

Marlborough Waste Lands Act 1867

Public Act 1867 No 63
Date of assent 10 October 1867

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An Act to regulate the Sale Letting Disposal and Occupation of the Waste Lands of the Crown within the Province of Marlborough.**Preamble.**

Whereas it is expedient to amend and consolidate the laws respecting the sale letting and disposal of the Waste Lands of the Crown within the Province of Marlborough

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 Marlborough Waste Lands Act 1867.”

2 Waste Lands Board established.

From and after the time of these regulations coming into operation there shall be established a Board to be called the Waste Lands Board to consist of the Superintendent and Executive Council together with the Commissioner of Crown Lands any three of whom shall be a quorum.

3 Record of proceedings to be kept.

The Waste Lands Board shall keep a record of its proceedings in which record shall be entered a full and particular account of all proceedings transacted by it and such record shall be kept in the Land Office and shall be open to the inspection of all persons desiring to inspect the same during the customary office hours.

*APPEAL FROM WASTE LANDS BOARD***4 Decision of Board to be final.**

The decision of the Board on all matters to be by it heard and determined shall subject to right of appeal to the Supreme Court as hereinafter provided be final and conclusive Provided always that the Board may on the application of any person grant a rehearing of any case decided by it if it shall think that justice requires it and on such rehearing may reverse alter modify or confirm any previous decision in the same case.

5 Appeal to a Judge of the Supreme Court.

Any person considering himself aggrieved by any decision of the Board may within one calendar month after such decision and upon giving security for the costs of the appeal either by deposit or otherwise to the satisfaction of the Registrar of the Supreme Court appeal to a Judge of the Supreme Court upon a case in writing to be stated or settled by the Board a copy of which case

may be taken by the appellant upon which case and after hearing the parties the Judge or Judges shall certify his or their opinion in writing to the Board and the Board shall be bound to follow such and shall reverse alter modify or confirm their decision in accordance therewith.

6 Question of law may be submitted by the Board for the opinion of a Judge.

The Board may either at the instance of a party or of their own motion in case of doubt upon a question of law submit a case thereon in writing to a Judge or Judges of the Supreme Court who shall certify his or their opinion thereon in writing to the Board and the Board shall follow such opinion.

RESERVES

7 Reserves may be made by Board.

It shall be lawful for the Waste Lands Board at any time when deemed necessary to make reserves of land whether surveyed into sections and advertised for sale or not so surveyed and advertised for the following objects and purposes viz.—

- (1.) The sites of towns and villages.
- (2.) Suburban sections.
- (3.) Lines of internal communication by roads canals railways or otherwise.
- (4.) The laying out of drains around or through districts of a swampy character.
- (5.) Quays or landing places for the general convenience of trade or navigation.
- (6.) Sites for schools.
- (7.) Sites for mechanics' institutes hospitals and institutions for charitable purposes markets court-houses prisons or other public edifices.
- (8.) Cemeteries.
- (9.) Places necessary for the embellishment of towns or the health and recreation of the inhabitants thereof.
- (10.) And generally for any purpose of public utility convenience or enjoyment.

8 Reserves to be published in *Gazette*.

All such reserves shall be notified in the Government *Gazette* of the Province.

9 Two and one-half per cent of proceeds of land sales to be handed to Board of Education.

Two and one-half per centum of the gross proceeds of all land sales shall be handed over to the Board of Education to be expended on educational objects in accordance with the provisions of any law in the Province in that behalf.

10 Roads to be according to natural facilities.

Lines of road 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 and streets shall not be less than one chain in width except where local circumstances shall render an adherence to this rule impracticable.

11 Rules for laying out sections.

In laying out sections the following rules shall be adhered to as nearly as possible—

- (1.) Every section shall front on a road.
- (2.) Roads and water frontages and natural advantages shall be equally distributed.
- (3.) Road frontages when practicable shall not exceed two-thirds of the depth of a section except where a road intersects a section.
- (4.) Natural boundaries shall be taken advantage of.
- (5.) Except in the case of land abutting on natural boundaries or boundary fences the sections shall be rectilinear.

