



# NEW ZEALAND GOVERNMENT GAZETTE (PROVINCE OF NELSON).

Published by Authority.

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By His Honor's command,  
ALFRED GREENFIELD, Provincial Secretary, *pro tem.*

VOL. V.

NELSON, FRIDAY, MARCH 27, 1857.

No. 8.

Provincial Secretary's Office,  
Nelson, 27th March, 1857.

His Honor the Superintendent directs that the following Bill, about to be brought before the Provincial Council at its next sitting, be published for general information.

By his Honor's command,  
ALFRED GREENFIELD,  
Provincial Secretary, *pro tem.*

## WASTE LANDS BILL.

*A Bill to provide for the Sale, Letting, Disposal, and Occupation of the Waste Lands of the Crown in the Province of Nelson.*

Whereas, by an Act made and passed by the General Assembly of New Zealand, intituled "The Waste Lands Act, 1856," it is amongst other things enacted that, subject to the provisions in the said Act mentioned, it shall be lawful for the Superintendent of each of the Provinces of New Zealand, with the advice and consent of the Provincial Council thereof, at any time and from time to time, to make laws for regulating the sale, letting, disposal, and occupation of the waste lands of the Crown within such Province, and also to amend, alter, or repeal any laws, ordinances, or regulations then in force for any such purposes within the same: Be it therefore enacted, by the Superintendent of the Province of Nel-

son, with the advice and consent of the Provincial Council thereof, as follows:—

1. From and after the day of 1857, all Ordinances and Regulations now in force for the sale, letting, disposal, and occupation of the waste lands of the Crown in the Province of Nelson, in the colony of New Zealand (except such regulations as are hereinafter confirmed), shall be and the same are hereby repealed; and all such waste lands shall be sold and disposed of in the manner and according to the Regulations hereinafter prescribed, and not otherwise: Provided that nothing herein contained shall affect any contract, promise, or engagement made by or on behalf of her Majesty, or of the Provincial Government of the Province of Nelson, or so far as relates to any such contract, promise, or engagement, any regulations conferring or imposing any rights, powers, or obligations upon any of the parties to any such contract, promise, or engagement.

2. Provided always, that it shall be lawful for the Commissioner of Crown Lands, or other officer duly authorized in that behalf to be appointed by the Superintendent, within three months after notice shall have been given in the *Government Gazette* for the Province of Nelson, to cause to be surveyed, at the applicant's cost (which shall be paid by such applicant before the Crown grant shall be issued), all lands remaining unsurveyed which shall

have been applied for and the application granted, under any regulations relating to unsurveyed lands heretofore in force within the Province of Nelson.

APPOINTMENT AND POWERS OF COMMISSIONER.

3. All the business of the Waste Land Department shall, unless otherwise herein provided, be performed by a Commissioner of Crown Lands to be appointed by and hold office during the pleasure of the Superintendent.

4. In case any person shall unlawfully intrude upon, occupy, or take possession of any Crown land, and shall refuse or neglect to deliver up and quit the possession of the same for the space of ten days after personal service upon him, or his agent or overseer, of a notice to quit the same, signed by any such Commissioner, it shall be lawful for such Commissioner to enter upon the said lands with such assistance as may be necessary, and to take possession of the same on behalf of the Crown, together with any houses or other improvements which may have been made thereon, and the same to deal with as he shall deem most expedient for the purpose of expelling such persons therefrom, and also to expel and remove all persons found trespassing thereon.

5. It shall be lawful for any such Commissioner to give any notice, make any claim or demand, and to make any entry, or to authorize any person to make any entry which may be requisite or expedient to be given or made by or on behalf of her Majesty, her heirs, or successors, for the purpose of compelling any occupier of any part of the Crown land to quit or deliver up the possession thereof, or to compel the performance of any contract in relation thereto, or to recover possession on non-performance of any contract, or to compel the payment of any sum of money which ought to be paid in respect thereof, and to do any other matter or thing which may be expedient on behalf of her Majesty, her heirs, and successors, touching any of the lands of the Crown; and every act, matter, or thing, done or authorized to be done by any such Commissioner, shall be deemed and taken to be done on behalf of her Majesty, her heirs, and successors, any law, custom, or usage to the contrary notwithstanding.

