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and advertised and although at the time under license or under application for sale lease or license for the following purposes and things, viz. :—

- Districts proper to be constituted gold districts
- Lines of internal communication by roads railways canals or otherwise
- Drains around through or from swampy districts
- Gravel pits and ballast quarries
- Quays docks landing-places and the improvement of rivers and water-courses
- Sites for common schools in which reading and writing in English arithmetic English grammar and geography shall be taught
- Sites and endowments for evening schools in towns and villages and for public libraries and reading-rooms
- Sites and endowments for hospitals infirmaries and other charitable institutions
- Sites for scientific institutions mechanics institutes markets court-houses prisons or other public edifices
- Cemeteries
- Places for the embellishment of towns or the health and recreation of the inhabitants thereof
- And generally for any purpose of public profit advantage utility convenience or enjoyment

X. One-twentieth part of the Land of average value in every District shall when practicable also be set apart and reserved by the Board by resolution published in the *Gazette* as an Endowment for the purposes of Education whereof it shall be lawful for the Board to sell three-fourths and the proceeds of such sales shall be paid to the Central Board of Education for Educational purposes in accordance with the provisions of any law at the time being in force in the Province in that behalf and the remaining fourth part of Lands so reserved as aforesaid shall be granted to the said Central Board and their successors as a permanent endowment for the purposes aforesaid.

Educational reserves.

XI. It shall be lawful for the Board whenever it may seem expedient to do so to withhold from sale temporarily any blocks of land intended as sites for towns villages or suburban sections or any land that the Government may intend to prepare for settlement by making roads or other public works thereon.

Land may be temporarily withheld from sale.

XII. It shall be lawful for the Board from time to time by resolution published in the *Gazette* to alter or dispose of any reserve or to change the object thereof made under the 9th and 10th sections at any time before the same shall have been granted under the Public Reserves Act 1854 Provided that no disposal shall be made of any such reserve otherwise than under the general provisions herein contained Provided also that no reserve once granted for educational purposes under section 10 shall be disposed of by the Board and no such reserve shall be altered under this section except on the written request of the said Central Board of Education Provided further that no alteration or disposal of a reserve shall be made until after three months' notice in the *Gazette* and in some newspaper circulating in the Province.

Objects may be changed.

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SURVEYS FORMS OF SECTIONS &c.

Roads and streets.

XIII. Lines of Roads shall in every case be laid out in accordance as far as possible with the natural facilities offered by the country through which they pass and roads shall not be less than three quarters of a chain and streets shall not be less than one chain in width except where local circumstances shall render an adherence to this rule impracticable.

Forms of sections.

XIV. In laying out sections the following rules shall be adhered to as nearly as possible

1. Every section shall front on a road or shall have a right of way reserved thereto
2. Roads water frontages and natural advantages shall be equally distributed
3. Road frontages shall not exceed two-thirds of the depth of a section except where the road intersects a section.
4. Natural boundaries shall be taken advantage of
5. Except in the case of natural boundaries the sections shall be rectilinear and no such rectilinear block shall be taken so as in the opinion of the Board to render less available for sale or injuriously to affect in value any other portion of the Waste Lands
6. Where the land applied for does not front a road river stream lake or coast and lies at the back of the sections having such frontage any of which shall have been sold the land so applied for must be divided into such blocks as to give each proprietor of the sections aforesaid an opportunity as far as practicable of purchasing some portion of the land at the back of his section.

Size of section.

XV. Sections of Town Suburban Mineral and Rural Lands may be of such size as the Board may from time to time determine and any section may at any time previous to advertising for sale be altered or subdivided by the 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 Provided always that no section of Rural Land shall be less than 10 nor more than 320 acres.

Intervening lands may be purchased by owners of adjoining lands.

