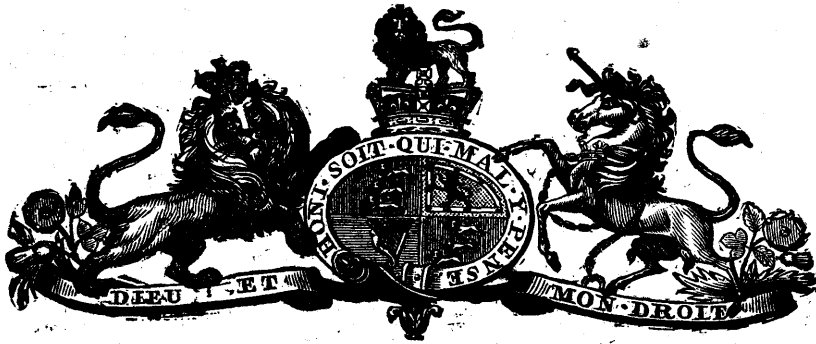


## NEW ZEALAND.



TRICESIMO OCTAVO

## VICTORIÆ REGINÆ.

No. XIX.

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## ANALYSIS.

## Title.

## Preamble.

1. Short Title.
2. Interpretation.
3. Acts repealed. First Schedule.
4. Provision as to waste lands within a gold field.
5. Constitution of Board.
6. Board to keep a record.
7. Commissioner of Crown Lands ordinary administrative officer.

## RESERVES.

8. Governor in Council may make reserves.
9. Board may make reserves.
10. Educational reserves.
11. Land may be temporarily withheld from sale.
12. Objects may be changed.
13. Board may lease reserves.

## SURVEYS, FORMS OF SECTIONS, ETC.

14. Roads and streets.
15. Forms of sections.
16. Size of sections.
17. Intervening lands may be purchased by owners of adjoining lands.

## MAPS AND REGISTERS.

18. Preparation of maps.
19. Reserves to be delineated thereon.
20. Land sold to be distinguished.
21. Register of Crown grants and sections sold.
22. Documents to be open to inspection.
23. Schedules of land to be exhibited.
24. Number of sections to be shown.

## SALES OF LAND.

25. Lands to be classified.
26. Sales to be by auction, except &c.
27. Upset price of town &c. land.
28. Upset price of rural land.
29. Augmentation of upset price.
30. Land not to be sold until surveyed.
31. Applicant may survey in certain cases.

32. Provision in case of purchase by another person of the land surveyed by applicant.
33. Land put up to auction and unsold may be purchased at upset price or highest bidding.
34. On purchase of Native land, Superintendent may permit sale of part thereof to settlers.
35. Right of forming roads reserved in grants.
36. Lands not open for sale may be purchased under conditions.
37. Homestead to be offered to license-holder previously to sale.
38. Licensee may purchase homestead.
39. If licensee refuse to purchase, land may be sold.
40. Value of improvements to be paid to Commissioner.
41. License-holder may remove his property.
42. Commissioner may withhold land from sale.
43. Board may sell or reserve land.

## LAND IN PAYMENT OF PUBLIC WORKS.

44. Land may be granted to persons or company constructing works on certain conditions.
45. Limit of lands to be granted.
46. The like as to works of less magnitude.
47. Limit of lands to be given for lesser works.
48. Reservation to be published.
49. Expiration of reservation.

## REMISSION OF PURCHASE MONEY FOR COMPENSATION.

50. Scrip may be issued for compensation.

## LEASES OF PASTORAL AND OTHER LANDS.

51. Application for leases to be made to Commissioner.
52. License fee and deposit to be returned in certain cases.
53. Application for leases to be published.
54. Board to decide on applications.
55. When lease to be issued.
56. Amount of land to be comprised in lease.
57. Board to assess land.
58. Rent to be £5 per cent. upon value of land.

*Nelson Waste Lands.*

59. Sections to be rectilinear.
60. How lease to be executed.
61. Lease to be forfeited if not executed within three months.
62. Terms of lease.
63. Mines and minerals to be reserved.
64. Holders of pastoral licenses may take lease in lieu thereof.
65. Holders of lease under repealed Act may take lease under this Act.
66. Board may exclude land from lease.
67. Governor may resume land in certain cases.
68. Lease may be transferred.
69. Fees to be paid on transfer.
70. Rents to be paid in advance.
71. Lease to be void if rent in arrear.
72. Notice of sale of lease to be given.
73. Purchase money of lease, how to be paid.
74. Holders of leases under recited Act may exchange same.
75. Lessee to be entitled to Crown grant after certain annual payments.
76. Lessee may purchase during currency of lease.
77. Lessee may pay purchase money in instalments.
78. Leaseholders to have pre-emptive right of purchase.

**MINERS' PROSPECTING LICENSES AND MINING LEASES.**

79. Prospecting licenses may be issued.
80. Mining lease may be granted.
81. Transfer of license invalid unless registered.
82. Deposit on application for lease.
83. Survey to be made.
84. Terms of lease.
85. Further provisions may be inserted in lease.
86. Lease may be renewed.
87. Disputes to be settled by Board.
88. Auriferous land may not be leased.