6. It shall also be lawful for any such Commissioner, by himself, or any person whom he shall for that purpose depute, to make distress for any rent which shall be due, in arrear, or unpaid, from any lessee, tenant, or occupier of any Crown land, and the goods, chattels, and effects, so distrained, to impound, sell, and dispose of, as in ordinary cases of rent in arrear.

SURVEYS AND RESERVES.

7. No lands, other than those heretofore surveyed by the New Zealand Company, or under the authority of the General Government, or of the Provincial Government of Nelson, before this Act shall have come in force, shall be sold, let, or otherwise disposed of in any district until such officer as shall be duly authorized in that behalf by the General Government shall have notified to the Superintendent that the native title of such lands has been extinguished, and shall have transmitted with such notifications an outline map, signed by such 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.

8. 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 shall, when deemed necessary, divide the same into counties, hundreds, and hamlets, 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 or landing places; or for the general convenience of trade and navigation; or as the sites of common schools, in which shall be taught reading and writing in English, arithmetic, English grammar, and geography; or of mechanics' institutes, or for charitable purposes, 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.

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

10. It shall be lawful for the Superintendent and Commissioner of Crown Lands from time to time to make and grant leases, for any term not exceeding twenty-one years, of any reserve set apart as a site for a wharf, pier, bridge, or landing-place, to any person or persons whatsoever. Provided that every such lease shall contain a clause to make the same absolutely void, at the option of Government, if the lessee shall demand or receive any larger sum for the use of such wharf, pier, bridge, or landing-place than the sum fixed upon in a table of fees to be agreed

to by the said Superintendent and Commissioner of Crown Lands, which table of fees shall be annexed to or written upon the said lease.

11. 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 the Central Board of Education for the province.

12. 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.

13. 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.

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

15. 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 frontages 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; and no such rectilinear block shall be taken so as in the opinion of the Superintendent and Commissioner to render less available for sale or injuriously affect in value any other portion of the Crown lands.

6. Where the land applied for does not front upon a road, river, stream, lake, or coast, and lies at the back of sections having such frontage and any of which have been sold, the land so applied for must be divided into such blocks as to give each proprietor of the sections aforesaid an opportunity so far as practicable of purchasing some portion of the land at the back of such sections.

16. Sections, of town, suburban, and mineral land, may be of such size as the Superintendent and the Commissioner of Crown Lands shall from time to time determine. No section of rural land shall be less than ten, nor more than two hundred acres; nor of pasture land

less than eighty, nor more than two thousand acres. Within the above limits any section may at any time previous to sale be altered or subdivided by the Superintendent and the Commissioner of Crown Lands, but no alteration shall take place between the time of advertising the same for sale and the time of sale: 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 not exceeding forty acres, which, at the option of the applicant, will be either put up to auction or taken by him at a fixed price, to be assessed by the Superintendent acting as aforesaid, and having relation to the average value of land of the same character.

17. 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.

#### SELECTIONS FOR RELIGIOUS PURPOSES.

18. 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 five 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 and the Commissioner of Crown Lands, 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 Commissioner.

#### LAND SALES.

19. 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.

20. For the purposes of sale the lands of the Province shall be classed by the Superintendent and the Commissioner of Crown Lands under five heads; that is to say—

A. Town land, being sites reserved for towns and 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.

21. 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.

22. Provided always, that when it shall appear to be for the public benefit to exempt any land from the operation of the clauses hereinafter contained relating to the licensed occupation of pasture lands, it shall be lawful for the Superintendent, by notification in the *Government Gazette*, to exempt the same accordingly.

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

24. The upset price of town and suburban land shall be fixed by the Superintendent and the Commissioner of Crown Lands.

25. The upset price of rural lands shall be from ten shillings to twenty shillings per acre, and of pasture lands from (two shillings and sixpence) to (ten) shillings per acre, to be fixed in like manner.

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

27. 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.

28. 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, not less than one calendar month nor more than three months before such sale.

29. 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 for suburban or rural land, and threepence per acre for pasture land, upon the computed acreage of the land applied for, and ten shillings for each town section. 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.