12 Size of sections to be fixed by Waste Lands Board within certain limits.

Sections of town suburban rural pastoral and mineral lands may be of such size as the Waste Lands Board may from time to time determine Provided that no section of rural land shall be less than ten nor more than two hundred acres nor of pasture land less than eighty nor more than three hundred and twenty acres Within the above limits any section may at any time previous to sale be altered or subdivided by the Waste Lands 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.

13 Proprietors may complete properties at fixed prices.

Provided always that where blocks of unsold land not exceeding ten acres of rural or eighty acres of pasture land occur between sold lands and rivers roads sea coasts or boundary fences the proprietors of the adjoining lands may be permitted to complete their properties by the purchase of such land in blocks of irregular shapes which at the option of the applicant will either be put up to auction or taken by him at a fixed price to be assessed by the Waste Lands Board and having relation to the average value of lands of the same character.

*MAPS AND REGISTERS***14 Sections sold to be distinguished on the maps.**

Upon completion of the purchase of any section the section sold shall be tinted yellow on the map to which it belongs and on the completion of every Crown Grant the section or sections granted shall be distinguished on the same map

by a border showing the boundary of the whole of the land comprised in such grant and by the name or names of the grantee or grantees thereof.

15 Maps reports and registers to be open to the public.

The maps and the reports of the surveyors on every district and registers of land sold and granted shall at all times hereafter during office hours remain open to public inspection.

16 Schedules of land for sale to be exhibited in Land Office.

Schedules of all land to be sold by auction or to be taken at a fixed price after auction shall at all times be exhibited on separate boards hung up in the Land Office.

17 Schedules &c. to refer to maps of square blocks.

As soon as practicable all schedules of lands for sale registers of lands sold and Crown Grants shall in addition to other usual particulars specify the number of each section and the number of the map on which it is laid down.

SELECTIONS FOR RELIGIOUS PURPOSES

18 Ministers &c. may purchase sites for churches &c. at fixed prices.

Ministers or trustees of religious bodies shall after any district is open for selection be at liberty to apply to the Commissioner for permission to purchase land not exceeding one acre in any town as sites for churches chapels schools or other buildings devoted to religious purposes and not exceeding twenty acres in any country district for burial grounds or as sites for churches chapels or schools And upon any such application being approved of by the Waste Lands Board the applicants or other persons on behalf of the religious body shall be permitted to purchase the land applied for at such rate as shall be fixed by the Waste Lands Board.

SALES OF LAND

19 Lands to be classed.

For the purposes of sale the lands of the Province shall be classed by the Waste Lands Board under five heads that is to say—

- (1.) Town land being sites reserved for towns and villages.
- (2.) Suburban land being land in the vicinity of such sites.
- (3.) Rural land being land neither from the unevenness of its surface nor the quality of its soil unsuited for tillage.
- (4.) Pasture land being such as from its hilly and broken character or inferior quality appears unsuitable for agricultural purposes.
- (5.) Land believed to contain minerals of value.

20 Rules for classifying.

In determining within which class any particular lands are to be included town and suburban lands shall be distributed so as to promote the settlement of the country subject to enlargement or alteration from time to time with regard to rural and pasture lands their fitness or unfitness for the purpose of tillage rather than their position shall be considered.

21 Land may be exempted from sale.

Provided always that when it shall appear for the public benefit to withdraw any lands from sale it shall be lawful for the Waste Lands Board by notice posted in the Land Office to withdraw or exempt the same accordingly Provided that notice of such withdrawal or exemption shall be published in the next Government *Gazette* of the Province and that no sale of such lands between the time of such withdrawal and such publication shall be valid.

22 Lands to be sold by auction.

All lands except as is otherwise herein provided shall be sold by auction.

23 Board to fix upset price of town and suburban land.

The upset price of town and suburban land shall be fixed by the Waste Lands Board.

24 Also of mineral land.

The upset price of mineral land shall be fixed in like manner by the Waste Lands Board.