**AURIFEROUS LAND.**

89. Board may grant protection to discoverer of auriferous land outside gold fields.
90. Protected land to be marked out.
91. Mining lease may be granted.
92. Rent to be assessed by the Board.
93. If land included in future gold field, to be subject to regulations, &c.

**FLAX AND OTHER LICENSES.**

94. Flax licenses, &c., may be issued.
95. Occupation license for pastoral purposes may be issued.

**GENERAL REGULATIONS AS TO AUCTIONS RENTS LICENSES ETC.**

96. Sales to be advertised.
97. Contents of advertisement of sale.
98. Mode of payment for land.
99. Fee on lease.
100. Rents, &c., how to be paid.
101. Mineral lease forfeited if not executed within three months.
102. Disposal of fee and deposit on mineral lease applications.
103. Rent on mineral lease in arrear to be doubled, &c.
104. Disposal of forfeited leases or licenses.
105. Signature by Commissioner sufficient execution.

**MISCELLANEOUS.**

106. Penalty for unlawful occupation of Crown land.
107. Land upon gold field previously built upon may be sold.
108. Holder of agricultural leases may purchase.
109. Powers and authorities, how vested.
110. Date of commencement of Act. Schedules.

Title.

**AN ACT to regulate the Sale Letting Disposal and Occupation of the Waste Lands of the Crown within the Province of Nelson. [31st August, 1874.]**

Preamble.

**W**HEREAS it is expedient to amend and consolidate the laws now in force for the sale letting disposal and occupation of the waste lands of the Crown in the Province of Nelson :

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

Short Title.

**1.** The Short Title of this Act shall be "The Nelson Waste Lands Act, 1874."

Interpretation.

**2.** 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.

Acts repealed. First Schedule.

**3.** The Acts specified in the First Schedule to this Act are hereby repealed : Provided that nothing in this Act contained, except where otherwise expressly provided, shall affect any contract promise or engagement made with by or on behalf of Her Majesty previously to the coming into operation hereof, and then incomplete or unfulfilled ; and nothing in this Act shall be deemed to affect any licenses or leases for the occupation of waste lands for depasturing or other purposes,

*Nelson Waste Lands.*

granted or issued under any former Acts Ordinances or Regulations, and existing and being in force immediately before the time of the coming into operation of this Act, or during the terms or currency of such licenses or leases, the waste lands held thereunder or the rights of the holders thereof, except when otherwise expressly provided; but such licenses and leases and the rights of the holders thereof and the waste lands thereunder, except as expressly altered or varied by the provisions hereinafter contained, shall be and continue to be, during the terms or currency of such licenses and leases, regulated by and subject to the Acts Ordinances and Regulations to which the same were subject at the time of the coming into operation of this Act, notwithstanding the repeal of such Acts Ordinances or Regulations respectively: Provided however that the Board hereby constituted shall, with respect to such licenses and leases, and such unfulfilled contracts promises and engagements, have all the powers and authorities and perform all the duties vested in and conferred or imposed on any Waste Lands Board established under the provisions of the Acts Ordinances or Regulations by virtue of which such licenses and leases were issued or granted, or such contracts and engagements were entered into: Provided further that such last-mentioned Waste Lands Board shall continue in office until the day of the prorogation of the Session of the Provincial Council held next after the passing of this Act.

4. Notwithstanding anything in any Act to the contrary, waste lands situated within any proclaimed gold field, not being auriferous lands, may be sold leased reserved or otherwise dealt with by the Board in the same manner as lands of the same class not within a gold field: Provided that nothing herein contained shall have the effect of withdrawing such land from the operation of the Act intituled "The Resumption of Land for Mining Purposes Act, 1873."

Provision as to waste lands within a gold field.

5. There shall be established a Board to be called "The Waste Lands Board," to consist of the Superintendent, the Commissioner, the Speaker of the Provincial Council, and two other members, one of whom shall from time to time be appointed and removed by the Superintendent and the other by the Provincial Council; any three of the members of such Board to be a quorum.

Constitution of Board.

6. 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.

Board to keep a record.

7. Ordinary business relating to the sale letting and disposal of waste lands shall, unless otherwise herein provided, be done by the Commissioner of Crown Lands.

Commissioner of Crown Lands ordinary administrative officer.

## RESERVES.

8. 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.

Governor in Council may make reserves.

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

Board may make reserves.

Districts proper to be constituted gold districts.

Lines of internal communication by roads railways canals or otherwise.

*Nelson Waste Lands.*

Drains around through or from swampy districts.  
 Gravel pits and ballast quarries.  
 Quays docks landing-places, and the improvement of rivers and watercourses.  
 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.

Educational reserves.

**10.** 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.

Land may be temporarily withheld from sale.