XVI. Where blocks of unsold land not exceeding forty acres exist between sold lands or between sold lands and rivers or sea coasts the proprietor of such sold lands may purchase such intervening lands although in blocks of irregular shape either at auction or at a fixed price to be assessed by the Board at his option Provided that when one of two or more proprietors entitled to purchase any such block shall apply for the same the other proprietor or proprietors so entitled shall receive notice from the Board of such application and if after the expiration of two months from the service of such notice there be more than one applicant it shall be lawful for the Board to divide the block among the applicants or else to sell the same by auction among them as to the Board shall seem meet.

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MAPS AND REGISTERS.

XVII. In order to ensure accuracy in the numbering of sections the registration of sales of land and the preparation of Crown Grants the whole Province shall be considered as divided into blocks of ten miles square each block shall be represented on a separate map the maps shall be distinguished by one series of consecutive numerals and the sections of land in each block to be hereafter laid out shall be distinguished by a separate series of consecutive numerals on the map of such block.

Preparation of maps.

XVIII. Every reserve and every alteration of a reserve or of a section shall be accurately represented on the map at the time when such reserve or alteration is made Each different class of reserves shall be distinguished by an uniform color and the numbers and dates of the *Gazettes* in which they are notified shall be specified thereon respectively.

Reserves to be delineated thereon.

XIX. Immediately upon the receipt of all the purchase money of any section the section sold shall be tinted yellow on the map and on the complain of every Crown Grant the section or sections granted shall be distinguished on the map by a border showing the boundary of the whole land comprised in such grant and by the name or names of the grantees thereof.

Land sold to be distinguished.

XX. Copies of all the Crown Grants of sections on one and the same map shall be bound in a separate volume which volume shall be distinguished by the number of the map to which it relates and a general register of all sections shall be kept which shall be divided into schedules corresponding to and bearing the same numbers respectively as the maps aforesaid.

Register of Crown Grants and Sections sold.

XXI. The maps of the said blocks the reports of the surveyors relating thereto or to any part thereof and the registers of land sold and granted shall at all times hereafter during office hours remain open to public inspection.

Documents to be open to inspection.

XXII. Schedules of all land to be sold by auction or to be at a fixed price after auction shall at all times be exhibited in the Land Office.

Schedules of land to be exhibited.

XXIII. All schedules of lands for sale and all registers of lands sold shall specify the number of each section and the number of the map on which it is laid down and every Crown Grant shall specify the number of each section thereby granted and the map on which it is delineated.

Numbers of sections to be shown.

SALES OF LAND.

XXIV. The Board shall classify the lands of the Province under four heads that is to say—

Lands to be classified.

1. Town land being sites reserved for towns and villages
2. Suburban land being land in the neighbourhood of such sites
3. Mineral land being land supposed to contain minerals of value
4. Rural land being all land not comprised in any of the foregoing classes

Provided that the Board may from time to time if they think fit alter the class under which any land is classified and remove

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it from the schedule of lands for sale for reassessment accordingly but every such alteration or removal shall be notified under the authority of the Board upon the schedules in the Land Office.

Sale to be by auction except &c. XXV. All sales except as is otherwise hereinafter provided shall be by auction and shall be conducted by the Commissioner or some person authorised by him.

Upset price of Town &c. land. XXVI. The upset price of Town Suburban and Mineral land shall be fixed by the Board.

Upset price of rural land. XXVII. The upset price of Rural land shall be from five shillings to forty shillings per acre to be fixed in like manner.

Augmentation of upset price. XXVIII. Whenever any blocks of land shall have been temporarily withheld from sale and the Provincial Government shall have caused roads or other public works to be constructed thereon either out of monies voted by the Provincial Council or under the provisions hereinafter contained for the remission of the purchase money of land as payment for labour it shall be lawful for the Board to increase the upset prices that would have been set upon such blocks of land respectively by any sums so paid or remitted for works within such blocks respectively although such upset prices should be thereby made to exceed the maximum price hereinbefore prescribed.