25 And rural land within limits.

The upset price of rural lands shall not be less than twenty shillings per acre and of pasture land not less than five shillings per acre to be fixed in like manner.

26 No land to be sold till surveyed.

No section or block of sections of land shall be sold unless the same shall have been previously surveyed and set out upon the ground and distinguished by an appropriate mark on the plan comprising the district in which it is situated in manner hereinbefore provided.

27 Land sales to be published by Commissioner.

No land shall be sold by auction until the land to be sold the class to which it belongs and the upset price thereof and the time and place of sale shall have been notified by the Commissioner with the approval of the Waste Lands Board in the Government *Gazette* of the Province and some newspaper circulated within the Province not less than one calendar month nor more than three months before such sale.

28 Applicants may have the land surveyed in certain cases.

In case of the land not being upon any plan and being in any district the survey of which is not immediately about to be undertaken by the Government it shall be lawful for the Commissioner to allow the applicant to have such lands surveyed at his own expense by a surveyor authorized by the Government in that behalf and receiving instructions in each case from the Commissioner and after the approval of such survey by the Commissioner upon the report of the Chief Surveyor it shall be plotted on the general plan as hereinbefore provided Should the land be withdrawn from sale or any other person than the applicant aforesaid become the purchaser then the original applicant will be paid for the expenses incurred in the survey thereof.

29 Commissioner to conduct sales by auction.

The Commissioner of Crown Lands or some other person duly authorized to act in that behalf shall conduct all sales by auction.

30 One-tenth purchase money to be paid at sale remainder within one month.

Immediate payment in cash of one-tenth of the purchase money shall be the condition of every sale by auction and in default thereof the land shall be again immediately after the sale put up to auction the remaining nine-tenths must be paid by the purchaser within one calendar month of the day of sale or the one-tenth deposit will be forfeited and the whole transaction null and void.

31 Lands put up to auction and not sold may be taken at any time within two years.

Any lands put up to auction and not sold may within two years next after such day of auction be purchased by any person who shall pay for the same at the time of making such purchase the original upset price in full where there shall have been no bidding for such lands and where there shall have been any bidding then the highest price bid Provided always that nothing herein contained shall prevent such land being at any time withdrawn or from being advertised and put up again for sale by auction if not previously applied for.

32 No homestead of license holder to be sold until offered to licensee.

No portion of the land occupied by a holder of pasturage license whereon improvements shall have been made by the license holder 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 to be fixed by the Waste Lands Board not less than the upset price of the class of land to which the land in question may belong.

33 Homestead may be taken.

The license holder in such case shall be entitled to purchase upon the terms mentioned in the preceding clause a block of land not exceeding eighty acres

containing his improvements but he may be required to exercise his right of purchase at any time after three months' notice.

34 If license holder refuse to purchase homestead it may be offered for sale.

In case of the license holder declining or neglecting to exercise his right of purchase the land on which the improvements stand may be offered for sale (but in that case the value of the improvements thereon shall be assessed in some equitable manner 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) should any other person than the holder of the license become the purchaser the value of his improvements shall be paid to the license holder after the sale by the Government.

35 Value of improvements to be paid by purchaser.

In the event of the land upon which the improvements of any license holder of pasturage land stand 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 null and void.

36 Commissioner may delay giving possession.

Whenever any portion of land comprised in any pasture 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.

LEASING OF MINERAL LANDS

37 Mining leases may be granted.

Any person applying for a lease of land for the purpose of working minerals shall be entitled to the same upon the following terms and conditions.

38 Land leased not to exceed 100 acres.

The amount of land to be leased shall be any quantity to be fixed by the Waste Lands Board not exceeding one hundred acres.

39 Term not to exceed twenty-one years.

Term to be granted shall be any number of years at the option of the lessee not exceeding twenty-one.

40 Rent.

There shall be reserved a money rent to be fixed by the Waste Lands Board.

41 Conditions of lease.

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 rights-of-way over and through such lands or mines.

42 Applicants to furnish plan.

Every applicant for a mining' lease shall furnish to the Land Commissioner within one month from the time of making such application a plan and description of the land applied for which plan and description shall be made and prepared from actual survey by a surveyor to be approved by the said Commissioner.

