

(Mr. White.)

Westland Waste Lands.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Certain sections repealed of "The Westland Waste Lands Act, 1870."</p> <p>4. Application Book to be kept.</p> <p>5. Application fee.</p> <p>6. Application to be dealt with in order entered in Application Book.</p> <p>7. When concurrent applications, land to be put up to auction, &c.</p> <p>8. Cash deposit of 10 per cent. to be made in certain cases.</p> <p>9. As to corporate succession.</p> <p style="text-align: center;">PUBLIC RESERVES.</p> <p>10. Temporary reserves of timbered lands.</p> <p>11. Definition of front line.</p> <p style="text-align: center;">PASTURAGE.</p> <p>12. Pasturage runs may be laid off.</p>	<p>13. Right to depasture stock, &c.</p> <p>14. Rent to be paid yearly in advance.</p> <p>15. Holder of pasturage license entitled to certain pre-emptive right.</p> <p>16. Runs may be thrown open for sale.</p> <p style="text-align: center;">TIMBER.</p> <p>17. Timber may not be removed without due license.</p> <p style="text-align: center;">SPECIAL SETTLEMENTS.</p> <p>18. Size of blocks, annual rental, &c. Rental paid prior to purchase to be considered as deposit.</p> <p style="text-align: center;">DIVERTING AND STOPPING UP ROADS, &c.</p> <p>19. Board may divert or close roads, thoroughfares, &c.</p> <p>20. Governor may issue Crown grants.</p> <p>21. Auriferous land may be repurchased.</p> <p>22. Act to be read as part of "The Westland Waste Lands Act, 1870."</p> <p>Schedule.</p>
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A BILL INTITULED

AN ACT to amend "The Westland Waste Lands Act, 1870." Title.

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 Short Title.
- 5 Lands Act Amendment Act, 1873."
- 2 In the construction of this Act, the words "the said Act" Interpretation.
- shall mean "The Westland Waste Lands Act, 1870."
- 3 Sections fifteen, twenty-nine, forty-seven, sixty-two, sixty- Certain sections
- three, sixty-four, sixty-five, sixty-six, and seventy of the said Act are repealed of "The
- 10 hereby repealed: Provided that all acts matters and things done Westland Waste
- under or in pursuance thereof, and all rights acquired under such Lands Act, 1870."
- sections or any of them, shall be as good and valid to all intents and operation.
- 15 purposes as though the said sections had continued in full force and operation.
- 4. A book, to be called the "Application Book," shall be kept Application Book to
- open during office hours at the Land Office, in which the name of every be kept.
- 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
- 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
- 20 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,
- in the case of any application for the purchase or leasing of any land, shall give sufficient information to identify the land applied for.
- 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. 5

Application 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. 10

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

7. If two or more persons apply at the same time 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. 15
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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. 30
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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. 40

PUBLIC RESERVES.

Temporary reserves of timbered lands.

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 Land Board at an upset price and subject to conditions to be fixed in each case by the Board: Provided that the purchaser shall agree with the Chief Commissioner of the Board, who is hereby authorized to make the necessary contract of sale, to remove such timber within a certain time to be fixed by the Board, and all timber not removed within such time may be again put up and sold by public auction. The purchase money for such timber shall be paid to the Receiver of Land Revenue. 45
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Definition of frontage line.

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. 55

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

10 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

15 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

20 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

35 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-

40 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 thrown open for sale by the Waste Lands Board, in which case a proportionate part of the purchase money shall be repaid to the purchaser of the run so thrown open for sale, and the rent of the portion so thrown open for sale shall thereupon cease: Provided that the purchaser's pre-emptive right under section *fourteen* of this Act shall not be affected, or in any way prejudiced by such run or any part thereof being thrown open for sale.

Runs may be thrown open for sale.

TIMBER.

17. 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

55 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.

Timber may not be removed without due license.

SPECIAL SETTLEMENTS.

18. 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. 5

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 in advance the annual rent 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. 10
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DIVERTING AND STOPPING UP ROADS, ETC.

Board may divert or close thoroughfares, &c.

19. It shall be lawful for the Waste Lands Board to divert or stop up any public street road highway lane or thoroughfare in the Province of Westland, and also to sell exchange or otherwise dispose of the land over which any such public street road highway lane or thoroughfare was laid out or had passed: Provided that where any such public street road highway lane or thoroughfare shall be under the management or control of the Provincial Council or of any Road Board, or if the same shall be within any borough, the consent of the Provincial Council, or of such Road Board, or of the Council of such Borough, as the case may be, shall first be given before such public street road highway lane or thoroughfare shall be diverted or stopped up. 30
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Governor may issue Crown grants.

20. It shall be lawful for the Governor, in the name and on behalf of Her Majesty, to make and execute Crown grants in the usual form of any land which shall be sold exchanged or otherwise disposed of by the Waste Lands Board under last section. 40

Auriferous land may be repurchased.

21. When any land which has been bought at a reduced price under the fifty-sixth section of the said Act, or any rural lands, prove to be auriferous, the whole or any portion thereof may be repurchased by the Provincial Council within seven years of the original purchase, at the increase of one hundred per centum upon the price at which such lands were sold; and any improvements upon any lands so repurchased shall be purchased at valuation. 45

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

22. This Act shall be deemed and taken to be part of "The Westland Waste Lands Act, 1870," and shall be construed accordingly. 50

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SCHEDULE.

Schedule.

County of }
Westland. }

LICENSE TO DEPASTURE STOCK.

WHEREAS _____, of _____, hath been duly declared the purchaser of 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 County 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—