Land not to be sold until surveyed. XXIX. No land shall be sold unless the same shall have been previously surveyed and distinguished by appropriate numbers on the map of the block in which it is situated in manner hereinbefore provided.

Applicant may survey in certain cases. XXX. It shall be lawful for the Commissioner to allow any applicant for the purchase of unsurveyed land in a district the survey of which is not immediately about to be undertaken by the Government to have such land surveyed at his own expense by a surveyor authorised by the Commissioner in that behalf and receiving his instructions in each case from the Commissioner but the applicant shall be responsible for the correctness of such survey. The land may then unless reserved or withdrawn from sale be put up to auction and an allowance made to the purchaser for the expense of the survey at the rate of five acres for every hundred acres. Should the land be reserved or withdrawn from sale the applicant shall be paid the cost of the survey such cost to be ascertained and limited as provided in the section next hereinafter contained.

Provision in case of purchase by another person of the land surveyed by applicant. XXXI. If the land so surveyed be purchased by any other person than the original applicant the purchaser shall in addition to the amount bid for the same at the sale pay to the Commissioner to be paid by him to the original applicant as the cost of the survey such sum not exceeding one shilling per acre as may be assessed by the Commissioner and if the land so surveyed be not sold at auction the Commissioner shall add a sum limited and assessed as aforesaid to the upset price of the land before the same is placed on the schedule of land for sale at fixed prices and such sum shall be paid to the original applicant if and when such land is sold.

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XXXII. Any lands put up to auction or which may have been so put up at any time within three years prior to the coming into force of this Act and not sold may within three years next after such auction unless the same shall have been previously leased be purchased by any person who shall pay for the same at the time of making such purchase the original upset price in full or where there shall have been any bidding then the highest price bid together with any sum which may have been lawfully added under the last preceding section. Provided always that nothing herein contained shall prevent such land being withdrawn or from being again assessed advertised and put up for sale by auction but notice of such withdrawal shall in every case be posted in the Land Office and published in the next *Gazette*.

Land put up to auction and unsold may be purchased at upset price or highest bidding.

XXXIII. Whenever the title to any Native land shall have been extinguished it shall be lawful for the Superintendent within three months thereafter to permit any of the Natives who sold such land to the Government where an agreement to that effect was made at the time of such sale to purchase any portion of such lands being rural lands at a price to be assessed as hereinbefore provided and the same may be conveyed by Crown Grant accordingly.

On purchase of Native land Superintendent may permit sale of part thereof to settlers.

XXXIV. When lands are sold in districts in which all future lines of road have not been determined and laid out a right to construct a road shall be reserved in the grant and an allowance made to the purchaser for such reserve of five acres per cent. to purchasers of not more than two hundred acres and three acres per cent. to purchasers of more than that quantity. Provided always that if the right thus reserved shall not be exercised within three years from the delivery to the Commissioner of a request in writing from the owner or occupier of any land over which such right is reserved that the said right be exercised such owner or occupier shall be entitled to compensation from the Government for the damage done by the construction of such road to any improvements effected on the said land subsequently to the expiration of the said period.

Right of forming roads reserved in grants.

XXXV. Rural land not open for sale under any of the preceding provisions may be purchased in such sections as the applicants may describe and point out subject to the general regulations herein contained as to forms of sections and surveys at the maximum price of Two pounds per acre. Provided that whenever land so purchased is beyond the limits of the surveys already executed or about to be immediately executed by the Government the expense of the survey thereof shall be borne by the purchaser who shall deposit the estimated cost with the purchase money.

Lands not open for sale may be purchased under conditions.

XXXVI. No portion of the land occupied by a holder of a pasturage license whereon a homestead shall have been erected or improvements made shall be offered for sale until the offer of purchasing such land shall have been made to such license-holder at a price per acre assessed within the limits of the upset price of the class of land to which the land in question may belong.

Homestead to be offered to license holder previously to sale.