**11.** 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 therein.

Objects may be changed.

**12.** 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 ninth and tenth 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 ten 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.

Board may lease reserves.

**13.** It shall be lawful for the Board from time to time to lease for any term not exceeding three years any reserves which shall have been gazetted reserves for general public purposes, unless the same shall have been granted to the Superintendent.

SURVEYS, FORMS OF SECTIONS, ETC.

Roads and streets.

**14.** 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.

*Nelson Waste Lands.*

**15.** In laying out sections, the following rules shall be adhered to as nearly as possible :— Forms of sections.

- (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.

**16.** 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 ten nor more than three hundred and twenty acres. Size of sections.

**17.** 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 no such lands shall be sold by auction at an upset price of less than five shillings per acre: 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. Intervening lands may be purchased by owners of adjoining lands.

## MAPS AND REGISTERS.

**18.** In order to insure 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.

**19.** 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 colour, and the numbers and dates of the *Gazettes* in which they are notified shall be specified thereon respectively. Reserves to be delineated thereon.

*Nelson Waste Lands.*

Land sold to be distinguished.

**20.** 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 completion 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.

Register of Crown grants and sections sold.

**21.** 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.

Documents to be open to inspection.

**22.** 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.

Schedules of land to be exhibited.

**23.** 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.

Number of sections to be shown.

**24.** 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.

## SALES OF LAND.

Lands to be classified.

**25.** The Board shall classify the lands of the province under four heads, that is to say,—

- (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 it from the schedule of lands for sale, for re-assessment accordingly; but every such alteration or removal shall be notified under the authority of the Board upon the schedules in the Land Office.

Sales to be by auction, except &c.

**26.** All sales, except as is otherwise hereinafter provided, shall be by auction, and shall be conducted by the Commissioner or some person authorized by him.

Upset price of town &c. land.

**27.** The upset price of town suburban and mineral land shall be fixed by the Board.

Upset price of rural land.

**28.** 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.

**29.** 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 moneys 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.

**30.** No land shall be sold unless the same shall have been

*Nelson Waste Lands.*

previously surveyed and distinguished by appropriate numbers on the map of the block in which it is situated, in manner hereinbefore provided.

**31.** 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 authorized by the Commissioner in that behalf, 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.

Applicant may survey in certain cases.

**32.** 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.

Provision in case of purchase by another person of the land surveyed by applicant.

**33.** 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.

**34.** 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.

**35.** When lands are sold in districts in which all future lines of roads 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.

*Nelson Waste Lands.*

Lands not open for sale may be purchased under conditions.

**36.** 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.

Homestead to be offered to license-holder previously to sale.

**37.** 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.

Licensee may purchase homestead.

**38.** 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.

**39.** In case of the license-holder 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 license-holder.

Value of improvements to be paid to Commissioner.

**40.** In the event of the land upon which the homestead of any license-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 authorized 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.

**41.** 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 license-holder a reasonable time for the removal of his property.

Commissioner may withhold land from sale.

**42.** It shall be lawful for the Commissioner at any time, if he shall think fit, to withhold from sale any land which shall be applied for under the thirty-third and thirty-sixth sections of this Act.

Board may sell or reserve land.

**43.** Whenever any land shall be so withheld, the Commissioner shall summon a meeting of the Board to be held within three days thereafter, who shall decide whether such land shall be sold or reserved for any or either of the purposes mentioned in this Act.

## LAND IN PAYMENT OF PUBLIC WORKS.

Land may be granted to persons or company constructing works on certain conditions.

**44.** In order to enlist private enterprise and capital in the construction of roads bridges railroads tramways harbours and docks by means of grants of land as payment part payment or consideration for such work, Crown grants of waste lands may be made to the person or company contracting to construct such works, subject to the following regulations:—

- (1.) A contract must have been entered into for the construction of the work with the Superintendent, acting under the authority of an Act of the Provincial Council, and with the advice and consent of his Executive Council, which con-



*Nelson Waste Lands.*

- tract shall, if such Act have so provided, contain such terms and conditions as shall be specified in such Act, otherwise such terms and conditions as the Superintendent with such advice and consent as aforesaid shall think fit.
- (2.) The value at which the land is to be taken by the contractor shall be fixed by the Board, but in no case less than five shillings per acre.
  - (3.) The land to be granted in full or part payment or consideration (as the case may be) shall be such as is agreed upon between the Superintendent, acting with such advice and consent as aforesaid, and the contractor, and shall be specified in the contract. The value at which such land is to be taken by the contractor shall also be specified in the contract.
  - (4.) The contractor shall give such security for the due fulfilment of the work as the Provincial Council shall determine, or the Act authorizing the Superintendent to contract provides; or if the said Act does not specify the security, then the contractor shall give such security as the Superintendent with such advice as aforesaid shall think fit.
  - (5.) The land to be granted shall not exceed in quantity three-fourths of the waste lands of average quality within two miles next adjoining to such work, or any part thereof; or in case of a work made wholly or in part through other than Crown lands, then the grant shall be of such other waste lands of equal extent and of average quality in some other locality to be benefited by such work. No lands known to be auriferous or to contain valuable minerals shall be included in any contract made under this Act.
  - (6.) Upon the contract being entered into, the land shall be reserved from sale by the Board, and submitted to public auction in one block, anything to the contrary contained in this Act notwithstanding; and in the event of such lands realizing more at such sale by auction than the amount agreed upon for such work, then the contractors shall be paid in money.
  - (7.) Upon the due completion of the work being certified to the Board by the Superintendent, by writing under his hand, the contractor shall be entitled to a Crown grant of the land reserved.

