

New Zealand.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

No. 59.

ANALYSIS.

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AN ACT to regulate the sale letting disposal Title. **and occupation of the Waste Lands of** **the Crown within the Province of** **Southland.** [30th October 1865.]

WHEREAS it is expedient to amend and consolidate the Laws now Preamble.
in force for the sale letting and disposal of the Waste Lands of the
Crown in the Province of Southland

Southland Waste Lands.

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

- Short Title. I. The Short Title of this Act shall be "The Southland Waste Lands Act 1865."
- Interpretation. II. In the construction of this Act the words and expressions following shall have the meaning hereby assigned to them unless there is something in the context repugnant to such construction The terms "Province" "Government" "Provincial Council" "Superintendent" "Commissioners" "Board" and "Provincial *Gazette*" shall mean respectively the Province Provincial Council Superintendent Commissioners of the Waste Lands Board Waste Lands Board and Government *Gazette* of or for the Province of Southland and "Waste Lands" shall mean Waste Lands of the Crown in the same Province.
- Former regulations repealed. III. "The Southland Waste Lands Act 1863" and all regulations now in force in the Province of Southland for the sale letting disposal and occupation of the Waste Lands of the Crown are hereby repealed.
- Waste Lands to be disposed of under this Act. IV. 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 this Act and not otherwise.
- Superintendent to act with advice of Executive Council. V. Every act which the Superintendent is hereby authorized or required to perform he shall perform solely in accordance with the advice of his Executive Council for the time being and such advice shall be recorded on the minutes of the Council.

II.—THE WASTE LANDS BOARD.

- Waste Lands Board established. VI. There shall be established a Board to be called the Waste Lands Board to consist of one Chief Commissioner and of not less than three nor more than five other Commissioners all of whom shall be appointed and be removable by warrant under the hand of the Superintendent.
- Sittings of Waste Lands Board. VII. The Waste Lands Board shall sit at the principal Land Office of the Province at certain stated times to be determined by the Superintendent and shall also sit for special purposes at such places and at such times as the Superintendent shall direct of which sittings due notice shall be given in the Provincial *Gazette* and one or more newspapers published in the Province.
- Chief Commissioner to preside. VIII. The Chief Commissioner when present and in his absence then some member selected by those present at any meeting of the Board shall preside thereat and shall have a casting vote on all questions coming before the Board and all questions coming before the Board shall be decided by a majority of the Commissioners present thereat.
- Meetings of Board to be open. IX. All meetings of the Board shall be attended by at least three Commissioners and shall be open to the public.
- Applications and disputes to be determined by Board. X. All applications for land and for pasturage and for timber licenses shall after hearing evidence when necessary be determined by the Board at some sitting thereof and the Board shall have power to hear and determine all disputes between the holders of pasturage and timber licenses respecting the boundaries of runs.
- Routine business to be transacted by Chief Commissioner. XI. All the routine business of the Land Department shall be transacted by the Chief Commissioner subject to such regulations as may be made by the Board in that behalf.
- Application book to be kept. XII. A book to be called the "Application Book" shall be kept open during office hours at the Land Office in which the name of every person desiring to make any application to the Board shall be written in order by himself or any person duly authorized on his behalf And the Commissioners shall during the sittings of the Board consider and determine all applications in the order in which they shall appear in the application book Provided that if any person shall not appear himself or by some person duly authorized on his behalf before the

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Board when called in his turn his application shall be dismissed until his name shall appear again in the book in order.

XIII. The Board shall keep true and detailed minutes of all applications made to the Board and all decisions thereon and generally of all the proceedings of the Board and such minutes shall be signed by all the Commissioners present at any meeting and such minutes shall be open to the inspection of all persons desiring to inspect the same at all reasonable hours on payment of the sum of two shillings and sixpence for every such inspection. Minutes to be kept by Board.

III.—SURVEYS.

XIV. There shall be a Chief Surveyor who shall be appointed and removable by warrant under the hand of the Superintendent and as many assistant Surveyors as shall be necessary who shall be appointed and removable by the Superintendent upon the recommendation of the Chief Surveyor. Chief and other surveyors.

XV. All surveys shall be conducted in such manner as the Board by all regulations to be made in that behalf shall direct. Regulations as to surveys.

IV.—PUBLIC RESERVES.

