



**NEW ZEALAND**

**GOVERNMENT GAZETTE**

FOR THE

**PROVINCE OF NEW PLYMOUTH.**

Published by Authority.

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NOTICE.

Superintendent's Office,  
16th December, 1854.

THE following proposed Land Regulations are published for general information pursuant to the provisions of an Act passed by the General Assembly of New Zealand, intituled "The Waste Lands Act, 1854," and the adoption of the same by the Provincial Council of the Province of New Plymouth, will be proposed by me in conformity with the provisions of the same Act.

CHARLES BROWN,  
Superintendent.

PROPOSED GENERAL LAND REGULATIONS FOR THE PROVINCE OF NEW PLYMOUTH, NEW ZEALAND.

I. GENERAL.

1. All regulations now in force in the Province of New Plymouth for the Sale, Letting, Disposal, and occupation of the Waste Lands of the Crown within the said Province are hereby repealed.
2. All such Waste Lands shall from and after the day on which these Regulations shall come into force be sold, let, disposed of, and occupied according to these Regulations, and not otherwise.
3. So soon as the Native Title shall be extin-

guished in any District, and the same shall be open for settlement, the fact shall be duly notified to the Superintendent.

II. SURVEY, AND SUB-DIVISION OF DISTRICTS.

4. The Surveyor-General, or other proper officer, shall with all convenient speed make a general survey of any district in which the Native Title shall be extinguished after the issue of these Regulations, and also of the unsold portions of the districts in which such Title has already been extinguished, and shall prepare maps thereof exhibiting so far as practicable their character and natural features, and shall transmit the same to the Superintendent, accompanied by Reports containing any information obtained by the Surveyor which cannot be conveyed by a map.

5. If it shall not be possible to survey the whole of any tract of Land without great delay or undue expense, the Superintendent, with approval of the Provincial Council, may direct that portions thereof to be defined by him, shall be successively surveyed and declared open for purchase.

6. The Governor will in the first place appoint such Reserves for Military purposes as he shall think expedient.

7. The Superintendent with the assistance of the Surveyor shall, subject to such approval as hereinafter is mentioned, appoint Public Reserves for Civil purposes, and also Sites for Towns or Villages, which proposed Reserves and Sites shall be laid down upon the proper maps.

8. It shall be the duty of the Surveyor, with the approval of the Superintendent to lay out such lines of road as may appear necessary or desirable, and to divide the Rural Lands into sections, and to lay down the lines of road and sections upon the

said maps, distinguishing each section in a district by a number or mark.

9. A separate Plan shall be made of the site of every Town or Village (hereinafter indifferently designated Towns) and such sites shall be divided into sections, distinguished by numbers or marks, and streets and public places shall be laid out by the Surveyor with the approval of the Superintendent.

10. Reserves for Public purposes, and sites for Towns, as proposed by the Superintendent, and also the laying out of roads and streets, and the division into sections both of the Rural Land and Town sites shall be subject to the approval of the Provincial Council, and finally to confirmation and allowance by the Governor, for which purposes the Map of every district with the Surveyor's report thereon, and the plan of every proposed Town shall be submitted to the said Council, and to the Governor.

11. Further Reserves for Civil or Military purposes may from time to time be made, if deemed requisite, by the like authority, and in like manner as the first Reserves.

12. The sub-division into sections of Rural Land and Town sites, and the laying out of roads and streets, may from time to time be altered by authority of the Superintendent with the approval of the Provincial Council.

13. In laying out Rural sections the following rules shall be adhered to as nearly as may be.

1. Every section shall front on a Road.
2. Road and Water frontage and natural advantages shall be equably distributed.
3. Road frontage shall not exceed two-thirds of the depth of the section.
4. Natural boundaries shall be availed of.
5. Acute angles in the boundary line shall be avoided.

14. No Rural section shall exceed in area 250 acres, and at least one half of the total area of any district shall be laid out in sections not exceeding 100 acres.