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Licensee may purchase homestead.

XXXVII. The holder of a pasturage license in such case shall be entitled to purchase a block of land not exceeding eighty acres containing his homestead and improvements at a price per acre assessed as aforesaid but he may be required to exercise his right of purchase at any time after three months' notice.

If licensee refuse to purchase land may be sold.

XXXVIII. In case of the licensee declining or neglecting to exercise his right of purchase the land on which his homestead stands may be offered for sale but in that case the value of his improvements shall be equitably assessed by the Waste Lands Board and the land shall be offered for sale at a price made up of the upset price of the land and the value of the improvements and if the land be sold the value of the improvements shall be paid to the licensee holder.

Value of Improvements to be paid to Commissioner.

XXXIX. In the event of the land upon which the homestead of any licensee holder of pasturage land stands being purchased by any person other than the holder of such license the value of the improvements thereon shall be paid by the purchaser to the Commissioner or other person duly authorised to receive the same immediately after the sale or the deposit shall be forfeited and the whole transaction shall become null and void.

License holder may remove his property.

XL. Whenever any portion of land comprised in any pasturage license shall be purchased by any other person than the holder of such license it shall be lawful for the Commissioner to delay giving possession for any time not exceeding three months to afford such licensee holder a reasonable time for the removal of his property.

LAND IN PAYMENT OF PUBLIC WORKS.

Land may be reserved and given as payment for works.

XLI. In order to enlist private enterprise and capital in the construction of large public works such as trunk roads railroads harbors and docks by means of grants of land as payment part payment or consideration for such work it shall be lawful for the Board when any person or Company shall have agreed with the Superintendent for the performance of any such work under the authority of an Act of the Provincial Legislature and shall have given such security as required in such Act for the punctual fulfilment of such agreement to reserve from sale such portions of land not exceeding in quantity three-fourths of the land of average quality within two miles next adjacent to such work or any part thereof or in case of a work made wholly or in part through other than Crown Lands then such other land of equal extent and of average quality in some other locality to be benefited by such work as may be agreed upon between the Board and the promoters of the undertaking and be authorised by such Act of the Provincial Legislature and upon the completion of such work being certified to the Board by the Superintendent Commissioner and Provincial Engineer by writing under their hands such person or Company shall be entitled to a grant of the land so reserved Provided that the land so to be reserved and granted shall not in any case be more in quantity than one acre for every pound sterling authorised by the Provincial Act as payment or consideration for such work respectively Provided also that no such Act shall come into operation until the time shall have expired within which it may be disallowed by the Governor.

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XLII. 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 lesser public work whether the same be or be not specially authorised by Provincial Act 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 it shall be lawful for the 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 so contracting shall desire to receive in payment or part payment as aforesaid Provided always that such portion or portions of land shall be previously assessed by the Board and such assessment agreed to by the person contracted with Provided also that such portion or portions of land shall be shaped situated and assessed as far as practicable in accordance with these regulations And upon the production of a certificate as aforesaid from the Superintendent that the work contracted to be done has been satisfactorily completed the person contracting shall receive from the Board 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.

The like as to works of less magnitude.

XLIII. No greater sum shall be paid in land to any one person under the last preceding section than One hundred and fifty pounds in any one year nor shall the total sum so to be paid within one year exceed Two thousand pounds except under authority of a Provincial Act.

Limit of land to be given for lesser works.

XLIV. Every such reservation of land from public sale shall be published in the *Gazette* and in some newspaper circulating in the Province.

Reservation to be published.

XLV. No such reservation shall continue in force for a longer period than one year from the date on which it shall have been made unless a longer period shall have been allowed for the completion of the work in respect of which it is made by such Act as aforesaid.

Expiration of reservation.

REMISSION OF PURCHASE-MONEY FOR COMPENSATION.