**45.** Not more than ten thousand acres in any one year shall be contracted to be granted as payment or part payment of works under the preceding section.

Limit of lands to be granted.

**46.** 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 authorized 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 persons 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

The like as to works of less magnitude.

*Nelson Waste Lands.*

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.

Limit of lands to be given for lesser works.

**47.** 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.

Reservation to be published.

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

Expiration of reservation.

**49.** 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.

## REMISSION OF PURCHASE MONEY FOR COMPENSATION.

Scrup may be issued for compensation.

**50.** 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.

## LEASES OF PASTORAL AND OTHER LANDS.

Application for leases to be made to Commissioner.

**51.** All persons desiring leases of unoccupied portions of Crown lands shall lodge with the Commissioner an application and description thereof, in the form or to the effect of the Second Schedule hereto, and shall at the time of lodging such application pay to the Commissioner a fee of ten shillings for every one hundred acres or fractional part of one hundred acres, and shall also pay a deposit of sixpence an acre towards the expense of the survey for every acre of the land so applied for. The amount of such deposit to be placed to the credit of the applicant towards the payment of his rent, in the event of the issue of a lease: Provided that no less fee than one pound shall be paid in respect of any such application.

License fee and deposit to be returned in certain cases.

**52.** In the event of the application for a lease not being acceded to by the Board, the amount of fee and deposit paid in respect of such application shall be repaid to the applicant: Provided also that if any applicant for a lease shall decline to accept such lease, the deposit for the survey expenses shall be repaid.

Application for leases to be published.

**53.** Before any lease shall be granted by the Board, the Commissioner shall publish in the Government *Gazette* of the province at least one month previously, and in at least one local paper, the particulars of such application.

Board to decide on applications.

**54.** The Board 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 leases regarding boundaries, in open court.

*Nelson Waste Lands.*

- 55.** No lease under this Act shall be issued unless approved of by the Board, nor until the expiration of one month from the notification of the application provided for in section fifty-one. When lease to be issued.
- 56.** No application shall be received for any such lease of more than ten thousand acres. Amount of land to be comprised in lease.
- 57.** In the event of the application being acceded to, the Board shall as soon as possible proceed to ascertain and declare the assessment of the land applied for, and in so doing it shall be lawful for the Board to assess the value of such land for the purpose of fixing the rent to be paid in respect thereof. Board to assess land.
- 58.** The rent to be reserved upon every lease under this Act shall be at the rate of five pounds for every hundred pounds of the value so to be declared. Rent to be £5 per cent. upon value of land.
- 59.** All sections of land to be leased shall, except in the case of natural boundaries, be rectilinear; and no such section shall be taken so as in the opinion of the Board to render less available for sale or lease, or injuriously to affect in value, any other portion of the waste lands. Sections to be rectilinear.
- 60.** As soon as conveniently may be after the determination of the rent, a lease in the form set forth in the Third Schedule hereto, executed on behalf of Her Majesty by the Commissioner, shall be issued to the applicant upon his executing a counterpart thereof and paying for such lease the sum of thirty shillings. How lease to be executed.
- 61.** If any applicant shall fail to sign and execute the counterpart of his lease for the space of three calendar months after notice shall have been given that the same is ready for signature, he shall forfeit his right to such lease. Any such notice may be delivered personally or sent by post addressed to the place of abode of the applicant. Lease to be forfeited if not executed within three months.
- 62.** Every such lease shall be for the term of fourteen years, and shall reserve the annual rent to be fixed by the Board, and shall contain a proviso enabling the lessee to determine the same at the end of any current year thereof, upon delivering a written notice of intention so to determine the same at the Crown Lands Office at Nelson six months previously. Terms of lease.
- 63.** In every such lease 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 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 lease, paying or allowing to the lessee compensation for any injury to which he may be subjected by the exercise of such right. Mines and minerals to be reserved.
- 64.** It shall be lawful for every holder of a pastoral license in the province to apply for and obtain, subject to the conditions and restrictions imposed by this Act, except as to maximum of acreage, a lease under this Act of the land held under such license, or any portion of the same, subject to the approval of the Board as to position and shape, in exchange for the license held by him, which, so far as relates to the land included in the lease, shall become void. Holders of pastoral licenses may take lease in lieu thereof.
- 65.** It shall be lawful for any holder of a lease issued under "The Crown Lands (Nelson) Leasing Act, 1865," to apply for and obtain in exchange for the same a lease under this Act for the unexpired portion of the term of the lease surrendered, and any rent that may have been paid by such lessee on account of the year during the currency of which the new lease may be issued shall be equally applicable to the new lease. The provisions of this section shall also apply to applicants for leases under the said "Crown Lands (Nelson) Leasing Act, 1865." Holders of lease under repealed Act may take lease under this Act.

