

Auckland Waste Lands Act 1867 Amendment Act 1869

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An Act to amend "The Auckland Waste Lands Act 1867" relating to the Sale and Disposal of Waste Lands in the Province of Auckland.

Preamble.

WHEREAS it is expedient to amend "The Auckland Waste Lands Act 1867"

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 Auckland Waste Lands Act 1867 Amendment Act 1869.”

2 Interpretation.

The words “said Act” in this Act shall be taken to mean “The Auckland Waste Lands Act 1867” and this Act shall be read as part of the said Act.

3 Sections 2 and 23 amended.

In the first line of the second section of the said Act the word “second” shall be substituted for the word “first” and the word “three” shall be substituted for the word “five” in the twenty-third section thereof.

4 West Tamaki Panmure and Mount Wellington to be one district.

For the purposes of rating under “The Highways Act Amendment Act 1864” of the Superintendent and Provincial Council of the Province of Auckland the Highway Districts of West Tamaki Panmure and Mount Wellington shall be deemed to be and are hereby constituted one Highway District under the designation of “The Panmure Highway District” This provision to come into effect at the close of the current year.

5 Time when holder of order entitled to grant.

Section twenty-nine of the said. Act is hereby repealed and the following enacted in lieu thereof At the expiration of three years from the day of arrival stated in such note as aforesaid the person entitled to any land selected under any such order or land scrip shall be entitled to a Crown Grant thereof on proving to the satisfaction of the Superintendent that he has been resident in the Province for the full period of three years Provided nevertheless that at any time within the period of three years as aforesaid the holder of any such land order or scrip as aforesaid shall upon purchasing the said land at a price of ten shillings per acre and the receipt of such money being certified by the Receiver of Land Revenue be entitled to a Crown Grant for the same Provided also that any school teacher having a certificate under the Board of Education constituted under “The Education Act 1857” of the Superintendent and Provincial Council of Auckland repealed by Act of the Superintendent and Provincial Council of the said Province one thousand eight hundred and sixtyeight and who was paid his salary up to the thirty-first of December one thousand eight hundred and sixty-seven by appropriation of the said Provincial Council shall be entitled on and after the passing of this Act to a Crown Grant for such land as he might have been entitled to after being engaged for the period of five years in teaching youth within the Province in a Common

School in connection with the Board of Education under the provisions of “The Auckland Waste Lands Act 1858.”

6 Superintendent may set apart land for special settlement.

Section fifty-four of the said Act is hereby repealed and the following enacted in lieu thereof It shall be lawful for the Superintendent from time to time to declare by Proclamation that a certain block of land in such Proclamation described shall be set apart and reserved for certain immigrants not being fewer than fifty above eighteen years of age expected to arrive desirous of settling within the Province of Auckland Provided always that it shall be lawful for the Superintendent to complete all agreements in writing for special occupation and settlement duly entered into before the passing of this Act with persons expected to arrive or who shall have arrived and desire to settle within the Province of Auckland in the same manner as if this Act had not been passed subject however to any prior engagement which the Province is under by Act of the General Assembly Provided also that not more than ten thousand acres shall be set apart for special settlement within any one year.

7 Depasturing licenses.

It shall not be lawful during the currency of any depasturing license granted under Schedule I. of the said Act to sell the whole or any part of the land comprised therein and subsection two clause seven of the said Schedule is hereby repealed Provided that this section shall not come into force till by an Act of the Provincial Legislature of the Province of Auckland the moneys received from or on account of such depasturing license or rent of the runs specified therein shall be devoted to the endowment of Common Schools in such Province And provided also that this section shall only continue in force so long as such moneys are by law so applied.

8 No land once proclaimed to be withdrawn from sale or selection.

Anything in “The Auckland Waste Lands Act 1867” to the contrary notwithstanding whenever the Superintendent of the Province of Auckland shall have notified that any town lands or suburban lands or general country lands reserved for sale by auction are to be sold at any public sale or shall have notified a day on and after which any general country land shall be open for selection and sale such land shall remain open for sale until it shall have been withdrawn by Proclamation and the Superintendent shall have power by Proclamation in the Auckland *Gazette* so to withdraw the same but only upon a Resolution of the Provincial Council sanctioning such withdrawal being first obtained in each instance and the Superintendent shall not in any case withdraw any land from sale and selection or vary alter or annul any division of Waste Lands into classes so as to withdraw any land from sale and selection without such Resolution as aforesaid Provided always that in special cases where the Superintendent deems it necessary to make public reserves or to vary

alter or, annul the division into classes of any Waste Lands by turning country land into town land or where there is reason to believe that any Waste Land open for sale or selection is auriferous or contains other minerals the right to work and win which it may be expedient to reserve it shall be lawful for the Superintendent during the recess to suspend the sale or selection of any such lands by Proclamation as aforesaid for three months pending such resolution by the Provincial Council Provided also that if it is necessary at any time to reserve any such land for public purposes of the General Government on that behalf it shall be lawful for the Governor in Council to make such reserves in manner specified by “The Waste Lands Act 1858.”

9 Roderick McKay and John Finlayson’s Grants.

And whereas certain immigrants from Nova Scotia to the Province of Auckland named Roderick McKay and John Finlayson together with their respective families arrived in that Province before the establishment of the system of granting to immigrants forty acres of land in lieu of passage money and have been recommended by the Auckland Provincial Council to the consideration of the General Assembly in order that their claims might be dealt with in the same manner as if they had arrived with land orders while “The Auckland Waste Land Act 1858” was in operation Be it enacted that it shall be lawful for the Superintendent of the Province of Auckland to grant to each of them the said Roderick McKay and John Finlayson including their families who emigrated with them a certificate in the form in the Schedule hereunto annexed which certificate shall confer the same right of selection and other privileges as if the said certificate had been granted under “The Auckland Waste Land Act 1858” And the said Roderick McKay and John Finlayson to whom such certificates shall be granted shall have a priority of selection thereunder over the pieces of land of which at the time of the passing of this Act they may be in *bona fide* occupation Provided always that nothing herein contained shall authorize the Superintendent to grant to either of the said persons a certificate for a greater number of acres than such persons would be entitled to under a land order issued by an emigration agent under the said “Auckland Waste Land Act 1858” if that Act were now in force.

Schedule

This is to certify that (*insert name*) is entitled to a right of selection for acres and the same privileges as though [he] had received a land order for the said number of acres under “The Auckland Waste Land Act 1858” prior to its being repealed [he] having (*state number and age of families on arrival*)