



NEW ZEALAND  
GOVERNMENT GAZETTE  
(PROVINCE OF NELSON).

PUBLISHED BY AUTHORITY.

*All Public Notifications which appear in this Gazette, with any Official Signature thereunto annexed, are to be considered as Official Communications made to those Persons to whom they may relate, and are to be obeyed accordingly.*

*By His Honor's command,*

S. L. MULLER, *Provincial Secretary.*

VOL. IV.

NELSON, WEDNESDAY, JANUARY 9, 1856.

No. 2.

Provincial Secretary's Office,  
Nelson, January 7, 1856.

IN accordance with the provisions of the Waste Lands Act, 1854, the following Regulations for the disposal of the Waste Lands of the Crown within the Province of Nelson, about to be proposed to the Provincial Council for adoption, are published for general information.

By his Honor's command,  
S. L. MULLER,  
Provincial Secretary.

REGULATIONS FOR THE SALE AND  
DISPOSAL OF THE WASTE LANDS OF  
THE CROWN WITHIN THE PROVINCE  
OF NELSON.

I.—GENERAL.

1. All regulations now in force in the Province of Nelson for the sale, letting, disposal, and occupation of the waste lands of the Crown (except such Regulations as are hereinafter confirmed), are hereby repealed from and after the day when these Regulations shall come into operation, and all such waste lands shall, from and after such day, be sold and disposed of according to these regulations, and not otherwise.

II.—SURVEYS AND RESERVES.

2. No lands, other than those heretofore surveyed by the New Zealand Company or

under the authority of the General Government before these Regulations shall have come in force, shall be offered for sale in any district until the Principal Surveyor of the General Government within the Province, or other officer duly authorized in that behalf, shall have notified to the Superintendent that the native title has been extinguished in such district, and shall have transmitted, with such notification, an outline map, signed by such surveyor or other officer, and distinguished by some number or mark, showing the boundaries of the district and of the lands (if any) reserved within such district for the use of the natives, and exhibiting, so far as practicable, the character and natural features of the lands included in such district, accompanied by such written information relating thereto as cannot be conveyed by a map.

3. So soon as such notification and map shall have been received, proper surveys shall, with all convenient speed, be made in such district; and the Superintendent, with the advice and consent of his Executive Council, shall divide the same into counties and hundreds, and shall from time to time make reserves for the sites of towns and villages, or for lines of internal communication, whether by roads, canals, railways, or otherwise; or for the laying out of drains around or through districts which are of a swampy character; or for

quays and landing-places, or for the general convenience of trade and navigation; or as the sites of churches, court-houses, markets, hospitals, prisons, or other public edifices; or as cemeteries; or as places necessary for the embellishment or health of towns, or the recreation of the inhabitants thereof; or otherwise for any purpose of public utility, convenience, or enjoyment.

4. One thirty-second part of land, of average value, in every district, shall also be set apart and reserved as an endowment for the purposes of education.

5. All such reserves shall be notified in the *Government Gazette* of the Province, and the lands so reserved (except such as shall be reserved as sites for towns or villages, or for purposes of education), and all roads, or reserves for roads, streets, and squares throughout the Province, shall be vested in the Superintendent under "The Public Reserves Act, 1854;" and all reserves for purposes of education shall be vested in an Education Board lawfully constituted.

6. The Governor will make such reserves for purposes of military defence, or for the civil service and use of the General Government, as he shall deem expedient.

7. Reserves, lines of road, and sections shall be laid down on the proper maps of each district, each section in a district having a distinguishing number or mark. A separate plan shall be made of each town site.

8. Roads and streets shall not be less than one chain in width, except where local circumstances shall render an adherence to this rule impracticable.

9. In laying out sections, the following rules shall be adhered to as nearly as possible:—

1. Every section shall front on a road.

2. Road and water frontage, and natural advantages, shall be equally distributed.

3. Road frontage shall not exceed two-thirds of the depth of a section, except where a road intersects a section.

4. Natural boundaries shall be taken advantage of.

5. Except in the case of natural boundaries, the sections shall be rectilinear.

10. Sections of town, suburban, and mineral land, may be of such size as the Superintendent, with the advice of his Executive Council, shall from time to time determine.