*Nelson Waste Lands.*

Board may exclude land from lease.

**66.** Provided always that it shall be lawful for the Board, at any time before the execution of any such lease, to exclude from the land proposed to be comprised therein any land which to them may appear suitable for any of the purposes, whether temporary or permanent, for which Crown lands may from time to time be reservable, according to any Act or Acts in force at the time of granting such lease.

Governor may resume land in certain cases.

**67.** It shall be lawful for the Governor in Council at any time, by Proclamation in the *Government Gazette* of the province, to proclaim any land included in a lease (except the homestead not exceeding eighty acres) to be a reserve for any such purpose as Crown lands may at the time of issuing of the Proclamation be lawfully reserved; and the estate of the lessee in the land so reserved shall at the expiration of two years from the date of such Proclamation cease and determine, on payment to the lessee of the amount of any injury he may have sustained by the exercise of such right; such amount to be ascertained by two indifferent persons, one to be appointed by the Commissioner and the other by the lessee, or by an umpire to be appointed by such two appraisers.

Lease may be transferred.

**68.** The beneficial interest in any lease of land granted under this Act may at any time after the issue of such lease be transferred by the holder thereof. In order to render such transfer valid, it shall be necessary that all the conditions upon which the original lease was granted shall have been complied with as to the payment of rent or otherwise, and that notice shall be given to the Commissioner within one month of the transfer having been effected, who shall thereupon record the same in the Land Office. It shall also be lawful for the lessee, with the sanction of the Commissioner, to transfer any portion or portions of the land held by him under lease as aforesaid.

Fees to be paid on transfer.

**69.** There shall be payable on such record of transfer a fee of ten shillings for the first one hundred acres or fractional part of one hundred acres, and one shilling additional for each additional hundred acres so recorded.

Rents to be paid in advance.

**70.** All rents or moneys payable under or in respect of any lease issued under this Act shall be due and paid annually in advance on the first day of January in each year of the term of lease: Provided always that one full year's rent shall be paid at the time of issue on all leases issued prior to the thirtieth day of June in any year, and one half-year's rent shall be paid on leases issued subsequent to the thirtieth day of June in any year.

Lease to be void if rent in arrear.

**71.** If at any time during the currency of any lease granted under this Act, the annual rent payable therefor shall be in arrear for six months, the amount of rent due shall be doubled; and if within three months after notice of such raising of the rent the same shall not be paid, such lease shall be *ipso facto* void: Provided always that in case of the death of the lessee, the six months may be extended by the Board to twelve months.

Notice of sale of lease to be given.

**72.** No sale of any lease under section seventy-three of this Act shall take place unless the time and place of sale shall have been approved of by the Board, and notified by the Commissioner in the *Gazette* of the province and some newspaper or newspapers circulating in the province not less than three months before such sale.

Purchase money of lease, how to be paid.

**73.** It shall be lawful for the Board, if they shall think fit, to offer for sale by public auction the unexpired term of any lease forfeited by reason of non-fulfilment of conditions, or made void by non-payment of rent, and there shall be paid by the purchaser a deposit of ten pounds per centum of the annual rent reserved, and of the premium, if any, and the remaining nine-tenths shall be paid within one month after the day of sale, or the one-tenth deposited will be

*Nelson Waste Lands.*

forfeited and the sale null and void, in which case it shall be lawful for the Board again to put up such lease for sale by auction for such a term of years not exceeding fourteen as the Board shall determine.

**74.** The holder of any lease already issued under "The Crown Lands (Nelson) Leasing Act, 1867," may at any time after the passing hereof have his land re-assessed by the Board at its value to sell, and exchange such lease for a lease under the next following clause, subject to the provisions therein contained.

Holders of leases under recited Act may exchange same.

**75.** Any applicant for a lease of Crown land may in his application request the Board to assess the land at its value to sell, in accordance with such regulations as may at the time be in force for the sale of Crown lands in the province, and in the event of such application for a lease being acceded to, shall be entitled to a lease thereof for a term of fourteen years at an annual rental of ten pounds per centum on such assessed value for sale, payable in advance; and on the due and punctual payment of such rent for the term of fourteen years, and upon the due performance and observance of the covenants contained or implied in such lease, he shall be entitled to a Crown grant of such land: Provided always that no greater quantity of land than two hundred acres shall be so leased to any one person, and no greater area than ten thousand acres shall be so leased in any one year: Provided also that the minimum price of such land shall not be less than seven shillings per acre.