15. An authentic copy of the map or Plan of every district and Town site, and all Reports of the Surveyor respecting the same, shall be deposited in the Office of the Commissioner of Crown Lands, or with such other Officer as shall be appointed by the Governor for that purpose, not less than one calendar month before such district or Town site, or any part thereof, shall be declared open for purchase; and such Maps, Plans, and Reports shall during the said period of one month, and all times thereafter, during Office hours, remain open to Public inspection. The Commissioner of Crown Lands, or other Officer appointed as aforesaid, shall from time to time be informed by the Superintendent of any correction in the said Maps and Plans requisite in consequence of further Reserves, or of alterations in the sub-division into sections of any Rural land or Town site, and of all other requisite corrections in the said Maps and Plans, and shall cause such corrections to be made in the copies thereof deposited with him as aforesaid, so as to maintain the exactitude of the said copies.

### III. RESERVES.

16. Public Reserves shall be made for the following and for no other purposes:—

1. General Education.
2. Sites for Public Buildings and Works, Markets, Quays, Landing places, and the like.
3. Places for the recreation and amusement of the inhabitants of any Town or Village.
4. Military Defence.
5. The use or benefit of the Aborigines.
6. Any other purpose of public safety, convenience, health, or enjoyment.
17. There shall be reserved in every district de-

clared open for purchase under these Regulations as an endowment for Schools for General Education Five acres in every Hundred of its area. And also for the same purpose there shall be reserved a Belt of Land surrounding each Town site equal in area to such Town site.

18. With respect to the Town site of New Plymouth the unsold sections will be made a Public Reserve in lieu of those portions of the Reserves for public purposes made by the New Zealand Company in and adjoining the said Town which have been alienated in satisfaction of claims on the Company.

19. The reserved sections, the Reserves designated on the Plan of the Town as Victoria Park, Somes Park, and the Botanical Garden, or so much thereof respectively as have not been alienated by the Crown or Company, the unalienated portions of the Town Belt, and the Roads, Streets, and Public Places within the Town site, will be vested in the Superintendent under the provisions of "The Public Reserves Act, 1854."

20. The roads and reserves for roads throughout the Fitzroy and Grey Blocks, will also be vested in the Superintendent under the provisions of the same Act.

### IV. ROADS.

21. Main roads and streets shall not be less than one chain in width, Cross roads and streets not less than 70 links in width, except where local circumstances shall render an adherence to this rule impracticable.

22. All sales and alienations whatsoever shall be subject to the reservation of a right to be vested in the Superintendent, exercisable only with the approval of the Provincial Council, to construct roads on the lands sold, and for that purpose to authorise and cause a sufficient quantity of the lands to be taken possession of and made use of, when and as he shall think fit.

23. Persons expropriated under the preceding clause shall be compensated by the issue to them of Land Scrip under the following regulations.

24. The Commissioner of Crown Lands shall from time to time issue to the proper persons Land Scrip to such amount as shall be awarded by the Provincial Council on the proposition and with the approval of the Superintendent, in respect of any lands taken for a road—such amount, and the persons to whom it is to be issued being certified to the said Commissioner by the Superintendent. On behalf of persons under disability, and persons interested under settlements, the said Council shall be at liberty to direct that the scrip be laid out by the Commissioner, in the names of Trustees or otherwise, in the purchase of lands in substitution for the lands taken. If from any cause scrip so awarded be not applied for within three years, the right thereto shall lapse.

25. The number of Pounds sterling for which scrip shall be issued under the preceding clause shall be so regulated and restricted from time to time, as never at any time to be greater than one twentieth part of the estimated aggregate number of acres of Rural Land which shall then have been declared open for purchase under these regulations.

26. The foregoing provisions respecting the taking of lands for roads, and respecting compensation for the lands so taken, shall not take away or affect the powers for the like purposes vested in the Governor by virtue of the New Zealand Land Claimants' Ordinance, No. 15, of Session XI.

### V. GRANTS TO PERSONS AIDING IN EXTINCTION OF NATIVE TITLE.

27. On the recommendation of any Officer of the General Government employed in negotiating the cession of the rights over any district of the Native Tribes, it shall be lawful for the Superintendent

with the approval of the Provincial Council, to authorise any person or persons of European Race resident amongst Natives in or near the ceded district, and active in procuring the cession thereof, to select for his or their own use Rural Land within the district, not exceeding altogether 400 acres, either gratuitously, or on such terms as to the Superintendent shall seem fit.