No section of rural land shall be less than forty, nor more than three hundred and twenty acres; nor of pasture land less than eighty, nor more than six hundred and forty acres. Within the above limits any section may at any time previous to sale be altered or subdivided by the Superintendent, with the advice

of his Executive Council: provided always, that under special circumstances proprietors may be permitted to complete their properties by the purchase of adjoining lands in blocks of irregular shape and of small extent, which, at the option of the applicant, will either be put up to auction or taken by him at a fixed price, to be assessed by the Commissioner of Crown Lands, subject to revision by the Superintendent, and having relation to the average value of land of the same character.

11. An authentic copy of the map or plan of every district and town site, signed by the Principal Surveyor, and all reports of the surveyors respecting the same, shall be deposited in the Land Office, and shall at all times thereafter, during office hours, remain open to public inspection. And any correction in the said maps and plans, requisite in consequence of further reserves, or of alterations in the size or shape of any section of land or town site, or otherwise, shall be duly made at the time when such reserve or alteration is determined upon; and all such maps shall clearly exhibit the lands sold and those about to be offered for sale, or which, having been so offered but not sold, are open for selection at a fixed price; and for the better information of the public with respect to such lands, there shall be delineated on the maps as many as possible of the natural features of the country, as hills, rivers, woods, and so forth.

### III.—SELECTIONS FOR RELIGIOUS PURPOSES.

12. Ministers or trustees of religious bodies shall, either before or after any district is open for selection, be at liberty to apply to the Superintendent for permission to purchase land, not exceeding one acre in any town site, as sites for churches, chapels, schools, or other buildings devoted to religious purposes, and not exceeding twenty acres in any country district for burial-grounds, or as sites for churches, chapels, or schools; and upon any such application being recommended by the Superintendent, with the advice of his Executive Council, the applicants or other persons on behalf of the religious body shall be permitted to purchase the land applied for, at such rate as shall be fixed by the Superintendent and his Executive Council, not being less than ten pounds an acre for town land, or ten shillings an acre for other land.

### IV.—LAND SALES.

13. The Superintendent shall from time to time, by proclamation in the *Government Gazette*, notify the districts which shall be open to general purchase, and all lands about to be offered for sale, and the class to which they respectively belong.

14. For the purposes of sale, the lands of the province shall be classed by the Superintendent, with the advice of his Executive Council and the Commissioner of Crown Lands, under five heads:—

A. Town land, being sites reserved for towns or villages.

B. Suburban land, being land in the vicinity of such sites.

C. Rural land, being land neither from the unevenness of its surface or the quality of its soil unsuited for tillage.

D. Pasture land, being such as from its hilly and broken character or inferior quality appears unsuitable for agricultural purposes.

E. Land believed to contain minerals of value.

15. In determining within which class any particular lands are to be included, town and suburban lands will be distributed so as to promote the settlement of the country, subject to enlargement or alteration from time to time. With regard to rural and pasture lands, their fitness or unfitness for the purposes of tillage, rather than their position, will be considered.

16. All lands, except as is otherwise herein provided, shall be sold by auction.

17. The upset price of town and suburban land shall be fixed by the Commissioner of Crown Lands, subject to revision by the Superintendent and Executive Council.

18. The upset price of rural lands shall be from ten shillings to twenty shillings per acre, and of pasture lands from five shillings to ten shillings per acre, to be fixed in like manner.

19. The upset price of mineral land shall be fixed in like manner, subject to the provisions of clause 48, as to any land included in a mining lease.

20. No land shall be sold unless the same shall have been previously surveyed and set out upon the ground, and distinguished by an appropriate mark on the plan of the district within which it may be situated.

21. No land shall be sold by auction until the land to be sold, and the upset price thereof, and the time and place of sale, shall have been proclaimed in the *Government Gazette* and some newspaper circulated within the province, for a period of not less than one calendar month, nor more than three months.

22. Sales of land, of which in accordance with the foregoing clause due notice has been given, will take place at intervals of three months.