30. In case of the land not being upon any plan, and being in any district the survey of which is not immediately about to be undertaken by the Government, it shall be lawful for the Commissioner to allow the applicant to have such lands surveyed at his own expense, by a surveyor authorized by the Government in that behalf, and receiving instructions in each case from the Commissioner; and after the approval of such survey by the Commissioner, it shall be immediately plotted upon the general map of the district by the Principal Surveyor, or under his authority. The land will then be put up to auction in manner aforesaid; and in such case an allowance of land will be made to the purchaser at the rate of five acres for every hundred acres so surveyed.

31. If the land so surveyed be purchased by any other person than the original applicant, then the purchaser of such land shall, in addition to the amount bid for the same at the sale, pay to the original applicant, as the cost of the survey of the land, such sum of money, not exceeding one shilling per acre, as may be assessed by the Commissioner of Crown Lands, after taking evidence as to the cost of such survey.

32. 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, or received as part of the purchase money, as the case may be.

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

34. 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 after the sale, put up to auction; the remaining nine-tenths, except as is hereinafter otherwise provided, 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.

35. Provided always, that at any time before the expiration of one month from the day of sale, any purchaser thereat who shall be desirous of obtaining a longer period than one month for payment of the remainder of the purchase-money may enter into a contract with the Government for the payment of the same, with interest thereon, by thirteen annual instalments of £10 per cent. upon the amount of the purchase-money, the first instalment to be paid within one year from the day of sale and *bona fide* occupation and improvement of the said land, according to the conditions respecting the occupation of credit land of the like class hereinafter mentioned.

36. After thirteen years *bona fide* occupation, and the payment of thirteen yearly instalments of ten pounds per cent. upon the purchase-money, exclusive of the payment to be made at the time of the sale as aforesaid, and the performance of the conditions herein contained, such purchaser shall be entitled to a grant from the Crown in fee simple of the land so purchased: Provided always that any such purchaser who shall at any time within the period of thirteen years have completed all the improvements required to be made by him up to that time, and who shall have paid all the yearly instalments due up to the same period, and shall pay such further sums of money as, with the instalments already paid, shall make up the amount of the purchase-money of the land, with interest thereon at five pounds per cent. per annum to the time of payment, shall be entitled to a grant of such land.

37. Purchasers of land upon credit, and their assigns, will, subject to the approval of the Commissioner of Crown Lands, be permitted to assign or part with the possession of any such land, subject to the like terms and conditions as the original purchaser was subject to.

38. If any purchaser of lands upon credit shall not, within six months, enter into *bona fide* occupation of the land so purchased, or shall fail to pay any instalment within six months after the same shall become due, or shall fail to perform all the conditions of his contract or terms of purchase, it shall be lawful for the Commissioner of Crown Lands, by notification to be published in the *Provincial Government Gazette*, to declare that the right and interest of such purchaser in such land shall cease and be forfeited: Provided that in case of the death of any such purchaser or assignee it shall be lawful for the Commissioner to extend the time for payment of any instalments to twelve months after the same shall become due.

39. Every person shall be deemed to have *bona fide* occupied any agricultural land pur-

chased upon credit as aforesaid who shall have erected a habitable dwelling-house of any description thereon during the first year, and made improvements thereon, or any part thereof, after the rate for all such land held by him of one acre in fifteen of fern or open land, or one acre in twenty of bush or forest land, for every year after the first year during such occupation: such improvements to consist of tillage, or clearing, or laying down in grass; and a *bona fide* residence by the purchaser on any such land shall be deemed and taken to be equivalent to the aforesaid improvements.

40. Every person shall be deemed to have *bona fide* occupied any pasturage land purchased upon credit who shall have caused to be depastured on such land during each year of such occupation one cow or six breeding ewes for every 120 acres purchased.

41. Every purchaser of agricultural land upon credit shall, unless the purchase-money for the same shall have been previously paid, forward to the Commissioner of Crown Lands at Nelson, on the last day of the second year, and on the last day of every subsequent year of the term of 13 years from the time of such purchase, or within fifteen days after such days respectively, a return in writing of the land improved by him during the preceding year, and of the nature of such improvements, or of his residence as aforesaid, in such form as the said Commissioner shall from time to time direct, signed by such lessee and certified by two householders.