43 Right of way reserved to lessee.

A right-of-way shall be reserved to lessees of mineral lands through the adjoining Waste Lands of the Crown towards the most convenient place of shipment or otherwise as may be necessary for conveying away the produce but such right-of-way shall not be exclusively granted to any one lessee.

44 Further provision may be inserted in leases.

Provided that in every lease within a coal-field there shall be inserted such conditions for securing the efficient working of the mines and for the payment of such royalties in addition to the rent above specified as the Board may think fit.

45 Preceding clauses not to apply to leases of auriferous lands for mining purposes.

The preceding clauses relating to the leasing of mineral lands shall not apply to leases of auriferous land for mining purposes.

*ISSUE OF TIMBER LICENSES***46 Timber licenses to be granted.**

It shall be lawful for the Commissioner of Crown Lands to issue licenses for the purpose of cutting timber on the Waste Lands of the Crown at an annual rent of one pound per acre Provided that the land to be comprised in any one license shall in no case exceed ten acres.

47 Applications to be addressed to Commissioner.

All applicants for timber licenses must address their applications to the Commissioner of Crown Lands stating their names and residences in full.

48 Fee for license.

When the application has been approved of the license will be issued on payment of the required fee.

49 License to be in form specified in Schedule

The form of timber license will be according to Schedule A. hereunto annexed.

*RESERVATION OF LANDS FOR SETTLEMENT***50 Lands may be reserved from sale to facilitate settlement thereon.**

It shall be lawful for the Waste Lands Board to withhold from sale temporarily any land that they may deem it advisable to prepare for settlement by making roads or other public works therein.

51 Such land may be surveyed and divided into sections.

The Superintendent may cause any block of land so reserved as aforesaid to be surveyed and divided into sections in accordance with the regulations in force for that purpose.

52 Prices to be the upset prices of such land with a proportionate share of costs of works.

Every alternate section in such block shall be reserved for sale by auction and shall be offered at a price to be made up of the original upset price of the class to which such land belongs together with a proportionate share of the cost of the public works to be completed within such block.

53 Sections to be granted for the execution of works.

The remaining sections in such block having been assessed at the upset price of the class to which such land belongs together with a proportionate share of the cost of the public works as aforesaid may be received in payment or part payment for any public works to be completed therein and any person contracting for the execution of such public works and having completed the same to the satisfaction of the Superintendent shall receive a certificate entitling him to a grant of such portion of the section as aforesaid as may be equivalent to the price of the work.

54 Remaining sections to be sold by auction as in clause 52.

After the works determined on shall have been contracted for the remaining sections as aforesaid not having been disposed of in the manner provided may be sold by auction according to the provisions of clause fifty-two of this Act for the sale of every alternate section.

55 Security to be given.

The person or persons contracting for the performance of any public work in any such block as aforesaid shall furnish to the satisfaction of the Superintendent and his Executive Council security for the due completion of such contract.

56 Contractors may be paid in land.

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 public work 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 Superintendent with the advice and consent of his Executive Council and the Commissioner of Crown Lands to reserve from public sale in manner hereinafter provided such portion or portions of land as the person 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 and such assessment agreed to by the person contracting Provided also that such portion or portions of land shall be shaped situated and assessed in accordance with these regulations and upon the production of a certificate from the Superintendent that the work contracted to be done has been satisfactorily completed the person so contracting shall receive 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.

57 Value of land not to exceed £150 to one person nor 2000 acres altogether.

No greater amount shall be paid in land to any one person under the last preceding clause than one hundred and fifty pounds in any one year nor shall the total amount so to be paid within one year exceed two thousand acres in respect of the construction of any one public work.

58 Reservation of land to be gazetted &c.

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

59 Reservation not to exceed period allowed for work.

No such reservation shall continue in force for a longer period than one year from the date on which it shall have been made.