23. Any person wishing to purchase portions of the waste lands of the Crown not advertised as about to be sold, must lodge an application at the Land Office describing the portion of land which he wishes to purchase,

and must deposit at the same time a sum of money at the rate of one shilling per acre upon the computed acreage of the land applied for. In case of the land indicated being already surveyed and marked out upon any plan in the office, it will be advertised without delay for the next auction sale which will allow the requisite public notice to be given. In case of the land not being upon any plan, it will be surveyed and offered for sale on the next day of auction (with due notice) after such survey.

24. In the event of any land so applied for not being sold when put up to auction, the money deposited will be forfeited. But if such land is then sold the deposit will be returned in case the land was surveyed previous to such application, or any portion of such deposit not expended in the survey if the land was specially surveyed on account of the person applying.

25. The Commissioner of Crown Lands, or some other person duly authorized by the Governor to act in that behalf, shall conduct all sales by auction.

26. Immediate payment, in cash, of one-tenth of the purchase-money, shall be the condition of every sale by auction; and in default thereof the land shall be again immediately put up to auction; the remaining nine-tenths must be paid by the purchaser within one calendar month of the day of sale, or the one-tenth deposited will be forfeited, and the whole transaction null and void.

27. Any lands put up to auction, and not sold, may, within six months next after such day of auction, be purchased by any person who shall pay for the same the original upset price in full at the time of making such purchase: provided always, that any lands which may have been put up for sale, and not sold before these Regulations have come into operation, may be purchased in like manner at the original upset price, until such lands have been again offered by auction.

28. Provided also, that whenever the title to any native land shall have been extinguished, it shall be lawful for the Governor, if he shall think fit, to permit any of the native sellers to purchase, at the rate of ten shillings an acre, any portion of such land not being town or suburban land, and the same may be conveyed by Crown grant accordingly.

29. No portion of the land occupied by a pasture license-holder, whereon a homestead shall have been erected or improvements made, shall be offered for sale until the offer of purchasing such land shall have been made to such license-holder, at a price per acre assessed within the limits of the upset price of the class of land to which the land in question may belong.

30. The license holder in such case will be entitled to purchase, upon the terms mentioned in the preceding clause, a block of land not exceeding eighty acres, containing his homestead and improvements; but he may be required to exercise his right of purchase at any time after one month's notice.

31. In case of the license-holder declining or neglecting to exercise his right of purchase, the land on which his homestead stands may be offered for sale, but in that case the value of the improvements thereon shall be assessed in some equitable manner, and the land shall be offered for sale at a price made up of the upset price of the land and the value of the improvements. Should any other than the holder of the license become the purchaser, the value of his improvements will be paid to the license-holder immediately after the sale; but should there be no bidding for such homestead, the license-holder will be required to purchase the land at the upset price (minus the value of his improvements) immediately after the sale; should he not do so, the homestead may at any time be sold at such price as may be deemed expedient.

32. Whenever any portion of land comprised in any pasture license shall be purchased by other than the holder of such license, it shall be lawful for the Commissioner to delay giving possession for any time not exceeding three months, to afford such license-holder a reasonable time for the removal of his property.

#### V.—EMIGRATION FROM THE UNITED KINGDOM.

33. As it is expedient that persons desirous of emigrating from the United Kingdom to settle in the Province of Nelson, should, under certain conditions, be entitled to acquire land free of cost in proportion to their actual outlay on emigration, whenever any person in the United Kingdom shall satisfy any agent appointed for that purpose by the Immigration Commissioners of the Province, that he intends to emigrate at his own cost to the Province of Nelson and bona fide settle there, such person may, subject to instructions from the Immigration Commissioners, receive from such agent, on embarkation, a certificate stating the name, age, and occupation of any such person, and of his family (if any), and the amount of passage money actually paid by such person on account of himself or his family, and that the person to whom such certificate is granted has produced to the said agent satisfactory proof of good character, and claims to acquire land free of cost in respect of the said certificate.