XVI. Reserves for the uses of the Provincial Government and for other public purposes may upon the recommendation of the Provincial Council be made by the Superintendent and shall not be alienated from the specific purposes to which they shall have been severally dedicated except under the provisions of an Act of the General Assembly intituled "The Public Reserves Act 1854" and a full and complete description of every such reserve and of the purposes to which it shall have been dedicated shall as soon as possible after it shall have been made be published in the Provincial *Gazette* and set forth on the authenticated maps in the Land Office Provided that the Superintendent may if the Provincial Council be not then sitting temporarily reserve land for such purposes until the next session of such Council. Public reserves may be made by Superintendent.

XVII. Reserves for public highways bridle-paths and footpaths shall be made by the Superintendent and shall be set forth on the authenticated maps in the Land Office The Superintendent and Provincial Council may by Ordinance alter the line of any such highways bridle-paths and footpaths and dispose of the land theretofore used for the same. Road reserves.

XVIII. The Superintendent may temporarily reserve any land for the preservation or sale of the timber thereon but such land may at any time cease to be so reserved upon a resolution of the Provincial Council assented to by the Superintendent. Temporary reserves.

V.—TOWN LANDS.

XIX. The sites of towns shall be determined by the Superintendent upon the recommendation of the Provincial Council and shall be notified by proclamation in the Government *Gazette* of the Province. Sites of towns.

XX. Town lands shall be sold by public auction in sections the size and upset price of which shall be determined by the Superintendent and the Provincial Council and having been so determined for each town severally shall not again be altered. Town lands to be sold by auction.

XXI. The time and place of every auction sale shall be fixed by the Superintendent and shall be notified in the Provincial *Gazette* and one or more newspapers of the Province at least thirty days before such sale shall take place. Time and place of auction.

XXII. No such notification of any sale of town lands shall be published until a map of the town signed by the Chief Surveyor shall have been laid open for public inspection in the Land Office and such map shall set forth accurately delineated all the town sections numbered. Maps of town to be made.

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consecutively so far as laid out showing the sections to be submitted for sale and the public reserves in connection with them.

Town sections how to be put up for sale.

XXIII. Town sections may be put up to auction either by order of the Superintendent or upon the application of some person who shall at the time of making such application deposit ten per centum of the upset price with the Receiver of Land Revenue and such deposit shall if no advance on the upset price be made be considered as the deposit upon the sale at such public auction and if any section shall be purchased by other than the original applicant such deposit shall be forthwith returned on demand.

Deposit to be paid by highest bidder.

XXIV. The person who shall be declared the highest bidder at such auction shall immediately pay a deposit of ten per centum of the purchase money to the Receiver of Land Revenue and in default thereof the section shall be again put up to auction.

Remainder of purchase money to be paid in a week.

XXV. The remainder of the purchase money shall be paid in full within one week after the day of sale and in default thereof the purchaser shall forfeit his deposit money and also all right or title to the land and the section may be sold to any person applying for the same for the price at which it was knocked down at the auction and if not so sold the section may be again put up to auction at any future sale.

VI.—RURAL LAND.

Price of rural land.

XXVI. All lands not included in any of the foregoing regulations shall be open for sale as rural land at the fixed price of twenty shillings per acre Provided always that if at any time the Superintendent and Provincial Council of the said Province shall recommend the Governor to raise such price then it shall be lawful for the Governor in Council if he shall see fit to raise such price in accordance with such recommendation Provided also that in the event of two or more applications for the purchase of the same land being made on the same day then such land shall be put up to public auction at an upset price of the same amount as the fixed price for the time being Provided also that if where two or more applications are made on the same day for the same land any such application shall refer to only part of the land applied for in another application then the auction to be held shall take place in respect of such part only of the land as shall be included in two or more applications so made on the same day.

Compensation to runholders.

XXVII. In case any land shall during the period in which the price of rural land is twenty shillings per acre be sold which is comprised within an exclusive pasturage license then in force the holder of such exclusive pasturage license shall be entitled to receive out of the purchase money paid in respect of such land compensation after the following scale that is to say—

- (1.) Where the license shall have a term of nine years and more to run a sum equal to two shillings for every acre of land so sold
- (2.) Where the license shall have a term of not less than six nor more than nine years to run a sum equal to one shilling and sixpence for every acre so sold
- (3.) Where the license shall have a term of not less than three nor more than six years to run a sum equal to one shilling for every acre so sold
- (4.) Where the license shall have a term of less than three years a sum equal to sixpence for every acre so sold

Provided always that the term to be computed under the foregoing provisions shall not include any extended term to be granted as herein-after provided.