XLVI. Whenever any owner of land shall be entitled under any law for the time being in force in the Province to compensation in respect of any land which shall have been taken from him for the purposes of a road or other public work or in respect of damage done to his property by taking such land for such purposes such person shall upon satisfying the Board that such compensation is due 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 or taken at a fixed price after auction or at a price to be assessed by the Board under any of the provisions of these Regulations as shall be equal to the compensation aforesaid.

Scrip may be issued for compensation.

LICENSED OCCUPATION OF PASTURE LANDS.

XLVII. All persons requiring occupation licenses for unoccupied portions of Pasture Lands shall lodge with the Land Com-

Application for runs to be made to Commissioner.

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missioner of the district in which such run is situated a description thereof in the form or to the effect of Schedule A, and shall at the time of lodging such description pay to the Commissioner a cash deposit according to the following scale, namely :—

£5 for runs described as under 3,000 acres.

£10 for runs described as under 6,000 acres.

£15 for runs described as under 10,000 acres.

£30 for runs described as under 20,000 acres.

£50 for runs described as over 20,000 acres.

And no application shall be received for more than 30,000 acres.

And filed.

XLVIII. All applications which shall have been regularly made and in respect of which the required deposit shall have been paid shall be immediately filed and registered in the Commissioner's office and the register of all such applications shall be open to public inspection within office hours.

And published.

XLIX. The Commissioner shall publish without delay in the *Government Gazette* of the Province, the description of every run thus applied for together with the name of the first applicant for the same and the amount paid as deposit.

And decided on by Commissioner.

L. The Commissioner shall have power to hear and decide on all applications and also all objections thereto as well as all disputes in respect of conflicting applications and all disputes between holders of pasture occupation licenses regarding the boundaries of their respective runs in open court.

Objections to be lodged.

LI. All objections shall be lodged with the Commissioner within three months after the date of the publication above referred to and the ground of objection must be stated in writing and no objection shall be entertained unless made prior to the lapse of that period.

Day for hearing to be appointed.

LII. In the event of any objection being duly laid before the Commissioner within the prescribed time it shall be his duty to appoint by publication in the said *Government Gazette* and in some newspaper circulated in the Province as early a day for hearing and determining the claims and objections of the respective parties as shall be compatible with a sufficient notice.

Boundaries to be marked out.

LIII. The Commissioner may at any time require the holder of a license to distinguish the boundaries of his run by marked trees or posts or otherwise when they are not distinctly marked by nature.

Form and conditions of license.

LIV. So soon as practicable after the decision in favour of any applicant for a run and after the plan of the run hereinafter required shall have been furnished an occupation license, in the form of Schedule B to depasture stock thereon for fourteen years shall be issued to the applicant who shall pay for such license the sum of five pounds sterling, and shall be entitled to receive credit on account of rent reserved as hereinafter mentioned to the extent of the deposit lodged by him subject always to the following reservations and conditions :—

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1. No license whatever shall be issued until an estimate of the acreage of the run be certified to the satisfaction of the Commissioner as correct and indorse on a plan thereof which plan shall exhibit as nearly as may be the boundaries of the run and shall be attached to the license. The applicant shall obtain such certificate and plan at his own expense and lodge the same with the Commissioner within nine months from the date of the decision in his favour in default of which the application next on the register for the same run or any portion of it shall be published heard decided on and disposed of in a manner hereinbefore provided.

2. If at any time during the currency of such occupation license any part of the land comprised therein shall become included within the boundaries of any reserve then the said occupation license shall cease and determine as to the land included within such boundaries from and after the day on which it shall be notified that such reserve has been made.

3. If at any time during the currency of such occupation license the land comprised therein shall be sold by or on behalf of the Crown in that case also the said license shall cease and determine over so much of the land as shall have been sold, from and after three month's notice of such sale in the said *Government Gazette*.

4. Rent for a run shall be computed upon the acreage according to the following uniform rates that is to say; For the first seven years of occupation at the rate of one halfpenny per acre per annum. For the remaining seven years of occupation at the rate of one penny per acre per annum.