34. Every such certificate shall be presented to the Immigration Commissioners in Nelson,

or to their agent, before whom shall appear personally such of the persons named therein as shall have arrived; and the Immigration Commissioners, on being satisfied as to the identity and good character of such persons, and of their bona fide intention to settle in the Province of Nelson, shall (after such persons have resided six months within the province), in exchange for such certificate, grant a money certificate in respect of the passage money of such persons, stating the amount for which such money certificate will be received in payment of the purchase of land.

35. In computing the total sum for which any money certificate shall be granted, the amount to be allowed shall be:—

For every cabin passenger one half the sum which he shall prove to the satisfaction of the Immigration Commissioners that he has actually paid as passage money for himself and family.

For intermediate and steerage passengers, the whole sum actually paid as passage money, provided that it shall in no case exceed as follows:—

For every person 14 years of age and upwards . . . . .	£	s.	d.
	20	0	0
For every child between 7 and 14 years of age . . . . .	12	0	0
For every child above one year, and not exceeding 7 years of age . . . . .	8	0	0

36. Every such money certificate shall at any time be received instead of money for the amount therein named, in payment or part payment, as the case may be, of the purchase money of Crown land purchased within the province.

#### VI.—NAVAL AND MILITARY SETTLERS.

37. Any naval or military officer on full or half pay, whether belonging to her Majesty's service or to that of the East India Company, who shall retire or obtain his discharge for the purpose of settling in New Zealand, shall be entitled to receive a money certificate to the amount of £300, on his signing, and depositing with the Commissioner of Crown Lands, a memorandum, that by the acceptance of such certificate he holds himself to have come under an honourable engagement, and does accordingly engage, to reside within the Province of Nelson for the space of two years from the issue of such certificate.

38. Non-commissioned officers and privates in her Majesty's army or the Royal Marine, who, being on service in New Zealand, shall obtain their discharge there (such privates being discharged with good conduct certificates), shall, after a residence within the province of one year after discharge, be entitled to receive a money certificate to the following amount:—

Non-commissioned officers, or equivalent to that rank in the sea service £60  
Privates, marines, and seamen . . . £30

39. Every such money certificate shall at any time be received instead of money in payment, or part payment, as the case may be, of the purchase money of Crown land purchased within the province.

#### VII.—SCRIP.

40. The scrip issued in satisfaction of claims under land-orders of the New Zealand Company shall be taken in payment for town and suburban land, at the nominal value of such scrip in pounds sterling. In the purchase of any other land one pound in scrip shall represent the selling price of one acre, when such selling price does not exceed twenty shillings, and in other cases shall represent its nominal value of one pound.

#### VIII.—LEASING OF MINERAL LANDS.

41. Any person applying for a lease of land, for the purpose of working minerals, shall be entitled to the same upon the following terms and conditions.

42. The amount of land to be leased shall be determined by the Land Commissioner; in no case to exceed two square miles.

43. The term to be granted shall be any number of years, at the option of the lessee, not exceeding twenty-one.

44. There shall be reserved a royalty, or rent, of one-fifteenth of the minerals raised.

45. The lease shall contain clauses in the usual form:—

1. For securing the payment of the royalty or rent.

2. For enabling some person on part of the Government to enter and examine the mine.

3. For securing the regular, proper, and efficient winning and working of the minerals.

4. For making void the lease on breach of the stipulations on the part of the lessee therein contained.

5. For delivering up the property at the termination of the lease in good tenantable repair.

6. For enabling the lessee to abandon the working of the minerals whenever he shall find the same unprofitable, and to surrender the lease.

46. In the event of simultaneous applications for a lease of the mineral land, the same will be put up to auction, and the upset price for a lease of twenty-one years shall be a rent or royalty of one-fifteenth of the minerals to be raised. All applications made on the

same day shall be deemed simultaneous applications.

47. Every applicant for a mining lease shall furnish to the Land Commissioner, at the time of making such application, a plan and description of the land applied for, which plan and description shall be made and prepared by a surveyor, to be approved of by the said Commissioner.

48. The land, or any portion thereof, comprised in a mining lease, not exceeding 640 acres in any one block, shall, at the request of the lessee, at any time after the minerals shall have been worked for three years, be put up at an upset price of £1 per acre, subject to the lease thereof already granted.