#### VI. SELECTIONS FOR RELIGIOUS PURPOSES.

28. Ministers or Trustees of Religious Bodies shall be at liberty to apply to the Superintendent for permission to purchase Rural lands not exceeding in any one district 10 acres, and also a single section in every Town site, as sites for Churches, Chapels, Schools, or other Buildings, or for Burial Grounds for the use of their several denominations, and any such application being recommended by the Superintendent to, and approved of by the Provincial Council, the applicants, or other persons on behalf of the Religious body, shall be admitted to purchase the land applied for at the rate of 10s. per acre, before the District is opened for public selection.

#### VII. NEW ZEALAND COMPANY'S LAND CLAIMANTS.

29. Holders of unsatisfied Land Orders of the New Zealand Company and Plymouth Company of New Zealand, and of unselected scrip issued under the agreement made by the New Zealand Company with the Resident Purchasers in the year 1849, shall be entitled at any time previously to the 1st day of January 1857, to select according to their respective order of choice, in any Rural Land, after Public Reserves are laid out and applications on behalf of Religious bodies entertained, and before such land is declared open for sale under these Regulations.

30. Such of the said Land Orders and Scrip as may remain outstanding on the said day, shall, on and after that day, and all other claims on the Waste Lands of the Crown in respect of unfulfilled contracts or engagements of the New Zealand Company, shall, on and after the issue of these Regulations, become and be unavailable and extinguished, unless the same be exchangeable and exchanged for Government scrip under the provisions of the New Zealand Company's Land Claimants' Ordinance, Number 15, of Session XI.

#### VIII. SCRIP.

31. Government Scrip shall be taken in payment for Town land at the nominal value of such scrip in pounds sterling.

32. In the purchase of Rural land one pound in scrip shall represent the selling price of one acre where such selling price does not exceed twenty shillings, and in other cases shall represent its nominal value of one pound.

33. Scrip issued under the present regulations as compensation for lands taken by the Superintendent for roads, shall be entitled "Road Compensation Scrip," and shall be available only within the Province.

#### IX. SALES.

34. The Superintendent, with the approval of the Provincial Council, shall notify in the Government Gazette of the Province the day on which Rural Land and Town Land respectively shall be first open for purchase—such day being never less than one calendar month after the publication of the Notice—and being always as respects Rural land, one of the Sale Days for Rural Land hereinafter appointed, and as respects Town Land the third Monday in a month. And to every such notice respecting Rural Land there shall be appended a Tabular Statement shewing the distinguishing number or mark of each section and its area.

35. No further sale of lands in any district already declared open for purchase shall take place until the same shall have been surveyed and de-

clared open for purchase conformably with these regulations.

36. Rural Land and Town Land shall be sold by Public Auction in manner hereinafter prescribed and not otherwise.

37. All sales shall take place at the Crown Lands Office in the Town of New Plymouth and shall commence at the hour of Eleven, A. M., and close not later than the hour of Three, P. M. The Superintendent may from time to time by notice in the said Gazette appoint any other place or hour of sale; but no such Notice shall take effect until the expiration of one calendar month from its publication.

38. The Sub-Treasurer of the General Government or his Deputy for the purpose approved of by the Superintendent, or some other person appointed for the purpose by the Governor, shall conduct the sales.

39. There shall be a periodical sale of Rural Land on the first Monday in every month.

40. The Biddings at sales of Rural Land shall be of a certain sum per acre for a section to be immediately afterwards chosen by the Bidder in any district duly declared as open for purchase—(all such districts within the Province, or the unsold portions thereof, being at every sale open for selection)—and the highest bidder for each successive choice shall accordingly forthwith select a section on the Map or Plan, and declare his choice to the officer conducting the sale, and shall become the Purchaser of the same section at such sum per acre as he shall have last bidden. The said officer shall after each selection proceed to invite another set of biddings, and shall so continue the sale on the same, and if requisite, on the following day or days, so long as there shall be any Bidder for a selection at the upset price per acre.

41. The upset price for Rural Land shall be Ten Shillings per acre.

42. Town Land shall be sold only on such days as the Superintendent shall appoint by Notice published in the said Gazette. Provided that the day so appointed be always the third Monday in the month, and not less than one calendar month after the publication of the notice.

43. The sale of Town Land shall be conducted in all respects similarly to the sale of Rural Land, save that the Superintendent shall by every notice of sale limit the number of selections to be made at such sale, and shall in like manner prescribe some particular Town site or Town sites in which the selections, or any number thereof, are to be made; and the biddings shall be of a certain sum per section.