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XXVIII. In case any land shall be sold which shall be comprised within an exclusive pasturage license and the licensee shall have erected or made thereupon any buildings fences or other improvements of a permanent nature the purchaser of such land shall pay to the holder of such pasturage license the value of such improvements such value in case of difference to be determined by the award of two indifferent persons to be respectively chosen by each party or in case of difference by the award of an umpire to be chosen by such referees before they enter upon the matters in difference and in case either party shall neglect or refuse to appoint a referee within ten days after notice by the other then by the award of the referee first chosen.

Valuation for improvements.

XXIX. Save as hereinafter provided no section of rural land shall be sold containing less than twenty acres but any section so limited by frontage lines or private lands as to contain less than twenty acres may be sold by auction at the upset price of forty shillings per acre the time and place of sale and the mode of sale and payment of purchase money to be as nearly as may be in accordance with the regulations herein contained applicable to the sale of town land.

Size of rural sections.

XXX. Every section of rural land shall be in one block and except as hereinafter provided of a rectangular form and if bounded by a frontage line shall be of a depth of half a mile (or forty chains) from such frontage line And the term "frontage line" shall be taken to mean the boundary of a road river or public reserve or any stream or water-course which shall have been declared by notification in the *Provincial Gazette* to constitute a frontage for the purpose of selection.

Shape of rural sections.

XXXI. Where from the frontage not being a straight line or from the interference of other frontage lines natural features or the boundaries of private lands the above rules in respect of form cannot be accurately observed the form of the section shall be determined as nearly in accordance with these rules as in the judgment of the Board circumstances will admit.

Rule as to frontage lines.

XXXII. In sections of lands not adjacent to or bounded by a frontage line all the sides may be equal but one side may not be less than one-third of the other and such section shall not be less than half a mile distant from a frontage line.

Sections not bounded by frontage lines.

XXXIII. Any person possessing a section of land may at any time select another adjacent thereto of such form that the two together being considered as one section shall be in the form required for a single section under the foregoing rules.

Rule as to adjacent section

XXXIV. Immediately on the payment of the purchase money the purchaser shall receive from the Board a "License to occupy" in the form set forth in the Schedule A hereunto annexed and as soon thereafter as conveniently may be the land shall be laid off by a Government Surveyor as nearly in accordance with the description given by the purchaser in his application as these regulations will admit Provided that whenever the lands selected lie without the surveyed districts the expense of the survey and of connecting such survey with the existing surveys shall be borne by the purchaser who shall at the time of purchase deposit the amount of the estimated cost of such surveys with the Waste Lands Board and such surveys shall be made as soon as practicable by order of the Chief Surveyor Provided always that should any section when surveyed prove to differ in any respect from that intended by the purchaser the Government will not be responsible for any loss or inconvenience which the purchaser may experience nor will the purchase money be returned Provided also that if the surveyor shall find that the whole extent of land in the selected locality falls short of the quantity paid for by the purchaser the Receiver of Land

License to occupy to be issued.

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Revenue shall repay so much of the purchase money as exceeds the price of the land to be granted the "License to occupy" shall in any such case be amended by the Board in accordance with the report of the surveyor and the Crown Grant shall be made out in accordance therewith and such license shall be returned to the Commissioners when the Crown Grant shall be issued.

Ditch and bank fences.

XXXV. Any person making a ditch and bank fence on lands adjoining Waste Lands of the Crown may take out of such Waste Lands half the land required for the ditch and bank Provided that no ditch or bank shall be more than six feet in width.

VII.—COMPENSATION LANDS.

Private persons may have land for any public work.

XXXVI. If any person shall contract with the Superintendent to make and complete within a given time any public road bridge drain or other public work or any part of any such road bridge drain or public work furnishing such security as the Superintendent may require for the due completion of such contract and shall offer to accept rural land by way of payment or compensation or by way of part payment or compensation for such work such person shall on the completion of such contract be entitled to a free grant of such land or so much thereof as the Board shall adjudge not exceeding one acre for every one pound sterling which the Superintendent shall certify to the Waste Lands Board to be the *bona fide* value of the work so done by such person according to the prices for work and materials at the time of performing such contract current in the district Provided always that the following rules shall be observed in this behalf—

- (1.) No greater amount of land than two hundred and fifty acres shall under the provisions of this clause be granted to any person under any such contract unless in payment of work for which a vote has been passed by the Provincial Council.
- (2.) No greater amount of land than one thousand acres in the aggregate shall in any one year be granted under the provisions of this clause without the special recommendation of the Provincial Council confirmed by the Governor in Council by a proclamation to be issued in the *New Zealand Gazette*.
- (3.) Every parcel of land so granted shall be subject to the same conditions as to form and frontage as any rural land sold under these regulations provided also that no application for less than twenty acres shall be received under this clause but that where any amount of compensation awarded by the Board shall be of less extent than twenty acres of land the person entitled may pay the balance in cash upon the same terms as other applicants for the purchase of rural lands under these regulations.