*LICENSED OCCUPATION OF PASTURE LANDS***60 Persons applying for pasturage license to lodge description thereof with Commissioner.**

All persons requiring occupation licenses for unoccupied portions of pasture lands in the Province of Marlborough shall lodge with the Commissioner of Crown Lands a description thereof in form or to the effect of Schedule B. and shall at the same time of lodging such description pay to the Commissioner a cash deposit according to the following scale namely—

- (1.) Five pounds for runs described as under three thousand acres.
- (2.) Ten pounds for runs described as under six thousand acres.
- (3.) Fifteen pounds for runs described as under ten thousand acres.
- (4.) Thirty pounds for runs described as under twenty thousand acres.
- (5.) Fifty pounds for runs described as over twenty thousand acres.
- (6.) And no application shall be received for more than thirty thousand acres.

61 Application to be registered.

All applications which shall have been regularly made and in respect of which the required deposit shall have been paid shall be immediately filed and registered in the Commissioner's office and the register of all such applications shall be open to public inspection within office hours.

62 Commissioner to publish application.

The Commissioner shall publish without delay in the *Government Gazette* of the Province of Marlborough the description of every run thus applied for together with the name of the first applicant for the same and the amount paid as deposit.

63 Waste Lands Board to decide on applications &c.

The Waste Lands 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 pasture occupation licenses or leases regarding the boundaries of their respective runs in open court.

64 Objections to be lodged within three months.

All objections shall be lodged with the Commissioner within three months after the date of the publication above referred to and the ground of objection must be stated in writing and no objection shall be entertained unless made prior to the lapse of that period.

65 If objections made Commissioner to publish notice of hearing.

In the event of any objection being duly laid before the Commissioner within the prescribed time it shall be his duty to appoint by publication in the said

Government *Gazette* of the Province and in some newspaper circulated in the Province as early a day for hearing and determining the claims and objections of the respective parties as shall be compatible with a sufficient notice.

66 Holders of licenses may be required to distinguish boundaries of runs.

The Commissioner may at any time require the holder of a license or lease to distinguish the boundaries of his run by marked trees or posts or otherwise when they are not distinctly marked by nature.

67 Condition of license.

So soon as practicable after the decision in favour of any applicant for a run and after the plan of the run hereinafter required shall have been furnished an occupation license in the form of Schedule C. to depasture stock thereon for fourteen years shall be issued to the applicant who shall pay for such license the sum of five pounds sterling and shall be entitled to receive credit on account of rent reserved as hereinafter mentioned to the extent of the deposit lodged by him subject always to the following reservations and conditions—

- (1.) No license whatever shall be issued until an estimate of the acreage of the run be certified to the satisfaction of the Commissioner as correct and endorsed on a plan thereof which plan shall exhibit as nearly as may be the boundaries of the run and shall be attached to the license The applicant shall obtain such certificate and plan at his own expense and lodge the same with the Commissioner within nine months from the date of the decision in his favour in default of which the application next on the register for the same run or any portion of it shall be published heard decided on and disposed of in manner hereinbefore provided.
- (2.) If at any time during the currency of such occupation license any part of the land comprised therein shall become included within the boundaries of any reserve then the said occupation license shall cease and determine as to the land included within such boundaries from and after the day on which it shall be notified that such reserve has been made.
- (3.) If at any time during the currency of such occupation license the land comprised therein shall be sold by or on behalf of the Crown in that case also the said license shall cease and determine over so much of the land as shall have been sold from and after three months' notice of such sale in the said *Government Gazette* of the Province.
- (4.) Rent for a run shall be computed upon the acreage according to the following uniform rates that is to say for the first seven years of occupation at the rate of one penny per acre per annum and for the remaining seven years of occupation at the rate of twopence per annum.
- (5.) All rents shall become due on the first day in January in each year and shall be payable in advance and shall be payable to the Commissioner during the month of January in each year Provided that for licenses issued after the thirtieth June

in any year one half a year's rent shall be chargeable until the next ensuing month of January Provided always that should any part of the land comprised within any license be taken for a Government reserve an allowance should be made to the runholder in proportion to the quantity of land taken.