44. The upset price or prices for Town Land shall be such sum per section as shall for each particular sale and Town site be appointed by the Superintendent, and shall be specified in the notice of sale, and a scale of upset prices may be appointed according to the order of selection.

45. It shall be a condition of every sale that one tenth of the purchase money be immediately paid in cash to the officer conducting the sale, and that the remainder be paid to the proper officer within one calendar month. If default be made in either payment the sale shall be void. If default be made in the latter payment the instalment of one tenth shall be forfeited.

46. The officer conducting the sale, whether of Rural or Town Land, shall certify to the Superintendent, and also to the Commissioner of Crown Lands the distinguishing numbers or marks of the sections sold, and it shall be the duty of the said Commissioner from time to time to cause the sections sold to be distinctly marked as sold, or to be otherwise clearly distinguished in the proper Map or Plan.

#### X. ALLOWANCES TO IMMIGRANTS.

47. Intermediate or Steerage Passengers of the classes hereinafter defined, arriving in the Province

after the 31st day of December 1854, from Europe, North America, Australia, or Van Diemen's Land shall be allowed to select and purchase lands, at auctions under these regulations, at half the selling price, to an amount not exceeding the amount hereinafter specified.

48. The classes entitled to allowance under the preceding clause, and the amount to which Lands shall be purchasable by them at Half price as aforesaid shall be respectively as follows—

CLASSES ENTITLED.	VALUE OF LANDS PURCHASABLE AT HALF PRICE.
1. Married men accompanied by their wives—neither being above 36 years of age if unaccompanied by any child—38 years if accompanied by one child—40 years if accompanied by two children,—and so on, two years additional being allowed in the age of the Parents for every child (under the age of 21) accompanying them.	£80 with £20 additional for every such child.
2. Single women under 30 years of age.	£40
3. Single men under 30 years of age who shall marry in the Colony—	£40

*Note*—The age and description are in every case referable to the time of arrival.

Provided that Immigrants from Australia or Van Diemen's Land shall be entitled to purchase to one half the above amount and no more.

49. No claim for allowance under clause 47 shall be admitted until the Claimant, with his wife, or the claimant being female, the claimant herself, shall have resided 12 calendar months in the Province, nor shall any money previously expended in the purchase of land be returned.

50. Allowances under clause 47 shall not be made to any person whose passage money, or the passage moneys of whose wife or children, shall have been paid by the Provincial Government, unless and until such passage money be repaid.

51. Persons at any time convicted of any Felony or infamous offence, within any part of Her Majesty's Dominions, shall be disqualified to claim allowance.

52. Intending claimants for allowances under clause 47, must present themselves within three months from arrival to the Immigration Officer, who shall then make a preliminary examination of their claims; and after fulfilling the condition as to residence (and where necessary the condition as to repayment of passage money to Government) they must again, after the expiration of one year, and before the expiration of two years from arrival, present themselves to the said officer, who, on being satisfied of the validity of any claim, shall, with the approval of the Superintendent, issue to the claimant his certificate, to the effect that the claimant is entitled to purchase lands to a specified amount, according to the scale, at half price.

53. Half-Price certificates shall be available for five years from issue, and shall not be transferable; but on the death of the original holder shall devolve on his nominee, appointed by any writing under his hand, or in default of such appointment, on his personal representative.

54. Provided that such certificates may be issued to any person who shall have paid the passage money of any Immigrant becoming qualified for allowance under the preceding clauses, and the passage money of his wife and children, if any, and who shall (as the consideration or a part of the consideration for such payment) have stipulated with the Immigrant to be substituted in his or her place with respect to such allowance. The Immigration officer may, at his discretion, in every such case satisfy himself of the right of the Claimant without the attendance of the Immigrant, so that notice of the intended claim be given to him within three calendar months from the arrival of the Immigrant, and the claim to be finally preferred within two years from such arrival.

55. Half-price certificates being produced to the Sub-treasurer, or other proper officer, and such officer being satisfied of the personal identity of the

Holder, he or she shall at any time or times within the period above limited, be entitled to a remission of purchase money to the extent therein certified for—it being understood, that where lands exceeding the value specified as purchasable at half price shall be selected by a certificate holder, he or she shall have an allowance on the purchase money equivalent to the extreme amount of his or her due allowance.