49. A right of way will be reserved to lessees of mineral lands through the adjoining waste lands of the Crown, towards the most convenient place of shipment, or otherwise, as may be necessary for conveying away the produce; but such right of way will not be exclusively granted to any one lessee.

#### IX.—LICENSES TO CUT TIMBER ON CROWN LANDS.

50. The Rules and Regulations for the issue of timber licenses, made under the Crown Lands Ordinance, No. 1 of Session X., and Crown Lands Amendment Ordinance, No. 10 of Session II., are hereby confirmed; provided that the land to be comprised in any one license shall in no case exceed ten acres; and provided also that the license may be issued by the Commissioner of Crown Lands in lieu of the Colonial Treasurer, as heretofore required.

#### X.—REGULATIONS FOR THE LICENSED OCCUPATION OF PASTURE LANDS IN THE PROVINCE OF NELSON.

1. All persons requiring occupation licenses for unoccupied portions of pasture lands in the Province of Nelson, shall lodge with the Land Commissioner of the district in which such run is situated, a description thereof, in form or to the effect of Schedule A, and shall, at the time of lodging such description, pay to the Commissioner a cash deposit according to the following scale, viz.—

£15 for runs described as under 10,000 acres.

£30 for runs described as under 20,000 acres.

£50 for runs described as over 20,000 acres.

2. All applications which shall have been regularly made, and in respect of which the required deposit shall have been paid, shall be immediately filed and registered in the Commissioner's office; and the register of all such applications shall be open to public inspection within office hours.

3. The Commissioner shall publish without delay, in the *Government Gazette* of the Pro-

vince of Nelson, the description of every run thus applied for, together with the name of the applicant, and the amount paid in deposit.

4. The Commissioner shall have power to hear and decide on all applications, and also all objections thereto, as well as all disputes in respect of conflicting applications.

5. All objections must be lodged before the Commissioner within three months after the date of the publication above referred to, and the ground of objection must be stated in writing; and no objection shall be entertained unless made prior to the lapse of that period.

6. In the event of any objection being duly laid before the Commissioner within the prescribed time, it shall be his duty to appoint by publication in the said *Gazette*, and in some newspaper circulated in the province, as early a day for hearing and determining the claims of the respective parties as shall be compatible with a sufficient notice.

7. It shall be the duty of the Commissioner to hear and determine all such objections and conflicting applications, and also all disputes between holders of pasture occupation licences, regarding the boundaries of their respective runs, in open court, to be held, if required by all the parties concerned therein, in the district where the run in dispute is situated.

8. All applications made upon the same day shall be deemed to be simultaneous applications, and the priority thereof shall be decided by lot.

9. The Commissioner may at any time require the holder of a license to distinguish the boundaries of his run by marked trees or posts, or otherwise, when they are not distinctly marked by nature.

10. So soon as practicable after the decision in favour of any applicant for a run, an occupation license, in the form of Schedule B, to depasture stock thereon for fourteen years, shall be issued to the applicant, who shall pay for such license the sum of five pounds sterling, and shall be entitled to receive credit on account of rent, reserved as under, to the extent of the deposit lodged by him, subject always to the following reservations and conditions:—

1. No license whatever shall be issued until the approximate accuracy of the estimated acreage of the run be certified to the satisfaction of the Commissioner, and endorsed on a plan thereof, which plan shall exhibit, as nearly as may be, the boundaries of the run, and shall be attached to the license. The applicant is bound to obtain such certificate and plan at his own expense, and to lodge the same with the Commissioner within nine months from the date of the decision in his favour, in default of which the run will be declared by

the Commissioner open to be applied for by any other person.

2. If at any time during the currency of such occupation license, the land comprised therein, or any part thereof, shall become included within the boundaries of any reserve, then the said occupation license shall cease and determine as to the land included within such boundaries, from and after the day on which it shall be notified that such reserve has been made.

3. If at any time during the currency of such occupation license the land comprised therein, or any part thereof, shall be sold by, or on behalf of the Crown, in that case also the said license shall cease and determine over so much of the land as shall have been sold, from and after three months' notice of such sale in the said *Government Gazette*.