5. Should any part of the land comprised within any license be taken for a Government reserve an allowance of rent shall be made to the runholder in proportion to the quantity of land taken.

6. Within twelve months after the notification of the decision in favour of any applicant for a run the holder thereof shall be required to place on the run at least one breeding ewe for every twenty acres or else one cow for every one hundred and twenty acres and to maintain at least that number of breeding stock upon the run during the whole period of his occupancy. Should the holder of a license not comply with this condition his deposit shall be absolutely forfeited and the run shall be let as provided in the foregoing clause.

LV In the event of any run in respect of which such deposit has been made not being afterwards awarded to the depositor by the Commissioner or in the event of the applicant withdrawing his application before any award shall be made thereon the amount so deposited shall be returned.

Deposit to be returned if run not obtained by depositor.

LVI. The beneficial interest in any occupation license may any time after issue of the license be transferred by the license holder. In order to render such transfer valid it shall be necessary that all the conditions upon which the original license was granted shall have been complied with as to the payment of

License may be transferred.

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rent or otherwise and that notice shall be given to the Commissioner within one month of the transfer having been effected.

GENERAL REGULATIONS RELATING TO LICENSES.

- Licenses to expire simultaneously. LVII. All annual licenses shall be drawn so as to expire on the last day in each year.
- Fee to be diminished. LVIII. Licenses applied for after the 1st day of July in each year shall only be chargeable with half of the usual fee.
- Land may be sold notwithstanding license. LIX. No license will preclude the Government from including within a hundred or reserve or selling or shall in any way affect the rights of the Crown to land occupied in virtue of such licenses.

MINERS' PROSPECTING LICENSES AND MINING LEASES.

- Prospecting licenses may be issued. LX. When it shall be reported to the Board that minerals of value exist in any unsurveyed land they may at their discretion grant to the informant or to any other person applying for the same a prospecting license giving to such applicant for a term not exceeding 12 months the exclusive right to search for any or all minerals other than gold over such land not exceeding in quantity six contiguous square miles on the following terms:—
- 1 The description of the land over which the license is sought and a sketch of the boundaries thereof must be lodged with the application.
 2. A fee of one penny per acre on all the land comprised in the license must be paid at the issue thereof.
- Mining lease may be granted. LXI. The holder of any prospecting license may upon application at any time during its currency and on payment of the deposits and fees hereinafter provided obtain a mining lease of such portion, not exceeding two square miles of the land comprised within the license as the Board may determine, on the terms and subject to the exceptions hereinafter provided and no mining lease of any land under license shall be granted to any other person than the licensee or his assigns during the currency of such license.
- Transfer of license invalid unless registered. LXII. No transfer of a prospecting license shall be valid unless registered at the land office and a memorandum thereof endorsed on the license by the authority of the Commissioner.
- Deposit on application for lease. LXIII. Any person applying for a lease of any Waste Lands not already included in any reserve lease or prospecting license for the purpose of mining for any or all minerals other than gold shall at the time of application deposit one shilling for every acre over which the application extends which deposit shall be deducted from any future fees royalty or rent to be paid for or under the lease to be granted in respect of such application and a further payment of one shilling for every acre shall at the same time be made for the survey of the land applied for.
- Survey to be made. LXIV. The survey thereof shall be made with as little delay as may be by the Government but in case it shall not be prac-

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licable for the Government to make such survey without great delay the Commissioner may if he thinks fit allow the applicant to employ at his own expense some surveyor approved by the Commissioner to make such survey and in such case the applicant shall be entitled to a refund of the payment on account of survey so soon as the plan is accepted by the Commissioner

LXV. A lease of land surveyed as aforesaid may be granted by the Board to such licensee or applicant as aforesaid his executors administrators or assigns for the purpose of mining for any or all minerals other than gold on the following terms and conditions :—

Terms of lease.