56. If required, every person claiming allowance under clause 47, shall make and subscribe a declaration that he or she has not obtained any remission or allowance under Land Regulations in any other part of the Colony.

**XI. MILITARY SETTLERS:**

57. Military and Naval Officers resident in the Province at the issue of these Regulations will be allowed the privileges accorded to them by the Regulations of May 1851. But the remission money given to them in the terms of those Regulations will be subject to the rules hereinbefore prescribed relative to Government Scrip.

58. Non-commissioned and Warrant Officers in Her Majesty's Army and Navy, and also Soldiers, Marines, and Sailors discharged from Her Majesty's service with good conduct certificates, whether discharged in the colony or elsewhere, and arriving in the Province after the 31st day of December 1854, shall, being qualified by marriage and residence in the Province with their wives, after discharge, be entitled to the like allowance under clause 47 as Steerage passengers arriving from Europe, or North America.

**XII. MINERAL LAND.**

59. It shall be competent to the Superintendent, with the approval of the Provincial Council, to reserve for the purpose of letting the same, any Tract or section known or supposed to have especial value as containing minerals.

60. Leases of Mineral Land shall be made to such persons, for such Terms of years, under and subject to such Rents, Royalties, Reservations, and Covenants, and generally in such manner, as having been proposed by the Superintendent to, and approved of by, the Provincial Council, shall be finally approved of by the Governor, and not otherwise. This provision is without prejudice to the fulfilment of any existing engagement entered into by the Crown.

**XIII. TEMPORARY OCCUPATION OF CROWN LANDS.**

61. The occupation of the Waste Lands of the Crown for the purposes of depasturing Cattle and cutting Timber is regulated by the provisions in that behalf of the Crown Lands Ordinance, No. 1 of Session X, and the Crown Lands Amendment and Extension Ordinance, No. 10 of Session XI, and by certain Rules and Regulations for the issue of Pasture and Timber Licenses for the occupation of Waste Lands of the Crown outside Hundreds, published in the New Zealand Government Gazette.

62. Within the Province of New Plymouth, the said provisions of the said two Ordinances have not, nor have the said Rules and Regulations, been ever acted upon.

63. Such of the provisions of the first named Ordinance as authorise and regulate the depasturing of cattle on the Waste Lands of the Crown, with all incident provisions, and also all and singular the provisions of the other of the said two Ordinances, and also the said Rules and Regulations, are hereby repealed.

64. The future Letting and Occupation for temporary purposes of the Waste Lands of the Crown within the Province (except so far as the same are provided for by the present Regulations) will be provided for by Regulations to be hereafter issued in conformity with the provisions of the Act of the General Assembly intituled "The Waste Lands Act 1854."

**XIV. FEES ON CROWN GRANTS.**

65. By Ordinance No. 2, of session VII, the sum of twenty shillings is payable before the delivery of every Crown Grant by the person entitled to receive the same. No other fee is payable on the issue of Crown Grants.

**XV. COMMENCEMENT OF OPERATION.**

66. These regulations shall come into force on the 1st day of March 1854.

## NOTICE.

Superintendent's Office,  
16th December 1854.

**T**HE PASTURAGE of the unenclosed lands lying waste and uncultivated within the undermentioned Districts in the Town of New Plymouth and Town Belt, will be put up for sale on SATURDAY the 20th January next, at Noon, at the Office of the Provincial Treasurer in Courtenay-street, for the then residue of the year 1855.

The Sale is under the provisions of the Town Pasturage Ordinance, No. 2, of Session II.

## PARTICULARS.

District No. 1.—North of the Mangatuku, and West of Queen-street, at the upset price of forty pounds.

District No. 3.—North of Devon-street and

bounded East by Hobson-street and West by Liardet street, at the upset price of thirty pounds.

## CONDITIONS.

1. Each District shall be put up at the upset price by the Auctioneer; and if any dispute shall arise as to the last or highest bidder for any District, the same shall be put up again at a former bidding.

2. No person shall at any bidding advance less than one pound—or retract his bidding.

3. The purchase money will be payable as follows:—Ten per cent at the auction, and the remainder by equal instalments of ten per cent, payable on the 1st of February 1855, and on the first of each subsequent month until the full amount is paid.

CHARLES BROWN,  
Superintendent.