Lessee to be entitled to Crown grant after certain annual payments.

**76.** It shall be lawful for the lessee of any lands assessed under the last preceding section, and at the rental therein mentioned, to purchase the fee-simple of the land comprised in such lease at any time before the expiration thereof, upon paying in one sum the balance of the total amount of the fourteen years' rental reserved in and by such lease; and the provisions of this section shall be held to apply to any lessee of any lands assessed under section four of "The Nelson Crown Lands Leasing Act Amendment Act, 1871," hereby repealed.

Lessee may purchase during currency of lease.

**77.** It shall be lawful for the holder of any lease of any lands granted under this Act or under any of the Acts hereby repealed, and not being a mineral lease, to purchase and to be entitled to a Crown grant of the fee-simple of the lands comprised in his lease, upon payment of the amount of the assessed value of such lands in instalments of not less than twenty-five per cent. of the whole.

Lessee may pay purchase money in instalments.

**78.** It shall be lawful for the holder of a lease under this Act, not being a mineral lease, at any time during the term of occupancy, to purchase the entire block of land comprised therein, at a price per acre to be fixed by the Board, and assessed in accordance with such regulations as may at the time be in force for the sale of Crown lands in the province: Provided always that such price shall be fixed by the Board irrespective of all industrial improvements: Provided also that such right of purchase shall not extend to any land included in any Proclamation which shall have been issued under the sixty-seventh section of this Act.

Leaseholders to have pre-emptive right of purchase.

#### MINERS' PROSPECTING LICENSES AND MINING LEASES.

**79.** 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 twelve 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:—

Prospecting licenses may be issued.

(1.) The description of the land over which the license is sought,

*Nelson Waste Lands.*

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 applied for must be paid on application being made for the license: Provided that in the event of a license being granted in respect of part only of the land applied for, a proportionate part of the fee paid shall be returned to the applicant in respect of the area over which the license shall not be granted.

Mining lease may be granted.

**80.** 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.

**81.** No transfer of a prospecting license shall be valid unless registered at the Land Office, and a memorandum thereof indorsed on the license by the authority of the Commissioner.

Deposit on application for lease.

**82.** 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.

**83.** The survey thereof shall be made with as little delay as may be by the Government; but in case it shall not be practicable 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.

Terms of lease.

**84.** 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:—

- (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 not less than sixpence per acre for each of the two first years of the lease, and not less than 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 on 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.
- (6.) The lease shall include only so much of the surface of the

*Nelson Waste Lands.*

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 right of way over and through such lands or mines.

**85.** Provided that in every lease there may 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.

**86.** 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 the 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.

**87.** 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.

Disputes to be settled by Board.

**88.** 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.

Auriferous land may not be leased.

## AURIFEROUS LAND.

**89.** It shall be lawful for the Board if they shall think fit, on receipt of a fee of five pounds, to grant protection, for a period of not exceeding thirty days, to any discoverer of auriferous land outside any proclaimed gold field, of a block of such land, not exceeding in any one district sixteen acres and a half on a quartz reef, or ten acres on alluvial ground.

Board may grant protection to discoverer of auriferous land outside gold fields.

**90.** 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 out.

**91.** It shall be lawful for the Board, if they shall think fit, before the expiration of such protection, to grant to the *bonâ fide* discoverer of such protected auriferous land a lease for mining purposes of the same or so much thereof as the said Board shall think proper, not exceeding ten acres of alluvial ground or an area of four hundred yards by two hundred yards on a quartz reef, for any term not exceeding fifteen years: Provided always that no such mining lease shall be granted until fifteen days after notice of the intention to grant the same shall have been published in the *Gazette* of the province, and also in at least one local newspaper.

Mining lease may be granted.

**92.** The rent to be charged on any such mining lease shall not be assessed by the Board at less than two pounds per acre per annum; and the Board shall have power, if they think fit, to impose in such lease any of the conditions usually imposed in gold-mining leases of land within the gold fields.

Rent to be assessed by the Board.

**93.** In the event of land so leased being included within the boundaries of any gold field which shall be proclaimed after the issuing of such lease, the land shall be deemed to be leased under the provisions of the Gold Fields Act then in operation, and shall be subject to the rules and regulations in force for the time being within such gold fields, and may be dealt with accordingly.

If land included in future gold field, to be subject to regulations, &c.

## FLAX AND OTHER LICENSES.

**94.** It shall also be lawful for the Board, if they shall think fit, to issue licenses to any persons authorizing them to cut flax upon any

Flax licenses, &c., may be issued.

*Nelson Waste Lands.*

waste lands specified therein not exceeding five hundred acres in any one such license, for any term not exceeding seven years, and to issue leases for a like period of sites for the erection of buildings and machinery and for drying grounds, not exceeding ten acres in any one lease, upon such terms and conditions as the Board shall think expedient.

Occupation license for pastoral purposes may be issued.

