

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.

[Reserved for the signification of Her Majesty's pleasure thereon, 14th December, 1863.]

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1861" and the Schedule to the "Waste Lands Act 1858" so far as regards the "Nelson Waste Lands Bill 1858" are hereby repealed.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 therein. 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.

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—

Landsto 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