- (6.) If any arrears of rent shall remain unsettled for a period of three months the said license shall cease and determine and the Commissioner is thereupon required to notify in the Government *Gazette* of the Province and some newspaper published within the Province the forfeiture of such license and to let the run to which it relates by public auction whereof one month's notice shall be given to the highest bidder for a term of fourteen years subject to the conditions of these regulations Provided always that the period of three months above referred to may be extended to six months in case of the death of the runholder.

68 If run not awarded to applicant or if withdrawn by him deposit to be returned.

In the event of any run in respect of which such deposit has been made not being afterwards awarded to the depositor by the Commissioner or in the event of the applicant withdrawing his application before any award shall be made thereon the amount so deposited shall be returned.

69 License may be transferred.

The beneficial interest in any occupation license may at any time after the issue of the license be transferred by the license holder In order to render such a transfer valid it shall be necessary that all the conditions upon which the original license 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.

70 New licenses not to be granted under old regulations.

From and after the time when any Act embodying these resolutions shall come into operation no further licenses shall be issued under the regulations heretofore in force whether in respect of applications already or to be hereafter received anything contained to the contrary thereof in anywise notwithstanding.

GENERAL REGULATIONS RELATING TO LICENSES

71 Annual licenses to expire on the last day of the year.

All annual licenses shall be drawn so as to expire simultaneously on the last day of each year.

72 Licenses applied for after the first July to be charged half fee.

Licenses applied for after the first day of July in each year shall only be chargeable with half the usual fee.

73 Licenses not to affect rights of Crown.

No license shall preclude the Government from including within a reserve or selling or shall in any way affect the rights of the Crown to land occupied in virtue of such licenses.

*LEASING LANDS***74 Applications for lease to be made to Commissioner.**

All persons desiring leases of unoccupied portions of Crown Lands not suitable for agricultural purposes shall lodge with the Land Commissioner application for such land in form or to the effect of Schedule B. accompanied by a sketch plan of the land so applied for which shall exhibit to the satisfaction of the Commissioner the boundaries of the land in question and its estimated acreage and shall at the same time lodge with the Commissioner a written declaration signed by the applicant stating what amount of great or small cattle the land applied for to the best of his belief is capable of carrying.

75 Deposit to be made.

Upon lodging such application and plan as aforesaid the applicant shall deposit the sum of two pounds sterling for every one thousand acres contained in his application Always provided that no application shall be received for a larger amount of land than thirty thousand acres nor for a smaller amount than one hundred acres And provided further that for any fractional quantity in excess of any number of thousands of acres the sum deposited shall be two pounds.

76 Certain sections apply to leases.

Sections sixty-one sixty-two sixty-three sixty-four sixty-five and sixty-six of this Act shall apply as well to the application for leases as to pastoral licenses.

77 If land not awarded deposit to be returned.

In the event of any land in respect of which a deposit has been paid not being afterwards awarded to the depositor by the Commissioner the amount so deposited will be returned.

78 Commissioner to assess rental.

So soon as may be after the Commissioner has decided in favour of any applicant for a lease of the land applied for the Waste Lands Board shall proceed to assess the annual rent to be charged upon such land and shall inform the applicant in writing what rent is to be charged accordingly Provided always if the intending lessee shall consider that the land is assessed by the Waste Lands Board beyond its carrying capacity it shall be lawful for him to refer the question in dispute to the award of two arbitrators one to be chosen by the Waste Lands Board and another by the intending lessee and in case such arbitrators are unable to agree it shall be lawful for them to choose an umpire

and the decision of such arbitrators or umpire as the case may be shall be final and conclusive.

79 Rent to be computed on carrying capacity of land.

The rent shall be computed on the carrying capability of the land applied for and shall be at the rate of three shillings and sixpence for every head of great cattle and sevenpence for every head of small cattle.

80 Lease to be issued to applicant.

As soon as conveniently may be after the determination of the rent in the manner aforesaid a lease in the form set forth in Schedule D. to this Act to depasture stock for fourteen years shall be issued to the applicant who shall pay for such lease the sum of thirty shillings sterling and shall be entitled to receive credit on account of rent to the extent of the deposit lodged by him.