VIII.—MANAGEMENT OF CROWN LANDS WITHIN THE LIMITS OF A HUNDRED.

Pasturage right limited to occupiers of land.

XXXVII. The rights of pasturage on Waste Lands of the Crown in any Hundred and the apportionment of the same shall be exercised and enjoyed exclusively by the persons being occupiers of land purchased from the Crown within the limits of such Hundred who shall take out a depasturing license as hereinafter provided The term "occupier" shall include the owner of the land if he shall be in occupation by his servant or agent.

Licenses to be issued.

XXXVIII. A depasturing license shall be granted by the Board to every such occupier who shall apply for the same to the Board on or before the first day of January in each year provided that he shall

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have deposited with the Board a return of the number of acres occupied by him as aforesaid.

XXXIX. Every such license shall commence and take effect on the first day of January and shall continue in force for one year and for every such license there shall be paid by the applicant the sum of ten shillings. Term of license.

XL. As soon as conveniently may be after the first day of January in each year the Board shall publish in the Provincial *Gazette* a list of the persons to whom and the names of the Hundreds in respect of which such licenses shall have been granted and at the same time and in like manner the Board shall call a meeting of such persons in each Hundred for the purpose of electing from amongst themselves by a majority of votes any number of persons to act as Wardens not being less than three as the Board shall in such notice direct and appoint and such persons shall continue in office until the election of their successors and shall have the regulation and apportionment of the right of pasturage within the Hundred for the then current year or until some other regulation and apportionment thereof shall be lawfully made in that behalf. Lists of licenses to be published.

XLI. The persons whose names shall be comprised in such lists shall have the exclusive right of pasturage on the Waste Lands of the Crown within the Hundred in respect of which they shall hold such license. Licenses to have exclusive pasturage right.

XLII. At every meeting to be held for the election of Wardens a person appointed by the Board shall preside and in case of an equality of votes at any such election such person shall have a casting vote and in the event of the death resignation or refusal to act of any of the persons elected aforesaid the vacancy shall be filled up by an election to be conducted in manner hereinbefore provided. Meetings for election of Wardens.

XLIII. It shall be lawful for the Wardens at any time within two calendar months after their election to compute the quantity of cattle capable of being depastured on the Waste Lands of the Crown within the Hundred and to apportion the number of great cattle and small cattle which may be depastured for the then current year by each person holding such license as aforesaid and the regulations so to be made shall be agreed to by a majority of the Wardens and a copy of the same under their hands shall as soon as conveniently may be be furnished to the Board for publication in the Provincial *Gazette*. Wardens to regulate cattle to be depastured.

XLIV. In case the Wardens shall neglect to make such regulations within the period aforesaid all the powers hereinbefore given to such Wardens shall be held and exercised by the Board. If no regulations made by the Wardens Board to make them.

XLV. For the purpose of providing for the safety of the cattle to be depastured within any Hundred for improving the run for preventing the intrusion and the depasturing thereon of cattle belonging to or under the charge of any unlicensed person it shall be lawful for the Wardens or a majority of them from time to time to make such by-laws (not being repugnant hereto) as to them may seem meet and by such by-laws to impose any fine not exceeding five pounds to be recovered in a summary way upon any person offending against the same and such by-laws shall extend and be applicable not only to persons to whom such licenses as aforesaid may have been issued but to persons to whom no such licenses shall have been issued and to all unenclosed lands situated within the limits of the Hundred Provided always that no such by-laws shall come into operation until they shall have received the assent of the Board. Wardens may make by-laws.

XLVI. It shall be lawful for the Wardens of any Hundred or the majority of them to authorize the transfer of any such license as Licenses may be transferred.

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aforesaid from the person to whom the same may have been issued to any other person being an occupier of land as aforesaid situated within the limits of the Hundred in respect of which such license may have been originally issued. Provided also that the notice of such transfer shall be given to the Board.

