

REGULATIONS

FOR GRANTING

AGRICULTURAL LEASES ON GOLD FIELDS

IN THE

PROVINCE OF NELSON.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF
HIS EXCELLENCY.

WELLINGTON.

—
1872.

REGULATIONS FOR THE GRANTING OF AGRICULTURAL LEASES IN THE PROVINCE OF NELSON.

Mode of Application.

1. Every application for an agricultural lease of Crown land within the Nelson Gold Fields must be made in the form of the first Schedule hereto, or to the like effect, to the Warden of the district wherein the land is situate; and copies of such application must be posted and maintained by the applicant for a period of fourteen (14) days, on boards standing not less than three (3) feet above the surface of the ground, and erected one at each corner of the land so applied for.

Application to be Advertised.

2. A notice of every such application, and of the date fixed for the hearing thereof, with full particulars of the locality of the land applied for, shall be advertised not less than twice, by and at the expense of the applicant, in such newspaper circulating in the district as the Warden shall direct; and copies of the newspapers containing such notice shall be produced to the Warden before he shall proceed to hear the application.

Deposit to be Paid.

3. Before any such application shall be received by the Warden, the applicant must pay to a Receiver of Gold Revenue a deposit, the amount whereof shall be calculated as hereinafter set forth, and such Receiver shall give a receipt therefor in the form provided by the Treasury Regulations for the time being in force, and such receipt must be produced to the Warden on making the application.

Deposit, how Calculated.

4. If application is made for 50 acres or any less area, the amount of the deposit shall be £10. For any greater area, the deposit shall be calculated upon the entire acreage at the rate of four shillings per acre, and any fractional part of an acre will be reckoned as an acre.

Boundaries must be Marked.

5. The boundaries of the land applied for must be marked on the ground by \perp trenches, and substantial posts standing not less than three (3) feet above the surface at each corner thereof.

Areas must be Rectangular.

6. Every area of land so applied for must be rectangular in form, unless a creek or river, or other natural obstacle, renders a deviation from the rectangular form necessary, and shall be laid out in accordance with rules 1, 2, 3, and 4 of section 14 of "The Nelson Waste Lands Act, 1863."

Hearing.

7. Upon a day to be appointed by him, the Warden shall proceed to hear the application, but such hearing may be adjourned from time to time, if any sufficient or reasonable cause shall be assigned or known to the Warden.

Objections.

8. Objections to the granting of any application may be made either in writing prior to or verbally upon the day of the hearing thereof; but every such objection must be sustained at such hearing by the objector in person, or by counsel.

Surveyor to Report.

9. Before or at such hearing, a report and plan by the Chief Surveyor, or some person authorized by him, shall be furnished to the Warden, setting forth the probably auriferous nature or otherwise of the land applied for; the prior existence or otherwise of any claim or mining privilege thereupon; and the desirability or otherwise of reserving the whole or any portion of such land for roads, water-races, or other public or necessary purposes; and such Surveyor shall also (if so instructed by the Warden) attend at the hearing to render such information as may be required.

Warden to Report.

10. Immediately after the hearing, the Warden shall forward the application, together with the Surveyor's report and all other documents relating to the application, to the Superintendent. And therewith the Warden shall report whether any objection has been made, or any reason known to him, why such application should not be granted, and also whether the applicant is the holder of any other land under the Agricultural Lease Regulations; and if so, specifying the extent and area of any such former holding. And such report shall include the Warden's recommendation as to the granting or refusal of the application.

Protection during Application.

11. All applications for agricultural leases will be reserved for the final decision of the Superintendent; and land for which application shall have been made in the manner aforesaid shall be "protected" from the date of such application until such decision shall have been made known to the Warden.

Certificates.

12. After the approval of any application, and pending the issue of a lease, a certificate, in the form in the third Schedule hereto, will be issued to the applicant, and such certificate will bear date from the first day of the month wherein the application shall have been granted.

Failure to take up Certificate.

