

New Zealand.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

No. 65.

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AN ACT to authorize the Leasing for depas- turing purposes of Crown Lands in the Province of Nelson. [30th October 1865.]

WHEREAS it is expedient to amend the law now in force for letting Waste Lands of the Crown in the Province of Nelson

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

I. The Short Title of this Act shall be "The Crown Lands (Nelson) Leasing Act 1865."

II. The word "Board" in this Act shall mean the Waste Lands Board established pursuant to "The Nelson Waste Lands Act 1863" and the word "Commissioner" shall mean Commissioner of Crown Lands for the Province of Nelson.

III. So much and such parts of "The Nelson Waste Lands Act 1863" (hereinafter referred to as the said Act) as are inconsistent with the provisions of this Act are so far only as they would prevent the operation of this Act hereby repealed.

IV. Provided always that nothing herein contained shall affect any contract promise or engagement made with or by or on behalf of Her Majesty or of the Government previous to this Act coming into operation and then incomplete and unfulfilled.

V. All persons desiring leases of unoccupied portions of Crown Land not suitable for agricultural purposes shall lodge with the Land Commissioner of the district in which such land is situated a description thereof in the form or to the effect of Schedule A. hereto and shall at the time of lodging such description pay to the Commissioner a cash

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- deposit of eight pence for every acre of the estimated quantity of the land comprised in such description.
- Deposit to be allowed in rent. VI. The amount of such deposit shall be allowed to the applicant in or towards the first payment of rent to be made by him in respect of such land.
- Certain sections of "Nelson Waste Lands Act 1863" to apply to leases. VII. Sections XLVIII. XLIX. L. LI. LII. and LIII. of the said Act shall apply as well to applications for leases under this Act as to applications for runs under the said Act.
- No application for leases of less than one hundred acres or more than ten thousand acres to be received. VIII. No application for any such lease of less than one hundred acres of land or more than ten thousand acres of land shall be received.
- Maximum percentage of arable land to be included in land comprised in lease. IX. The area to be comprised in any lease shall not contain more land fit for the plough or for a homestead than in the proportion of one acre in every twenty acres of land comprised in such area. Provided that the decision of the Board shall be conclusive as to the fitness of any land for agriculture. Provided further that no lease shall be invalidated by any error or miscalculation of the proportions of arable land.
- Land applied for to be surveyed. X. Upon the filing of every such application the Commissioner may cause the land therein described to be surveyed or may allow any applicant for a lease of unsurveyed land in a district the survey of which is not about to be immediately undertaken by the Government to have such land surveyed at his own expense by a surveyor authorized by the Commissioner in that behalf and receiving his instructions from the Commissioner but the applicant shall be responsible for the correctness of the survey.
- Maps plans &c. to be deposited. XI. The maps plans and field-books connected with every such survey when completed shall be deposited in the Land Office at Nelson and upon such deposit as aforesaid being made the Board shall proceed as soon as may be to ascertain and declare the value of the land comprised in the survey under the same conditions and regulations as are contained in "The Nelson Waste Lands Act 1863" with respect to the price of land for sale.
- Board to declare value of land applied for. XII. Every such lease shall be in the form or to the effect of Schedule B. hereto and shall be executed on behalf of Her Majesty by the Commissioner.
- Form of lease. XIII. The rent to be reserved upon every such lease shall be at the rate of five pounds for every hundred pounds and fractional part of one hundred pounds of the value so to be declared. Provided that no such rent shall be lower in amount than three pence for every acre of land comprised in any such lease.
- Rent to be reserved. XIV. Every such lease shall be for a term of fourteen years and shall reserve the annual rent to be fixed by the Board and shall contain a proviso enabling the lessee to determine the same at the end of any current year thereof upon delivering a written notice of intention so to determine the same at the Land Office at Nelson six months previously.
- Terms of lease. XV. 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 term by 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
- Right of renewal.

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agreements (except as to this present right of renewal) as in the said former lease may be contained or implied the said lessee his executors administrators or assigns executing a counterpart thereof.

XVI. In every such lease there shall be a proviso reserving to Her Majesty the Queen her heirs and successors all mines and minerals in or under the land comprised in such lease with the right to and for Her Majesty her heirs and successors her or their lessees or licensees to search for work and vend such mines and minerals and to make convenient roads for access to the same but upon the terms of paying or allowing to the lessee compensation for any injury to which he may be subjected by the exercise of such right. Exception of mines.

XVII. It shall be lawful for every holder of a pastoral license in the said Province at any time within the space of one year after this Act shall come into force subject to the conditions and restrictions imposed by this Act to apply for and obtain a lease of the land or part of the land comprised in such license Provided that upon the granting of any such last-mentioned lease any license previously held by the lessee comprising the same or part of the same land shall determine and become inoperative Provided also that no such lease shall be granted to any licensee who shall within the space of one year after this Act shall come into force have transferred or affected to transfer his interest under such license in any portion of the land included therein. License may be exchanged for lease.