Licenses for parts of a year. XLVII. It shall also be lawful for the Board to issue such depasturing licenses as aforesaid on payment of a fee of ten shillings at any time for the remaining portion of the then current year.

Assessment on stock to be levied. XLVIII. For the purpose of providing the means for carrying into effect all or any of the powers hereby given to the Wardens of any such Hundred and defraying the expenses incident thereto in the erection and maintenance of pounds the construction of any bridges roads or fences the appointment of rangers or other officers or otherwise it shall be lawful for such Wardens if they shall deem it expedient so to do to levy and raise for the then current year for and in respect of all cattle depastured on the Waste Lands of the Crown within the Hundred an assessment not exceeding—

For every head of great cattle Five shillings

For every head of small cattle One shilling

to be paid by the person depasturing such cattle at the time and in manner to be appointed by the Wardens imposing any such assessment.

Distress for non-payment of assessment. XLIX. In case any person liable for the payment of any such assessment shall neglect or refuse to pay the amount due in respect thereof it shall be lawful for the Wardens or any two of them to issue a warrant under their hands directed to some constable to levy the amount so due by distress and sale of a sufficient part of the cattle and other goods and chattels of the party liable in like manner as in case of rent in arrear between landlord and tenant.

License fees to be paid to Wardens. L. Within one calendar month after the election of the Wardens for any Hundred the Board shall pay over to any person such Wardens may appoint for that purpose all moneys received for licenses in such Hundred which sums shall be applicable under the direction of the Wardens to all or any of such purposes as the assessment they are authorized to levy may be applied.

Accounts to be kept by Wardens. LI. The Wardens shall in a book to be kept by them for that purpose enter true accounts of all sums of money by them received and paid under the authority of these regulations and at the close of the year for which they shall have been elected the said Wardens shall furnish a copy of such book to the Board for publication in the *Provincial Gazette* and shall pay over to the Wardens for the ensuing year the balance of such moneys (if any) remaining in their hands and shall conform to and observe all such rules and regulations as may from time to time be made by the Board for securing the due application of the moneys to be raised under the authority hereof.

Penalty for unlawful occupation. LII. If any person not being so licensed as aforesaid shall depasture any cattle on the Waste Lands within any Hundred or being so licensed shall depasture on such Waste Lands as aforesaid a greater number of cattle than shall have been apportioned to him every such person shall be liable to the same penalties and proceedings as are hereinafter provided for the unlawful occupation of Crown Lands.

If Wardens do not exercise powers Commissioner may. LIII. In cases where no Wardens shall have been elected in any Hundred and in cases in which such Wardens after having been elected shall for three calendar months thereafter fail or neglect to exercise the powers herein given to them all such powers shall be exercised by the Commissioner of Crown Lands.

Cattle trespassing may be impounded. LIV. If any cattle shall be found unlawfully trespassing upon any lands or public roads within the limits of a Hundred whether such

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lands shall be the property of the Crown or shall belong to any private person and whether such lands shall be fenced or not it shall be lawful for any of the Wardens of such Hundred or for any person authorized by them to impound the cattle so trespassing in any public pound to be dealt with according to law.

IX.—PASTURAGE REGULATIONS.

LV. Until sold granted or reserved for public purposes as herein provided all Waste Lands not included within the boundaries of any Hundred proclaimed before the coming into operation of this Act or to be constituted at any future time and not included within any depasturing license heretofore issued may be occupied for pasturage purposes by persons holding licenses from the Waste Land Board to occupy the same. What land may be occupied for pasturage.

LVI. Any person applying for a pasturage license shall state to the Board in writing what are the boundaries and extent of the run applied for and the number and description of the stock which he possesses or will undertake to place upon the run within twelve months from the date of the license. Application for pasturage licenses.

LVII. The annual rent to be paid by the licensee shall be at the following rates—For every run containing less than one thousand acres two pounds sterling for every hundred acres For every run containing one thousand acres and not more than five thousand acres one pound thirteen shillings and fourpence sterling per hundred acres for the first thousand acres and sixteen shillings and eightpence sterling for every hundred acres in addition For every run containing five thousand acres or upwards twopence per acre for every year of the term of the license under which such run shall be held. Amount of pasturage rents.

LVIII. The rent payable by any licensee shall be paid to the Receiver of Land Revenue in advance for the first year on the issue of the license and for the second and every subsequent year on any sitting day of the Board between the twentieth day of April and the first day of May inclusive and every pasturage license not renewed by payment on or before the first day of May of the rent due for the ensuing year shall unless good cause to the contrary be shown to the satisfaction of the Board be considered as abandoned. Annual payment of pasturage rents.