42. Every purchaser of pasturage land upon credit shall, unless the purchase-money for the same shall have been previously paid, forward to the said Commissioner on the last day of each year for the term of thirteen years from the time of such purchase, or within fifteen days thereafter, a return in writing, signed by such purchaser, of the number and description of stock depastured during the preceding year upon the pasturage land purchased by him upon credit.

43. If any question shall at any time arise as to whether a forfeiture has been incurred or sufficient improvement made under clauses 39 and 40 of this act, it shall be lawful for the purchaser within one month after such question shall have arisen, to appeal to the Commissioner of Crown Lands, by whom such question shall be fully and fairly investigated, and decided according to equity and good conscience: Provided always, that if the purchaser be dissatisfied with any such decision, the same shall, at the request of the purchaser, if preferred in writing to the Commissioner within twenty-one days after the decision shall have been given, be referred to two arbitrators and an umpire at the expense of the party requiring

the same, to be appointed in the usual way, and whose decision shall be final and conclusive.

44. If any purchaser or any other person shall continue in possession of land which shall have been declared forfeited under clause 38 (unless an appeal as herein provided be pending), shall be deemed to be in the unlawful occupation of Crown Lands, and subject to the provisions and penalties herein provided in that behalf.

45. Every holder of a pasturage license who shall at any time within six months after the passing hereof make application to the Commissioner for the purchase of the pasturage land comprised within such license shall be entitled to purchase all or any portion of such land, not exceeding 10,000 acres, at a fixed price to be determined in the same manner as is hereinbefore provided with respect to the upset price of pasturage lands to be sold by auction: Provided always that the land so to be sold at a fixed price shall be taken in one block, and in shape as provided in the 15th clause of this Act.

46. A deposit of threepence per acre upon the computed acreage of the land applied for as last aforesaid shall be paid at the time of making such application, which shall be received as part payment of the purchase money.

47. The remainder of the purchase money shall be paid within three months after notification by the Commissioner in the *Government Gazette*, or local newspaper published in the said province, of the completion of the survey of the land applied for: Provided always that such purchaser, after paying such further sum of money (if any) as with the deposit paid shall amount to ten pounds per cent. upon the purchase money, may, instead of paying the remainder of the purchase money as aforesaid, enter into a contract with the Government for the payment of the same, with interest thereon, by 13 annual instalments of ten pounds per cent. upon the amount of the purchase money; as is hereinbefore provided with respect to other lands bought upon credit, and for the performance of the conditions hereinbefore mentioned with respect to the purchase upon credit of pasturage lands.

48. Any lands put up to auction, and not sold, may, within three years 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 there has been no bidding for such lands, and in case of any bidding then the highest price bid. Provided always that nothing herein contained shall prevent such land being advertised and put up again for sale

by auction at any time if not previously applied for.

49. Provided also that whenever the title to any native land shall have been extinguished, it shall be lawful for the Superintendent, if he shall think fit, to permit any of the native sellers to purchase, at a price to be assessed in the same manner as other Crown lands, any portion of such land, not being town or suburban land, and the same may be conveyed by Crown grant accordingly.

50. Provided further, that in certain cases where lands have been acquired by purchase from the natives previous to the colonization of the Province by Europeans, or have been occupied with the consent of the natives previous to the proclamation of Sir George Grey, dated the 4th day of March, 1853, such persons, or their descendants now in occupation of such lands, shall be entitled to purchase the said land or any portion thereof, not exceeding in any case eighty acres, at the rate of ten shillings per acre.

51. 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.

52. 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.

53. 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, 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 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.

54. In the event of the land upon which the homestead of any licensed holder of pasturage land stands being purchased by any person other than the holder of such license, the

value of the improvements thereon shall be paid by the purchaser to the Commissioner or other person duly authorized to receive the same, immediately after the sale, or the deposit will be forfeited and the whole transaction null and void.

55. 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.

56. Where lands shall be purchased in districts in which all future lines of road have not been determined and laid out, a right of road will be reserved in the grant, and an allowance made to the purchaser for such reserve of five acres per cent. to purchasers of not more than five hundred acres, and three acres per cent. to purchasers of more than that quantity.