1. The contents shall not exceed two square miles :
2. The term shall be twenty-one years :
3. There shall be paid a rent of sixpence per acre for each of the two first years of the lease and one shilling per acre for every subsequent year :
4. There shall be reserved such royalty as the Board may determine, being not less than a fiftieth nor more than one twenty-fifth of the minerals raised and the value of royalty or any sums paid in lieu of royalty for any one year shall be deducted from the rent for such year and when the amount of royalty for one year shall equal or exceed the rent for such year no rent shall be paid for such year :
5. The right to mine for gold shall be expressly reserved in the lease but it shall impose no other restriction or stipulation as to the nature and quantity of minerals to be raised except as hereinafter excepted in the case of coal fields :
6. The lease shall include only so much of the surface of the land to which it refers as may be agreed between the Board and the lessee :
7. The lease shall contain clauses for protecting the interests of the Crown for enabling the lessee to surrender the lease for granting free access where 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.

LXVI. Provided that in every lease within a coal-field there shall be inserted such conditions for securing the efficient working of the mines and for the payment of such rents and royalties in addition to the amounts above specified as the Board may think fit.

Further provisions may be inserted in lease.

LXVII. No land comprised in any prospecting license or mining lease shall be sold during the currency thereof and in every case where the conditions of a mining lease have been fulfilled the lessee shall be entitled to a renewal thereof for the same term at double the rents and royalties reserved in the original lease.

Lease may be renewed.

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Disputes to be settled by Board.

LXVIII. 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.

Auriferous land may not be leased.

LXIX. Auriferous lands may not be leased under the foregoing provisions and the decision of the Board whether land is auriferous or not shall be conclusive.

GOLD LEASES.

Provision for leases of auriferous land.

LXX. It shall be lawful for the Board if they think fit to grant leases of auriferous land not included in any gold-fields in blocks not exceeding ten acres at a rent in every case of ten per cent. on the value thereof as assessed by the Board, and for terms not exceeding seven years Provided that no land shall be valued at less than Ten Pounds per acre for the purposes of this section Provided further that before any lease is granted under this section the land thereby demised shall have been offered for sale by auction at the upset price on which the rent is charged.

GENERAL REGULATIONS AS TO AUCTIONS, RENTS, LICENSES, &c.

Sales to be advertised.

LXXI. No sale by auction of land or of any lease or license shall take place unless the time and place of sale shall have been approved by the Board and notified by the Commissioner in the *Gazette* and some newspaper circulating in the province not less than one month nor more than three months before such sale.

Contents of advertisement of sale.

LXXII. Every such notice of sale shall describe the position and class of the land referred to and when the land is for sale the upset price thereof.

Mode of payment for land.

LXXIII. Immediate payment in cash of one-tenth of the purchase money shall be made on every sale of land by auction and in default thereof in any case the lot on which default is made shall be again put up for sale at the conclusion of the auction the remaining nine-tenths together with any amount due for fees or surveys must be paid by the purchaser within one month after the day of sale or the one-tenth deposit will be forfeited and the sale null and void.

Fee on lease.

LXXIV. There shall be paid a fee of Thirty Shillings upon delivery of every lease.

Rents &c. how to be paid.

LXXV. All rents, monies, or fees, payable under or in respect of any lease or license shall be paid annually in advance and one years' rent or money shall be due and paid on the first day of January after the date of the lease and on every first day of January in any succeeding year during the term granted Provided that for leases granted or licenses issued after the thirtieth day of June in any year only half a years rent shall be chargeable on the next ensuing month of January.

Remedies if rent &c. in arrear.

LXXVI. If any fee rent or royalty payable under any lease or license be in arrear for six months, such lease or license shall be *ipso facto* void and the lease or license of the land in question shall be sold by auction as soon as practicable after such default Provided always that a fine shall be payable for the time not exceed-