XVIII. It shall be lawful for the Waste Land Board at any time before the execution of any such lease to exclude from the land proposed to be comprised therein any lands which to them may appear suitable for any of the purposes whether temporary or permanent for which Crown Lands may from time to time be reservable according to any Act or Acts in force at the time of the granting of such lease. Power to Board to make reserves before execution of lease.

XIX. It shall be lawful for the Governor in Council by proclamation in the Government *Gazette* of New Zealand and in the Government *Gazette* of the Province of Nelson at any period not less than two years before the time appointed for the coming into effect of such proclamation to proclaim any land included in such lease or leases (except the homestead not exceeding eighty acres) to be a reserve for such purposes as any reserve of Crown Lands may at the time of such notice being published lawfully be made and the term and interest created by any lease of land comprised in any such proclamation shall at the expiration of two years from the publication of such proclamation so far as relates to any land so comprised cease and determine. Governor may proclaim reserves.

SCHEDULE A.

Schedule A.

APPLICATION FOR LEASE OF CROWN LANDS FOR DEPASTURING.

District of
Boundaries
Estimated extent
Deposit £
Signature of applicant

SCHEDULE B.

Schedule B.

THIS deed made the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ 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 lessee] of the other part Whereas the lands hereinafter described being Crown Lands in the Province of Nelson in the Colony of New Zealand have been duly notified by the Waste Lands Board of the said Province to be lands not suitable for agriculture and to be of the estimated value of £ _____

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And whereas the said [lessee] has made application to the said Waste Lands Board for a lease of the said lands under and by virtue of and subject to the terms and conditions imposed by "The Crown Lands (Nelson) Leasing Act 1865" And whereas the said [lessee] has complied with the regulations and conditions as to survey and application and otherwise by the said Act imposed and has paid the deposit by the said Act required Now this deed witnesseth that Her Majesty the Queen doth hereby demise and lease unto the said [lessee] (hereinafter called the lessee) his executors administrators and assigns All that [description of land demised] To hold the same unto the said lessee his executors administrators and assigns (subject to the terms and conditions by the said Act imposed and other the terms and conditions applicable to leases by virtue of any law or Ordinance of New Zealand implied) for the term of fourteen years from the day of the date of these presents rendering and paying therefor yearly and every year during the said term the annual rent or sum of £ sterling by equal quarterly payments to be made to the Provincial Treasury of the Province of Nelson on the day of the day of the day of and the day of in each year except and always reserved out of this lease unto Her Majesty her heirs successors and assigns all mines and minerals that are or shall or may be found in or upon the said premises with full liberty and power for Her Majesty her heirs and successors their and her lessees and licensees to search for work and vend dig take and carry away the same and to make convenient roads for access thereto but upon the terms of paying or allowing to the said lessee compensation in the manner and of the nature provided by section number XLVI of "The Nelson Waste Lands Act 1863" for any injury to which he may be subjected by the exercise of such right And also excepted and always reserved out of this lease unto Her Majesty her heirs and successors the right to lay out and construct through and over the said lands hereby demised such roads other than the roads before mentioned as by the Government for the time being in the Province of Nelson aforesaid of Her Majesty her heirs or successors may be deemed necessary for the public benefit without any compensation being made therefor other than the reduction of the rent hereinafter mentioned except in the case hereinafter provided for Provided always that the land taken for purposes of such roads other than the roads for access to mines before mentioned shall not exceed the proportion of acres for every hundred acres herein comprised Provided also that the rent hereby reserved shall whenever any part of the said land shall be taken for roads be reduced at the rate of for every acre or part of an acre so taken Provided further that if the right thus reserved shall not be exercised within three years from the delivery at the office of the Waste Lands Board aforesaid of a request in writing from the lessee his executors administrators or assigns shall be entitled to compensation in the manner and of the nature by the section number XLVI of "The Nelson Waste Lands Act 1863" provided for the damage done by the construction of such roads to any improvements effected on the said land subsequently to the expiration of the said period Provided always and it is hereby agreed and declared that if the said lessee his executors administrators or assigns shall be desirous of putting an end to this demise at the expiration of any full and complete year of the said term hereby granted and of such his or their desire shall give not less than six calendar months' notice in writing to the Waste Lands Board aforesaid at the Crown Lands Office in Nelson aforesaid then and in such case upon payment of all arrears of rent and performance of all the covenants herein reserved contained and implied on the part of the lessee to be paid kept and performed then and in such case at the expiration of the current year aforesaid this deed and every article clause matter and thing herein contained shall cease and be void In testimony whereof