#### NAVAL AND MILITARY SETTLERS.

57. 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 may have served in New Zealand, and shall retire or obtain his discharge for the purpose of settling in New Zealand, shall, after a residence within the Province of Nelson for two years after discharge, be entitled to a money certificate to the amount of £200.

58. Warrant officers and seamen of her Majesty's navy, non-commissioned officers and privates in her Majesty's army or the Royal Marine, who, being on service in New Zealand or who may have served in New Zealand, shall obtain their discharge there, with good conduct certificates, shall, after a residence within the province of two years 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.

Seamen, marines, and privates, £30.

59. 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 waste lands of the Crown purchased within the province.

#### SCRIP.

60. 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.

#### LEASING OF MINERAL LANDS.

61. 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.

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

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

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

65. The lease shall contain clauses in the usual form:—For securing the payment of the royalty or rent; for enabling some person on the part of the Government to enter and examine the mine; for securing the regular, proper, and efficient winning and working of the minerals; for making void the lease on breach of the stipulations on the part of the lessee therein contained; for delivering up the property at the termination of the lease in good tenable repair; for enabling the lessee to abandon the working of the minerals whenever he shall find the same unprofitable, and to surrender the lease.

66. 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.

67. 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.

68. 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.

69. 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.

#### ISSUE OF TIMBER LICENSES.

70. Persons occupying waste land of the Crown, for the purpose of cutting timber, will be required to pay a fee of five pounds yearly to the Crown upon the issue of the license.

71. The Commissioner of Crown Lands will determine the extent of land to which such license shall give a right of occupancy, and the licenses are only to have effect within the district specified in them. Provided that the land to be comprised in any one license shall in no case exceed ten acres.

72. No fresh applicant for a license will be permitted injuriously to interfere with a portion of forest upon which any other person may have expended capital and labour.

73. In the event of any occupant of a portion of forest, upon which he may have expended any considerable sum in the formation of roads or improvements to facilitate the removal of timber, wishing to resign his license, he will, if in the consideration of the Commissioner he should be regarded as having established a claim to this indulgence, be permitted to transfer his license and right of pre-occupancy to such person as he may select.

74. All applicants for timber licenses must address their applications to the Commissioner of Crown Lands, stating their names and residences in full.

75. When the application has been approved, it will be forwarded to the Provincial Treasurer, by whom, upon payment of the required fee, the license will be issued.

76. No person will be allowed to cut or remove timber, on or from the Crown lands which have been reserved by Government for the public use.

77. The form of timber license will be according to Schedule hereunto annexed.

#### LICENSED OCCUPATION OF PASTURE LANDS IN THE PROVINCE OF NELSON.

78. 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.

79. 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.

80. 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.

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

82. All objections must be lodged with 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.

83. 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.

84. It shall be the duty of the Superintendent and the Commissioner to hear and determine all such objections and conflicting applications, and also all disputes between holders of pasture occupation licenses, regarding the boundaries of their respective runs, in open court.

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

86. 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.

87. 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, whether upon credit or otherwise, 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, that is to say:—for the first seven years of occupation, at the rate of one halfpenny 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 first day of January in each year, and shall be payable in advance, and shall be paid to the Commissioner during the month of January in each year: provided that for licenses issued after the 30th June in any year, only half-a-year's rent shall be chargeable until 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 Commissioner is thereupon required to notify in the said *Government Gazette*, and some newspaper published within the province, 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 20 acres, or

else one cow for every 120 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 forfeited, and the run shall be let as provided in the foregoing clause.

88. 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 decision.

89. 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 that all the conditions upon which the original license was granted shall have been complied with as to payment of rent, or otherwise, and that notice shall be given to the Commissioner within one month of the transfer having been effected.

90. From and after the time when this Act shall come into operation, no further licenses shall be issued under the Regulations heretofore in force; but all persons holding licenses under any such Regulations may, at their option, expressed in writing to the Commissioner within twelve months after the passing of this Act, have licenses issued under this Act, to date from the period of their expressing such option.