81 Lease may be renewed.

Every such lessee shall at any time before the expiration of the first lease granted to him under this Act be entitled to one renewal as hereinafter mentioned of the lease of the said land and on the request in writing made by the said lessee his executors administrators or assigns and at his or their own proper costs and charges a new and fresh lease of the lands by the said first lease demised shall be executed unto him or them for the further term of fourteen years to commence from the expiration of the said former lease granted at a yearly rent amounting to double the rent by such former lease reserved but subject to the like covenants conditions and agreements (except as to the right of renewal) as in the said former lease may have been contained or implied the said lessee his executors administrators or assigns executing a counterpart thereof.

82 Lessee to pay rent in advance between first day of February and last day of March in each year.

Every lessee shall between the first day of February and the last day of March in every year pay or cause to be paid in advance to the Receiver of Land Revenue the rent specified in his lease.

83 License or lease lapsing to be offered for sale by public auction.

Should any license or lease for depasturing purposes lapse or be forfeited the Commissioner shall with the approval of the Superintendent cause a lease or leases of such lands or such parts thereof as the Board shall determine to be offered for sale by public auction subject to such conditions for payment of deposit and purchase money and otherwise for such term not exceeding fourteen years and at such annual rental or rentals as the Board shall determine and such lease shall be sold to the highest bidder.

84 Rents payable in advance If not paid lease forfeited.

The rents payable under all licenses or leases of pastoral lands so sold by auction as last aforesaid shall be payable annually and in advance and in every sale by auction of a lease of pastoral lands a deposit of ten pounds per centum of the annual rent and of the premium shall be paid immediately by the person declared to be the purchaser and if the purchaser shall not within one calendar month pay the balance of the first year's rent and the premium if any at which the lease was sold the deposit shall be absolutely forfeited and it shall be lawful for the Commissioner again to put up for sale by auction a lease of the lands comprised in such license or lease either on the same or other conditions as the Board shall determine.

85 Beneficial interest in lease may be transferred.

The beneficial interest in any lease of pastoral lands granted hereunder may at any time after the grant of such lease be transferred by the lessee or transferee thereof Provided always that no such transfer shall be valid unless all the conditions upon which the lease was granted shall have been complied with as to payment of rent or otherwise and until notice shall have been given to the Commissioner of such transfer having been made and such transfer shall have been sanctioned by the Commissioner and recorded Provided also that it shall 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.

86 Forfeiture of lease if rent not paid.

If at any time during the currency of any lease granted under this Act the annual rent payable in respect thereof 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 then in that case such lease shall be *ipso facto* void and shall be sold by auction as soon as practicable after such default Provided always that in case of the death of the lessee the six months be extended by the Board to twelve months.

87 Roads may be taken through leased lands.

Provided always that it shall be lawful for the Waste Lands Board at any time during the currency of any lease granted under this Act to take without compensation all necessary roads through the lands so leased.

88 Holders of pastoral licenses may exchange licenses for leases.

Every holder of a pastoral license may at any time within six months after the coming into operation of this Act elect to surrender such license and receive within six months from the date of such application from the Commissioner a lease under this Act of the lands held under such license and the Commissioner shall cancel such license and shall grant to the holder thereof a lease under this Act to be called a pastoral lease of the lands held under the depasturing license

for a term of fourteen years Provided that every person occupying Crown Lands under license who may be desirous of surrendering such license for a lease under this Act shall before being entitled to such lease deposit with the Commissioner of Crown Lands a plan made from actual survey by a surveyor approved of by the Commissioner of Crown Lands of the land applied for Provided also that no licensee who shall neglect or fail to give such notice in writing as aforesaid shall be entitled to a lease under this Act Provided also that all licenses hitherto granted which would cease and determine by lapse of time before the first day of July one thousand eight hundred and sixty-eight shall be taken for all purposes to be extended to that date together with all the terms and conditions upon which such licenses were originally issued.