4. Rent for a run shall be computed upon the acreage according to the following uniform rates, viz.—

For the first seven years of occupation, at the rate of one half-penny per acre per annum.

For the remaining seven years of occupation, at the rate of one penny per acre per annum.

5. All rents shall become due on the 31st of December in each year, and shall be paid to the Land Commissioner of the district where the runs are situated, during the month of January following: Provided that for licenses issued after the 30th of June in any year, only half a year's rent shall be chargeable in the next ensuing month of January.

6. If any arrears of rent shall remain unsettled for a period of three months, the said license shall cease and determine, and the Land Commissioner for the district is thereupon required to notify in the said *Government Gazette* the forfeiture of such license, and to let the run to which it relates by public auction, whereof one month's notice shall be given, to the highest bidder, for a term of fourteen years, subject to the conditions of these regulations. Provided always, that the period of three months above referred to may be extended to six months in case of the death of the run-holder.

7. Within twelve months after the issue of a license, the holder thereof shall be required to place on the run at least one breeding ewe for every twenty acres, or else one cow for every one hundred and twenty acres; and to maintain at least that number of breeding stock upon the run during the whole period of his occupancy. Should the holder of a license not comply with this condition, his deposit shall be absolutely for-

feited and the run shall be let as provided in the foregoing clause.

11. In the event of any run in respect of which such deposit has been made not being afterwards awarded to the depositor by the Commissioner, the amount so deposited shall be returned immediately after the Commissioner's decision.

12. The beneficial interest in any occupation license may be at any time transferred by the licensed holder.

In order to render such transfer valid, it shall be necessary—

1st. That all the conditions upon which the original license was granted shall have been complied with, as to payment of rent or otherwise.

2nd. That notification shall be given to the Commissioner within one month of the transfer having been effected.

13. The licensed occupier of any run shall have the right of pre-emption, during the currency of his lease, to the extent of eighty acres immediately surrounding his homestead, at such price to be assessed by the Commissioner as shall be within the limits of the upset price of the class of land to which it may be judged to belong.

14. A return of all occupation licenses issued during the past year, and of all transfers and decisions on disputed references, and a statement of all deposits and rents received during the same period, shall be published by the Commissioner in the said *Government Gazette*, during the month of February in each year.

15. From and after the time when these regulations shall come in force, no further licenses shall be issued under the regulations of 1851, but all persons holding licenses under the regulations of 1851 may, at their option expressed in writing to the Commissioner within twelve months after the publication of the sanction of these regulations, have licenses issued under these regulations to date from the period of their expressing such option.

#### SCHEDULE A.

Application for Pasture License  
District of  
Boundaries  
Estimated extent  
Deposit £  
Signature of applicant

#### SCHEDULE B.

##### *Form of License.*

Whereas A. B., of \_\_\_\_\_, has made application for a Pasture Occupation License, in the district of \_\_\_\_\_, and has lodged with me the required description and deposit, and whereas the boundaries of the run thus applied for are set forth in a plan attached to this license, and the acreage contents satisfactorily certified:

Now, therefore, I \_\_\_\_\_, do hereby license the said \_\_\_\_\_ to depasture stock upon the said land for the term of fourteen years from the date hereof, subject nevertheless to be sooner determined pursuant to the regulations under which this license is issued and to be cancelled as is in such regulations provided.

Dated

(Signed)

C. D.,

Commissioner.

Provincial Secretary's Office,

Nelson, January 7, 1856.

**H**IS Honor the Superintendent directs it to be notified for general information, that the Orders of the Justices of the Peace, dated the seventh day of November, 1855, for the ALTERATION of the following ROADS, viz.,

1. A Road in the Town of Nelson, being part of Wellington-street,
2. A Road in the Suburban North District,
2. A Road in the Suburban South District,
4. A Road in the Motueka District,

as the said alterations were defined in the notice of the Commissioner of Public Works, dated the 13th day of September, 1855, have been CONFIRMED by the Superintendent and Executive Council.

By his Honor's command,

S. L. MULLER,

Provincial Secretary.