

# Canterbury Waste Lands Act 1867

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### “The Canterbury Waste Lands Act 1867.”

#### **Preamble.**

WHEREAS it is expedient to alter and amend the regulations now in force in the Province of Canterbury for the sale letting or disposal and occupation of the Waste Lands of the Crown in the said Province And whereas doubts have been expressed whether certain rights of pre-emption over Crown Lands in the said Province granted

by the Waste Lands Board in pursuance of said regulations are legally valid And whereas it is expedient that such doubts should be removed

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

**1 Short Title.**

The Short Title of this Act shall be “The Canterbury Waste Lands Act 1867.”

**2 Interpretation.**

The words “the regulations” in this Act shall mean all regulations Acts and Ordinances now in force in the Province of Canterbury relating to the sale letting disposal or occupation of the Waste Lands of the Crown in the said Province The clauses hereinafter mentioned and denoted by their numbers shall refer to the clauses of that part of the regulations which was brought into operation and enacted under and by the various Acts Ordinances Bills and regulations mentioned in the Schedule to “The Waste Lands Act 1858” as relating to the Province of Canterbury and which the said Act declared should have the force and effect of law and which part of the regulations is contained in eighty-two clauses numbered consecutively.

**3 Pre-emptive rights already granted to be valid.**

All rights of pre-emption heretofore granted by the said Waste Lands Board under the authority or under the presumed authority of clause sixty of the regulations are hereby declared to have been valid as from the time of the granting thereof.

**4 No further improvement pre-emptive rights to be granted.**

That part of the clause numbered sixty commencing with and inclusive of the words “and for all runs over all lands” to the end of the clause is hereby repealed except as to pre-emptive rights heretofore granted or created under the part so repealed and which by this Act are declared valid and such repeal shall extend to affect pasturage licenses heretofore issued under the regulations and the rights of the holders thereof except as aforesaid.

**5 Rule as to form of pre-emptive rights.**

The clause numbered sixty-two except as to pre-emptive rights heretofore granted or created as aforesaid is hereby repealed and in the place thereof the following clause substituted that is to say—

The lands included in such pre-emptive rights shall be subject to the rules as to form and frontage herein contained with respect to purchased land.

**6 Clause 64 to apply to all pre-emptive rights.**

The clause numbered sixty-four shall refer as well to rights of pre-emption already granted under the part of clause sixty hereby repealed as to rights of pre-emption granted or to be granted by the unrepealed part of the last-mentioned clause.

**7 Part of clause 60 repealed.**

The following portion of clause sixty-six of the said regulations is hereby repealed namely the words “other than those created by clause sixty of the Waste Lands Regulations.”

**8 Improvement for which pre-emptive right granted to be kept up to value of £50.**

Whenever any pre-emptive right shall have been heretofore granted or created under that part of clause sixty hereby repealed and the building enclosure plantation cultivation or other improvement in respect of which such pre-emptive right has been granted or created shall at any time after the passing of this Act be proved to the satisfaction of the Waste Lands Board to be or to have become of a less value than fifty pounds it shall be the duty of the Waste Lands Board thereupon to give notice to the holder of such pre-emptive right requiring him to cause such additions to be made to such building enclosure plantation cultivation or other improvement as shall make it of the value of fifty pounds and if the holder shall not in the judgment of the Waste Lands Board have complied with such requirement within one calendar month after the notice aforesaid shall have been left at the homestead or principal station on the run on which the land included in the pre-emptive right is situate or if there shall be no such homestead or principal station then upon the land included in such pre-emptive right then the pre-emptive right shall thereupon become forfeited and void and the land included therein shall become open for purchase as if it had not been so included Provided always that no pre-emptive rights shall become forfeited and void on account of such deterioration in value when such deterioration shall have occurred by purchase of part of the land on which any such improvements may stand.

**9 Crops may not be raised for sale from pre-emptive rights.**

It shall not be lawful for the holder of any right of pre-emption to raise from any land included therein any cereal root or other crop except for *bonâ fide* use on the run of which the land included in such right of pre-emption forms part or on any run which is being farmed in connection therewith Any person offending against the provisions of this section shall on conviction thereof before any two justices of the peace be liable to a penalty not exceeding fifty pounds.

**10 Improvements on land included in pasturage licenses to be paid for when land purchased.**

If the holder of any pasturage license shall have erected or made or shall hereafter erect or make any building fencing enclosure or other improvement on Crown Land included within his license but not included in any pre-emptive right and such land shall be purchased by any other person than such holder he shall be entitled to remove such building fencing enclosure or other improvement within three months from the date of his receiving a written notice of such purchase from the Waste Lands Board.

**11 Gateways to be provided in fences.**

If any person shall have erected or shall hereafter erect any fence upon any Waste Lands of the Crown within the said Province of Canterbury it shall be lawful for the Superintendent with the advice and consent of the Executive Council by writing under his hand to direct such person to make such gates or other openings at such places in such fence as shall be thought necessary and if such person shall not comply with such direction within one calendar month after the receipt thereof he shall be liable to a penalty not exceeding twenty pounds to be recovered in a summary way.

**12 Penalty for injuring fences.**

If any person shall wilfully injure or destroy any fence which has been or may hereafter be erected by the holder of a pasturage license upon Crown Lands included within his license such person shall on conviction thereof before any two Justices of the Peace be liable to a penalty not exceeding ten pounds.