

Southland Waste Lands Act 1863

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Date of assent 14 December 1863

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An Act to amend the Laws now in force for the Sale Letting Occupation and Disposal of Waste Lands of the Crown within the Province of Southland.

Preamble.

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

WHEREAS it is expedient to amend the Acts Ordinances and Regulations now in force within the Province of Southland for the Sale Letting Occupation and Disposal of the Waste Lands of the Crown and to make further provision therefor

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows:—

I Short Title.

The Short Title of this Act shall be the “Southland Waste Lands Act 1863.”

II Application and commencement of Act.

This Act shall apply to the Province and to the Waste Lands within the Province of Southland only and shall not come into operation until Her Majesty's pleasure shall have been taken thereon and the same shall have been confirmed by Her Majesty with the advice of the Privy Council and a Proclamation of such confirmation having been given shall have been made by the Governor.

III Partial repeal of laws.

As to any Sale or other disposition of land hereafter to be made the Order made by the Governor in Council on the 19th day of September 1860 and the 6th 7th 8th 9th 10th 11th and 18th Clauses of the Waste Land Regulations for the Province of Otago proclaimed by the Governor on the 12th day of February 1856 are hereby repealed Provided always that the said Order in Council and Clauses shall subject to the provisions hereinafter contained remain in force as to all engagements contracts or obligations heretofore entered into thereunder and as yet uncompleted.

**Part I
RURAL LAND**

Rural Land

IV Section 26 partially repealed.

So far as concerns Rural Land Section 26 of the said Waste Lands Regulations is hereby repealed.

V All rural land open for sale.

All Rural Land shall hereafter be open for sale or disposal except such as at the time application is made for the purchase of the same is leased or reserved for leasing or is included or comprised within any license to depasture stock or is reserved from sale by virtue of any power or authority in that behalf given by any Act Ordinance or Regulations for the time being in force but it shall be lawful for the Superintendent with the advice and consent of the Executive Council to reserve or withdraw from sale any land the sale of which may appear to him to be prejudicial to the public interests.

VI Application how to be made.

Any person desirous of purchasing Land shall make an application in writing for the purchase thereof to the Waste Land Board in a form to be by the Board prescribed and the decision of the Board on such application shall be given on such day as it shall appoint not being more than twelve days from the date of application In the event of two or more persons having made application for the same Land on the same day such Land shall be put up for sale by public auction open to all bidders.

VII Price of land.

The price at which Land shall be offered for sale shall be Forty Shillings per acre and in the event of two or more applications for the purchase of the same Land being made on the same day the upset price at which such Land shall be put up at the auction shall be Forty Shillings per acre.

VIII Price of land may be raised.

Provided always that it shall be lawful for the Governor in Council from time to time if he shall see fit on the receipt of a recommendation to this effect from the Superintendent and Provincial Council to order that an augmentation shall be made in the price at which the Waste Lands shall be offered for sale either by selection or auction to such an amount as shall be expressed in the said recommendation and from and after a date to be fixed in the Order in Council the price shall be raised accordingly.

IX Land how to be sold.*Rural Land.*

Where no more than one application shall have been made for the same Land on the same day and the Waste Land Board shall have decided that the Land shall be sold and shall have declared such applicant to be the purchaser thereof then such applicant shall forthwith pay to the Treasurer of the Waste Land Board the purchase-money thereof and where Land shall have been put up to public auction as hereinbefore provided the highest bidder shall be declared the purchaser thereof and the person who is declared the purchaser shall immediately after such sale pay to the Auctioneer or other person authorised by the

said Treasurer to receive the same the purchase-money of the Land purchased by him.

X Grant to be issued.

Upon payment of the purchase-money the purchaser shall be entitled to a Grant from the Crown in Fee Simple of the Land of which he shall have been declared the purchaser.

XI Any former purchaser may either—

Any person who at any time before the passing of this Act shall have applied for the purchase of Land under the Land Regulations then in force and shall have obtained from the Waste Land Board a certificate entitling him to take possession of the Land specified in his application but who shall not have expended on such Land Forty shillings per acre in improvements so as to entitle him to a Crown Grant thereof under the said Regulations (hereinafter styled a “former purchaser”) may elect to do either of the following things

Compound

1. To pay the Receiver of Land Revenue at his office a sum of money equal to Ten shillings per acre on the quantity of Land comprised in his certificate and be entitled forthwith to a Crown Grant in Fee Simple free from conditions.

Take part of his Land or

2. To take a Crown Grant in Fee Simple without conditions for two-thirds in value of the land comprised in such certificate to be ascertained to the satisfaction of the Commissioner of Crown Lands.

XII Otherwise to stand on his rights.

Any such former purchaser who shall not within six months after the coming into operation of this Act elect to do either of the aforementioned things and signify the same in writing to the Waste Land Board shall be deemed to have decided to stand upon his rights and to remain subject to his liabilities as though this Act had not been passed.

Part II

MISCELLANEOUS PROVISIONS

Miscellaneous

XIII Right of pasturage.

On the proclamation of new Hundreds over country held under pastoral licenses the right of pasturage shall remain with the holders of such Licenses until the appointment of Wardens for such Hundreds.

XIV Land in Gold Field subject to Waste Land Laws.

It shall be lawful for the Governor by Proclamation from time to time to declare that any District of country to be therein described which may be or have been proclaimed a Gold-field under the provisions of the “Gold-fields Act 1862” or any Gold-fields Act for the time being in force the pastoral licenses over which shall have been suspended or cancelled shall from a date to be therein stated be subject to the provisions of the “Waste Lands Act 1858” and to the provisions of the several Acts Ordinances and Regulations for the time being in force within the said Province for the sale letting occupation or disposal of the Waste Lands anything in such Gold-fields Acts to the contrary notwithstanding.