**95.** It shall be lawful for the Board to grant to any person an occupation license for pastoral purposes of any waste lands, of such area and subject to such payment by the licensee, and upon such other terms as may be agreed upon by and between the Board and the licensee: Provided that any such license shall cease and be determined at any time, in respect of the whole or any portion of the land over which it may have been granted, in the event of the whole or such portion of the said land being reserved leased or sold by the Board, and that without any notice to that effect being necessary to be given to any such licensee.

## GENERAL REGULATIONS AS TO AUCTIONS RENTS LICENSES ETC.

Sales to be advertised.

**96.** 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.

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

Mode of payment for land.

**98.** 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.

**99.** There shall be paid a fee of thirty shillings upon delivery of every lease.

Rents, &c., how to be paid.

**100.** All rents moneys or fees payable under or in respect of any lease or license shall be paid annually in advance, and one year's 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 year's rent shall be chargeable on the next ensuing month of January.

Mineral lease forfeited if not executed within three months.

**101.** If any applicant for a mineral lease shall fail to sign and execute the counterpart of his lease for the space of three calendar months after notice shall have been given that the same is ready for signature, he shall forfeit his right to such lease. Any such notice may be given by being delivered personally, or sent by post addressed to place of abode of the applicant.

Disposal of fee and deposit on mineral lease applications.

**102.** In the event of any application for any mineral lease not being acceded to by the Board, the amount of fee and deposit paid in respect of such application shall be repaid to the applicant; but in the event of any applicant not signifying his acceptance or refusal of the terms upon which the Board shall be willing to grant such lease within three months of the notification of the willingness of the Board so to do in the *Government Gazette* of the province (a copy of which *Gazette* shall be sent to the applicant's address when known), then the fee and deposit paid in respect of such application shall not be repaid to the applicant, but shall be absolutely forfeited.



*Nelson Waste Lands.*

**103.** If any fee rent or royalty payable under any mineral lease shall be in arrear and unpaid for six months, the amount of fee rent or royalty so in arrear shall be doubled; and if within three months after notice of the doubling of such rent the same shall not be paid, such lease shall be *ipso facto* void: Provided always that in case of the death of the lessee, the six months above referred to may be extended by the Board to twelve months.

Rent on mineral lease in arrear to be doubled, &c.

**104.** That whenever any lease or license shall become void or forfeited by reason of the non-payment of any fee rent or royalty payable thereunder, or non-fulfilment of conditions, it shall not be necessary to sell such lease or license by auction, but the land comprised therein shall, at the option of the Board, either be sold by auction or be declared open for selection or application, but not till after the lapse of one month from the date of the notification of such forfeiture, duly published in the *Government Gazette* of the province, and in one newspaper circulating therein: Provided always that it shall be lawful for the Board in case of leases to re-assess the rents or royalties to be charged in respect thereof, within the limits hereinbefore provided before such sale.

Disposal of forfeited leases or licenses.

**105.** Every lease or license granted by the Board, if signed by the Commissioner alone, shall be deemed to be thereby legally and sufficiently executed by the Board.

Signature by Commissioner sufficient execution.

## MISCELLANEOUS.

**106.** If any person shall occupy any Crown lands, either by residing or erecting any hut or building thereon, or by clearing enclosing or cultivating any part thereof, or shall fell or remove or sell any of the timber growing or being on any such land, or otherwise unlawfully occupy the same, without having a lease or license for any such purpose respectively, every such person shall, on conviction of any of the acts hereinbefore mentioned, and for every such offence, forfeit and pay any sum not exceeding fifty pounds, to be recovered in a summary way: Provided that no person shall be convicted of any of the offences aforesaid except on the information of the Commissioner, or of some person by him duly authorized in writing in that behalf.

Penalty for unlawful occupation of Crown land.

**107.** Notwithstanding anything to the contrary contained in this Act, whenever any lands shall be reserved for a town or village and be open for sale as town lands, if any of such lands so reserved shall have been within a proclaimed gold field, and at the time of the withdrawal of the same from such gold field, such reservation or opening of such land for sale shall have, for a period of two years preceding, been occupied under business license or other lawful authority as a residence or business site, or shall have been so occupied for any less period than two years, and a building of the value of fifty pounds at least have been erected on such land by the occupier or some person through whom he claims, then the Board may, if they shall think fit, sell such land to such occupier, without putting up the same to auction, at such price as shall be fixed by the Board, not being less than at the rate of ten pounds for forty perches of land.

Land upon gold field previously built upon may be sold.

**108.** Any person being the holder of a lease of land in the province for agricultural purposes under the provisions of "The Gold Fields Act, 1866," or any preceding Act authorizing the issue and granting of such lease upon a gold field, and who shall have planted cultivated or otherwise improved two-thirds or more of the same, shall be entitled to purchase the fee-simple thereof without competition at any time, being not more than seven years after the date of such lease, and at the upset price which at the date of such purchase shall

Holder of agricultural leases may purchase.

*Nelson Waste Lands.*

have been fixed by law for Crown lands of the same class in the province.

