

Canterbury Waste Lands Act 1869

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An Act to amend the Waste Land Regulations of the Province of Canterbury.

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 of the Waste Lands of the Crown in the said Province

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 1869.”

2 Rental to be paid on runs not held under Act of 1864.

The annual rent to be paid on and after the first day of May one thousand eight hundred and seventy in respect of every run not held under the provisions of “The Canterbury Waste Lands Act 1864” hereinafter referred to as “the said Act” shall be determined by assessment as hereinafter provided.

3 Superintendent shall appoint persons to assess value of runs.

The Superintendent of the said Province shall as soon as conveniently may be after the passing of this Act appoint one or more duly qualified persons to assess the value of all runs not held under the said Act and to determine the rent which shall be paid for the same on and after the said first day of May one thousand eight hundred and seventy.

4 Licensee may hold run at rent so determined.

If the holder of a depasturing license not held under the said Act shall on or before the said first day of May one thousand eight hundred and seventy give notice in writing to the Waste Lands Board of the said Province that he is desirous of holding his license at the rent determined as hereinbefore provided and shall on or before the said first day of May pay the first year’s rent together with the cost of the assessment (to be fixed by the said Superintendent) such holder shall be entitled from thenceforth to hold his run as from the said first day of May at the rent so determined.

5 Upon non-acceptance of terms run to be forfeited.

If the holder of any depasturing license for a run the rent of which shall have been determined as hereinbefore provided shall fail on or before the first day of May one thousand eight hundred and seventy to give the notice and to make the payments specified in the last preceding section the Waste Lands Board of the said Province shall immediately after the said first day of May one thousand eight hundred and seventy declare such run to be forfeited and such run shall then be put up to auction by the said Waste Lands Board.

6 Disputed assessments to be settled by arbitration.

If the holder of a depasturing license for a run not held under the said Act the rental of which shall have been determined by assessment as hereinbefore provided shall consider that such run has been assessed beyond its fair value it shall be lawful for him to refer the question of such value to a sole arbitrator to be appointed by the Governor and the decision of such arbitrator shall be

final and conclusive All the expenses incidental to such arbitration shall be paid by the holder of the said license and pending the decision of the arbitrator as aforesaid the forfeiture of the said run under the provisions of section five of this Act shall be suspended but if the holder of the depasturing license shall fail within one month after the date of the award of the said arbitrator to give to the Waste Lands Board the notice and to make the payments specified in section four of this Act together with the cost of arbitration as hereinbefore provided the Waste Lands Board shall thereupon declare such run to be forfeited and it shall be put up to auction as hereinbefore provided Provided that in the event of the arbitrator deciding that the run was in the first instance assessed beyond its fair value the cost of the first assessment provided for in section four of this Act shall be paid by the Receiver of Land Revenue out of the land revenue of the Province and not by the holder of the depasturing license.

7 Course to be adopted with regard to runs generally in default of payment of rental.

If the holder of a depasturing license held under the said Act or this Act shall at any time fail or neglect to pay the rent due in respect thereof the said Waste Lands Board shall declare such license to be forfeited and the run shall then be put up to auction the upset rate of rental of such run being the highest rental payable before the passing of the said Act Provided that nothing in this section shall be construed to affect or repeal the provisions of the ninth section of "The Waste Lands Board Appeal Act 1867."

8 Rent not to be altered until 1st May 1880.

The rent of any run determined under the provisions of this Act whether by assessment or by auction shall not be altered until the first day of May one thousand eight hundred and eighty.

9 Township sites when not sold may be alienated for certain purposes.

Notwithstanding anything in the Land Regulations of the Province of Canterbury to the contrary it shall be lawful for the Superintendent and Provincial Council of the said Province by Ordinance to be passed by it in that behalf to enact that any lands which may have already been or shall hereafter be set apart and proclaimed as sites for towns in the said Province and which may not have been sold for the purposes for which such lands shall have been set apart or which having been so sold have been reconveyed to the Crown or to the Superintendent of the Province shall be reserves for endowments for educational or other purposes of public utility and such reserves shall not be alienated from the specific purposes to which they shall have been severally dedicated except under the provisions of "The Public Reserves Act 1854" and the notice and delineations upon the authenticated maps shall be published and made in every such case as required by the nineteenth clause of the said Regulations.

10 Acreage in excess of estimate in application to be paid for.

Whereas by the fortieth clause of the Regulations aforesaid it is provided that should any section of rural land when surveyed prove to differ in any respect from that intended by the purchaser the Government will not be responsible for any loss or inconvenience which the purchaser may experience and whereas in many cases the descriptions of the boundaries given by purchasers of the land intended to be purchased by them have on survey proved to contain a larger area than that estimated to be contained within such boundaries and stated in the license to occupy and in some cases Crown Grants have been prepared in accordance with such descriptions it is hereby enacted that in every such case the purchaser shall on the demand of the Commissioner of Crown Lands forthwith pay to the Receiver of Land Revenue the difference between the price of the land contained within the boundaries described and of the land for which payment has already been made whether the Crown Grant shall have been prepared or not Provided always that if the said purchaser shall not pay such sum on demand the section shall if necessary be resurveyed and the Crown Grant if prepared shall be corrected and such purchaser shall forthwith pay to the Treasurer of the Waste Lands Board the cost of such resurvey of the section containing the excess of acreage and if the Crown Grant has been prepared he shall also pay in like manner the expenses incidental to such preparation.

11 Timber licenses may be refused in districts to be proclaimed.

It shall be lawful for the Superintendent of the said Province from time to time by Proclamation in the *Gazette* of the said Province to define any district or districts in the Province which it shall not be lawful for the Waste Lands Board to include in any license to cut timber issued under the said Regulations after the publication of such Proclamation and thereafter the said Board shall not issue any license to cut timber in such district nor shall any holder of a license to cut timber issued after the publication of such Proclamation cut any timber in the said district under the authority of any such license The said Superintendent shall have full power from time to time by Proclamation in the said *Gazette* to revoke or alter any such Proclamation and the boundaries of any such district or districts to define and alter Provided always that no such Proclamation as first aforesaid shall be made revoked or altered except upon a Resolution of the Provincial Council of the said Province requesting the Superintendent so to do.