#### GENERAL.

91. All annual licenses shall be drawn so as to expire simultaneously on the last day of each year.

92. Licenses applied for after the 1st June in each year, will only be chargeable with half of the usual fee.

93. No license will preclude the Government from including within a hundred, or selling, upon credit or otherwise, or will in any way affect the rights of the Crown to land occupied in virtue of such licenses.

#### UNLAWFUL OCCUPATION OF CROWN LANDS.

95. If any person shall occupy any waste lands of the Crown, either by residing or by erecting any hut or building thereon, or by clearing enclosing, or cultivating any part thereof, or shall fell, remove, or sell the timber growing or being on any such land, without in either case having a lease or license for such purposes respectively, every such person shall, on conviction for any of the offences hereinbefore mentioned, forfeit and pay any sum not exceeding fifty pounds, to be recovered in a summary way: Provided that no person shall be convicted of any of the offences aforesaid except on the information or com-

plaint of a Commissioner of Crown Lands, or of some other person duly authorized in that behalf by such Commissioner.

96. If any person so convicted as aforesaid shall for the space of one calendar month continue in possession or occupation of such land, or otherwise persist in the unlawful act for which he shall have been so convicted, every such person shall upon conviction of any such further offence, upon such information or complaint as aforesaid, forfeit and pay any sum not less than five pounds, nor more than fifty pounds, to be recovered in a summary way.

97. Nothing herein contained shall be construed to prevent any licensed occupier of Crown land, or his agent or servant, from cutting for his own use such timber on the land so occupied by him as is ordinarily used, and as may be necessary for domestic purposes for firebote, fencing, stock-yards, or other conveniences, for the enjoyment of the said land, unless such timber be reserved by the Government for public purposes, and the licensed occupier shall have been warned of such reservation.

98. No possession or occupation of any Crown land, had or taken by virtue of any license as aforesaid, or by depasturing under the provisions of this ordinance or otherwise, shall be construed to give any title whatever against the Crown, or to alter or affect in any respect the rights of her Majesty, her heirs, and successors, in respect of any such land.

99. If any cattle shall be found unlawfully trespassing upon any Crown lands, whether the same shall be fenced or not, it shall be lawful for any such Commissioner, or for any person authorized by him in that behalf, either generally or in the particular case, to impound the cattle so trespassing, in any public pound, to be dealt with according to law: Provided that no Commissioner, nor any person acting under his authority, shall be authorized or required to impound cattle trespassing upon lands forming any part of any defined run, unless such cattle shall be found trespassing in defiance of an adjudication made by the Commissioner with respect to such land.

100. In any action, suit, or proceeding

against any person, for or in respect of any alleged unlawful occupation, trespass, or use of or upon any Crown lands; the proof that the occupation or use in question was authorized by the provisions of this Act, or of any regulations in force within the province, shall lie on the defendant. And the averment, that any lands in question are Crown lands, shall be sufficient without proof of such fact, unless the defendant prove the contrary. And all maps, plans, licenses, certificates, and office copies, certified as true under the hand of the Provincial Surveyor or of the proper officer or of the Commissioner of Crown lands, shall, in all matters relating to the said respective offices, be sufficient evidence of their contents without production of original records, and without the personal attendance of such officers, or proof of their signatures.

101. It shall be lawful for the Superintendent to pay, or cause to be paid, out of the Provincial Treasury, the costs or charges of any suit, action, or other proceeding, which shall be brought by or against any Commissioner, Justice of the Peace, Constable, or other person acting under the authority and in the execution of this Act.

102. Every act which the Superintendent is hereby authorized or required to perform he shall perform solely in accordance with the advice and consent of his Executive Council for the time being.

103. This Act shall be entitled and may be cited as "the Waste Lands Act, 1857."

Provincial Secretary's Office,  
Nelson, March 27, 1857.

**TENDERS** will be received at this office on or before SATURDAY, the 4th day of April, from persons desirous of contracting to execute the following WORK:—

To repair a bridge opposite Mr. Saxton's, Wai-mea-east.

Specifications may be seen and forms of tender obtained on application at this office.

ALFRED GREENFIELD,  
Provincial Secretary, *pro tem.*