Powers and  
authorities, how  
vested.

**109.** All the powers and authorities by "The Waste Lands Act, 1858," vested in the Governor, shall continue to be vested in the Governor as if this Act was included in the Schedule of the said "Waste Lands Act, 1858."

Date of commence-  
ment of Act.

**110.** This Act shall come into operation on the first day of January, one thousand eight hundred and seventy-five.

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SCHEDULES.

Schedules.

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FIRST SCHEDULE.

- "The Nelson Waste Lands Act, 1863."
- "The Crown Lands (Nelson) Leasing Act, 1867."
- "The Crown Lands (Nelson) Leasing Act, 1869."
- "The Nelson Crown Lands Leasing Act Amendment Act, 1870."
- "The Nelson Waste Lands Act Amendment Act, 1870."
- "The Nelson Crown Lands Leasing Act Amendment Act, 1871."
- "The Nelson Waste Lands Act 1863 Amendment Act, 1872."
- "The Nelson Crown Lands Leasing Act Amendment Act, 1872."

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SECOND SCHEDULE.

APPLICATION FOR LEASE OF CROWN LANDS FOR AGRICULTURAL OR DEPASTURAGE.

District of  
Boundaries  
Estimated extent  
Deposit  
Signature of applicant

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THIRD SCHEDULE.

THIS Deed, made the            day of            in the year of our Lord one thousand eight hundred and            Between Her Most Gracious Majesty Victoria, of the United Kingdom of Great Britain and Ireland, Queen, of the one part, and            of the other part. Whereas the lands hereinafter described, being Crown lands in the Province of Nelson, in the Colony of New Zealand, have been duly notified by the Waste Lands Board of the said province to be of the estimated value of            : And whereas the said            made application to the said Waste Lands Board for a lease of the said lands, under and by virtue of and subject to the terms and conditions imposed by "The Nelson Waste Lands Act, 1874:" And whereas the said            complied with the regulations and conditions, and paid the deposit by the said Act required: Now, this deed witnesseth that Her Majesty the Queen doth hereby demise and lease unto the said            (hereinafter called "the lessee"),            executors administrators and assigns, all that           , to hold the same unto the said lessee executors administrators and assigns (subject to the terms and conditions by the said Act imposed and other the terms and conditions applicable to leases by any law and ordinance of New Zealand implied) for the term of fourteen years from the day of the date of these presents, rendering and paying therefor yearly, and every year during the said term, the annual rent or sum of            sterling, payable in advance, as in the said Act provided, except and always reserved out of this lease unto Her Majesty, her heirs

*Nelson Waste Lands.*

and successors and assigns, all mines and minerals that are or shall or may be found in or upon the said premises, with full liberty and power for Her Majesty, her heirs and successors, their and her lessees and licensees, to search for work vend dig take and carry away the same, and to make convenient roads for access thereto, but upon the terms of paying or allowing to the said lessee compensation in the manner and of the nature provided by Section No. 50 of "The Nelson Waste Lands Act, 1874," for any injury to which he may be subjected by the exercise of such right: And also excepted and always reserved out of the lease of Her Majesty, her heirs and successors, the right to lay out and construct through and over the said lands hereby demised such roads other than the roads before mentioned as by the Government for the time being in the Province of Nelson aforesaid of Her Majesty, her heirs or successors, may be deemed necessary for the public benefit, without any compensation being made therefor other than the reduction of the rent hereinafter mentioned, except in the case hereinafter provided for: Provided always that the land taken for the purposes of such roads, other than the roads for access to mines before mentioned, shall not exceed the portion of \_\_\_\_\_ acres for every hundred acres herein comprised: Provided also that the rent hereby reserved shall, whenever any part of the said land shall be taken for roads or otherwise, be reduced at the rate of \_\_\_\_\_ for every acre or part of an acre so taken: Provided further, that if the right thus reserved shall not be exercised within three years from the delivery at the office of the Waste Lands Board aforesaid of a request in writing from the lessee, \_\_\_\_\_ executors and administrators or assigns, he shall be entitled to compensation in the manner and of the nature by Section No. 50 of "The Nelson Waste Lands Act, 1874," provided, for the damage done by the construction of such roads to any improvements effected on the said land subsequently to the expiration of the said period: Provided always, and it is hereby agreed and declared, that if the said lessee, \_\_\_\_\_ executors administrators or assigns, shall be desirous of putting an end to this demise at the expiration of any year of the said term hereby granted, and of such his or their desire shall give not less than six calendar months' notice in writing to the Waste Lands Board aforesaid, at the Crown Lands Office in Nelson aforesaid, then and in such case, upon payment of all the arrears of rent, and performance of all the covenants herein reserved contained or implied on the part of the lessee to be paid kept or performed, then and in such case, at the expiration of the current year aforesaid, this deed, and every article clause matter and thing herein contained, shall cease and be void.

In testimony whereof the said parties have hereunto set their hands, the day and year first within written.

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