

Nelson Waste Lands Act 1863 Amendment Act 1872

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An Act to amend “An Act to regulate the Sale Letting Disposal and Occupation of the Waste Lands of the Crown within the Province of Nelson.”

Preamble.

WHEREAS it is expedient to amend “The Nelson Waste Lands Act, 1863:”

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 Nelson Waste Lands Act 1863 Amendment Act, 1872.”

2 Clause 41 repealed.

The forty-first section of “The Nelson Waste Lands Act, 1863,” is hereby repealed, and the provision hereinafter in this section contained shall be substituted in lieu thereof.

Lands may be granted to persons or company constructing works on certain conditions.

In order to enlist private enterprise and capital in the construction of roads bridges railroads tramways harbours and docks, by means of grants of land as payment part payment or consideration for such work, Crown grants of Waste Lands may be made to the person or company contracting to construct such works, subject to the following regulations:—

- (1.) A contract must have been entered into for the construction of the work with the Superintendent, acting under the authority of an Act of the Provincial Council and with the advice of his Executive Council, which contract shall, if such Act have so provided, contain such terms and conditions as shall be specified in such Act, otherwise such terms and conditions as the Superintendent, with such advice as aforesaid, shall think fit.
- (2.) The value at which the land is to be taken by the contractor shall be fixed by the Board, but in no case less than five shillings per acre, and as regards land situated in the Grey Valley not less than twenty shillings per acre, before the contract is made.
- (3.) The land to be granted in full or part payment or consideration (as the case may be) shall be such as is agreed upon between the Superintendent, acting with such advice as aforesaid, and the contractor, and shall be specified in the contract. The value at which such land is to be taken by the contractor shall also be specified in the contract.
- (4.) The contractor shall give such security for the due fulfilment of the work as the Provincial Council shall determine or the Act authorizing the Superintendent to contract provides; or if the said Act does not specify the security, then the contractor shall give such security as the Superintendent, with such advice as aforesaid, shall think fit.
- (5.) The land to be granted shall not exceed in quantity three-fourths of the Waste Lands of average quality within two miles next adjoining to such work, or any part thereof; or in case of a work made wholly or in part through other than Crown Lands, then the grant shall be of such other Waste Lands of equal extent and of average quality in some other locality to be benefited by such work. No lands known to be auriferous or to contain valuable minerals shall be included in any contract made under this Act.
- (6.) Upon the contract being entered into, the land shall be reserved from sale by the Board.

- (7.) Upon the due completion of the work being certified to the Board by the Superintendent, by writing under his hand, the contractor shall be entitled to a Crown grant of the land reserved.

3 Limit of lands to be granted.

Not more than ten thousand acres in any one year shall be contracted to be granted as payment or part payment of works under the preceding section.

4 Land on gold field previously built upon may be sold to occupier.

Notwithstanding anything to the contrary contained in "The Nelson Waste Lands Act, 1863," whenever any lands shall be reserved for a town or village, and be open for sale as town lands, if any of such lands so reserved shall have been within a proclaimed gold field, and at the time of the withdrawal of the same from such gold field such reservation or opening of such land for sale shall have, for a period of two years preceding, been occupied under business license or other lawful authority as a residence or business site, or shall have been so occupied for any less period than two years, and a building, of the value of fifty pounds at least, have been erected on such land by the occupier or some person through whom he claims, then the Board may sell such land to such occupier, without putting up the same to auction, at such price as shall be fixed by the Board, not being less than at the rate of ten pounds for forty perches of land: Provided however that no more than forty perches shall be sold under this provision to any one person within the same town or village.

SPECIAL PROVISIONS FOR WORKS ON GOLD FIELDS

5 Superintendent may enter into contract for the construction of certain public works.

In order to provide for the speedy construction of the works mentioned in the Schedule to this Act, it shall be lawful for the Superintendent of the Province of Nelson, in accordance with the provisions of this Act in so far as the same are applicable, from time to time to enter into one or more contract or contracts with any person or persons or company or companies for the construction of the public works in the Province of Nelson specified in the said Schedule, or any or either of them or any parts thereof, in such manner and upon such terms and conditions as shall be agreed upon between the Superintendent and any person or persons or company or companies agreeing to construct the same, and to agree to give such quantity of the Waste Lands of the Crown in the Province as payment or part payment for the same as shall be agreed upon between them.

Schedule

1. Trunk road from the junction of the Rivers Arnold and Grey to the Township of Ahaura.
2. Trunk road from the junction of the Rivers Buller and Blackwater to the Inangahua Landing.
3. Trunk road from the Township of Ahaura to the saddle between the Waiau and Ahaura Rivers.
4. Trunk road from the junction of the Rivers Owen and Buller to the Lyell.
5. Trunk road or tramway from Westport to the junction of the Nine-Mile Creek with the River Buller.
6. Trunk road from Graham River to the Karamea Bend.