13. If any applicant fails or neglects to take up his certificate within thirty (30) days after notice, by advertisement in a newspaper circulating in the district, from the Warden that such certificate is ready for issue, such certificate may be forthwith cancelled, and upon such cancellation, the deposit paid upon the application will be forfeited.

Term of Lease.

14. Leases will be granted upon such applications as may be approved by the Superintendent for a period of not exceeding seven (7) years from the first day of January, April, July, or October, which may be next ensuing the date of the certificate issued under regulation 12.

Certificates to be Exchanged for Leases.

15. If the holder of such certificate shall neglect, for the space of thirty (30) days from the time of notification by advertisement in a newspaper circulating in the district that the lease is ready for execution, to execute such lease and a counterpart thereof, the said lease shall become void, and the ground declared open for occupation.

Rent.

16. The rent charged shall not exceed two shillings and sixpence (2s. 6d.) per acre, payable half-yearly in advance from the date of the lease, and every fractional part of an acre will be considered as an acre, and charged accordingly.

Refusal of Applications.

17. In the event of the refusal to grant any application, the applicant will be entitled to a refund of the amount of his deposit less any charges that may have been incurred by reason of such application.

Exemptions.

18. Agricultural leases will not, except in special cases, be granted for land within the boundaries of proclaimed townships, or of public reserves, nor for any area including a permanent water-course, or which may present auriferous indications; and in all cases a public roadway, not less than one claim in width, will be reserved along the banks of rivers.

Sale of Interests.

19. The sale or transfer of any right, title, or interest to or in any application for an agricultural lease, will not be permitted nor recognized, without the sanction, in writing, of the Superintendent.

Cancellation of Certificates or Leases.

20. Every certificate and lease shall be subject to the conditions following (that is to say), That if the land be transferred without the sanction and authority of the Superintendent; or if planting, cultivation, or other permanent improvement be not commenced within three months after the issue of such certificate or lease; or if one-eighth in acreage of the land be not planted, cultivated, or otherwise improved within twelve months from the date of any such certificate or lease; or if, at any time during the currency of the lease, the land shall be neglected for a period of six months; or if the rent be not paid on the days appointed for payment thereof, the certificate or lease may be cancelled, and the interest of the holder of the certificate, or the lessee, as the case may be, absolutely forfeited; and in every case where such conditions shall not be expressed in any certificate or lease, the same shall be implied therein respectively.

Transfer.

21. Certificates or leases will not be transferable without the special sanction and authority of the Superintendent; and for every such transfer, when sanctioned, a fee of one pound (£1) will be charged; and no such transfer will be sanctioned in any case, unless and until the conditions with respect to improvement shall have been duly complied with by the holder of the certificate, or the lessee, as the case may be, and until all rent due shall have been paid.

Land may be taken for Roads.

22. The right to survey, through any land held under certificate or lease, such roads as may be deemed essential for public convenience, will be reserved; and also the right to throw them open to public traffic, subject to the allowance of valuation for the improvements, and for any standing and growing crops which may be in or upon such line of road at the period when possession thereof is taken by the Superintendent.

Construction of Water-races.

23. The right to permit the construction of water-races through land held under certificate or lease, and to grant free entry to such land for the purpose of cleansing or repairing such water-races, will also be reserved, with or without compensation to the holders thereof, and upon such terms and conditions as the Superintendent may from time to time appoint and determine.

Area to be Withdrawn to be Deducted.

24. When any land held under certificate or lease shall have been withdrawn for any of the before-mentioned purposes, the area so withdrawn shall be deducted from the acreage originally

Conditions of Entry to Search for Gold.

SCHEDULE I.

Place.

Date.

Signature (Name in Full.)

Address

The above application will be heard before me at _____, on _____, the _____ day of _____, 187 ____.

A. B., Warden.

SCHEDULE II.

No.

Place.

Date.

C. D.,

Receiver of Gold Revenue.

SCHEDULE III.

(Not Transferable without the Sanction of the Superintendent.)

PROVINCE OF NELSON.

A. B., Warden.

OSWALD CURTIS,
Superintendent.

ALFRED GREENFIELD,
Provincial Secretary.