89 Money paid by a license holder in advance to be allowed in rent of lease.

Any moneys paid by a license-holder in advance on account of his license or the assessment upon his stock shall in the event of his electing to exchange his license for a lease be allowed to him in computing the first year's rental under the lease after deducting such proportion of the money paid as aforesaid as may be equivalent to the portion of the year during which the license remained in force.

90 Land may be offered for sale.

It shall be lawful for the Commissioner to offer for sale subject to the provisions for the sale of lands contained in this Act any land included within the limits of a lease still current which the lessee may desire to purchase and for which he shall have lodged a written application But in the event of the land which has been so offered to public auction not being sold it shall be exempted from the operation of the thirty-first clause of this Act and shall not be subject to sale excepting by way of subsequent auction.

91 Improvements to be allowed lessee.

Any land included within the limits of a lease put up to auction at the request of the lessee upon which any improvements shall have been made shall be offered for sale at an upset price which shall include the value of the improvements to be assessed by the Commissioner in some equitable manner and if any other person than the lessee should prove the purchaser of such lands the value of the improvements as aforesaid shall be paid by the Commissioner to the lessee.

92 "Waste Lands Act 1858."

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

93 Repeal.

Saving of existing interests and powers relating thereto.

The Regulations for the sale and disposal of the Waste Lands of the Crown within the Province of Nelson made by a proclamation of the Governor dated the fourteenth day of May one thousand eight hundred and fifty-six so far as they affect Waste Lands of the Crown within the Province of Marlborough and “The Marlborough Waste Lands Regulations Amendment Act 1863” are hereby repealed Provided that nothing in this Act contained except where otherwise expressly provided shall affect any contract promise or engagement made with or by and 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 granted or issued under any former Acts Ordinances or Regulations and existing and being in force at 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 holders thereof 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 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 vested in and imposed on Commissioners of Crown Lands under the provisions of the Acts Ordinances and Regulations by virtue of which such licenses and leases were issued or granted or such contracts and engagements were entered into.

Schedule A

Timber License

Whereas of has made application for a license to cut saw split and remove timber on and from all that piece or parcel of the Waste Lands of the Crown situate at in the Province of Marlborough containing acres and has this day paid into my hands the sum of

Now therefore I do hereby license the said to cut saw split and remove timber on and from the said land for the term of subject to the provisions of

“The Marlborough Waste Lands Act 1867,”

A. B. Commissioner.

Schedule B

Application for Pasture License or Lease

District of
Boundaries
Estimated extent
Deposit £

Signature of Applicant.

Schedule C

Pasture Occupation License

Whereas A. B. of has made application for a Pastoral Occupation License in the district of and has lodged with me the required description and deposit And whereas the boundaries of the run thus applied for are set forth on a plan attached to this license and the acreage contents satisfactorily certified

Now therefore I do hereby license the said to depasture stock upon the said land for the term of fourteen years from the date hereof subject nevertheless to be sooner determined pursuant to the provisions of "The Marlborough Waste Lands Act 1867" and to be cancelled as in such Act is provided.

Dated

C. D. Commissioner.

Schedule D

This deed made the day of A.D. 186 between Her Most Gracious Majesty Victoria of the United Kingdom of Great Britain and Ireland Queen of the one part and [*name description and residence of the lessee*] hereinafter called the lessee of the other part [*recital if any*] Witnesseth [*or now this deed witnesseth*] that in pursuance of “The Marlborough Waste Lands Act 1867” Her Majesty the Queen doth hereby demise and lease unto the lessee his executors administrators and assigns All that &c. [*here describe land*] to hold the same unto the lessee his executors administrators and assigns subject to the terms and conditions by the said Act imposed and other the terms and conditions implied in leases under or by virtue of any law or ordinance of New Zealand for the term of years to be computed from yielding and paying therefor during the said term the yearly sum of £ in advance on the day of in each and every year of the said term All such annual payments to be made to the Receiver of Laud Revenue in the Province of Marlborough aforesaid.

In witness whereof Esquire the Commissioner of Crown Lands for the Province of Marlborough hath hereunto set his hand the day and year first aforesaid.