LIX. Every pasturage license so long as the terms and conditions upon which the same is granted are fulfilled shall continue for the period of fourteen years and shall be in the form set forth in the Schedule B. to this Act and shall be transferable by endorsement in the form set forth in such Schedule and such transfer shall be deemed to be complete upon notice thereof being duly given to the Board and not before A pasturage license shall entitle the holder thereof to the exclusive right of pasturage over the land specified therein for the period and upon the terms above stated Such license shall give no right to the soil or to the timber and shall immediately determine over any land which may be purchased granted or reserved under these regulations A reasonable right of way shall be allowed through all pasturage runs. Terms of licenses.

LX. For every transfer of a license of a run there shall be paid to the Receiver of Land Revenue a fee after the following scale that is to say— Fees on transfers of licenses.

For every run comprising any less area than ten thousand acres the sum of five pounds.

For every run comprising an area of not less than ten thousand acres nor more than twenty thousand acres the sum of ten pounds.

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- For every run of twenty thousand acres and upwards the sum of fifteen pounds.
- How licenses may be forfeited. LXI. If at any time during the first four years after the issue of the license the quantity of stock placed on the run shall be less than that originally required or during the next three years less than twice that amount or during any subsequent period less than three times that amount the Board may declare the whole or a portion of such run to be forfeited. Provided that one or more runs held by the same individual or firm may for the purposes of this clause be considered as one run.
- Licenses may in certain cases delay placing stock on runs. LXII. In any case in which a licensee can prove to the satisfaction of the Waste Lands Board that he is precluded by arrangements entered into previous to the coming into operation of this Act from actually for a given period placing his stock on his own run it shall be sufficient if he prove to the satisfaction of the Board that he possesses within the Province the requisite amount of stock and will undertake to place the same on the run at the expiration of such period.
- Returns to be made by licensees. LXIII. Every holder of a license shall at any time upon a written order from the Board to that effect make a true and complete return of all the stock on his run and if he shall wilfully and knowingly make any false return the Board shall immediately declare his license to be forfeited.
- Forfeited runs to be put up to auction. LXIV. Every run or portion thereof which shall have been forfeited as hereinbefore provided shall be put up by the Board to public auction and the time and place of such auction shall be fixed by the Board and be notified in the *Provincial Gazette* and one or more newspapers of the Province at least thirty days before such sale shall take place.
- First year's rent to be paid in advance. LXV. The person who at such auction sale shall bid the highest annual rent for the run shall immediately pay one year's rent in advance to the Receiver of Land Revenue and shall thereupon be entitled to receive a license from the Board for the term of ten years from the date of the auction subject to the annual payment in advance of the rent he shall have so bid and subject to the same conditions in other respects as he would have been subject to, if he had been the original licensee. And if the payment of the first year's rent in advance be not made within twenty-four hours after the auction all claim of such bidder shall be forfeited and the run shall again be put up to auction by the Board.
- Pre-emptive rights upon runs. LXVI. Every holder of a pasturage license shall upon application to the Board be entitled to a pre-emptive right over portions of his run as follows—For a run of not less than one thousand acres and not more than five thousand acres over a block of land comprising and circumjacent to his homestead to the extent of five per centum of the acreage of the run. For a run of five thousand acres and upwards over two hundred and fifty acres of land comprising and circumjacent to his homestead or principal station.
- Licensee to describe pre-emptive right claimed. LXVII. The licensee shall at the time of his application to the Board give a sufficient description of the lands over which he claims such pre-emptive right to the satisfaction of the Chief Surveyor and the same shall be marked off on the authenticated maps in the Land Office subject to the regulations as to form and frontage herein contained.
- Applications from persons not being licensees. LXVIII. The Board shall not receive nor entertain any application to purchase from any person other than the licensee the aforesaid block around the homestead or principal station which does not include the whole of such block.
- Limitation of time. LXIX. The right of pre-emption hereby given shall be exercised

Southland Waste Lands.

within one week for all lands within twenty miles of the Land Office at Invercargill and within one month for all lands at a greater distance therefrom such time being reckoned from the date of service of a written notice from the Board setting forth a copy of the application for any of the lands included in the pre-emptive right. Such notice may be served either personally on the licensee or by leaving the same at his last known place of abode within the Province or at the principal homestead or station on the run.

for pre-emptive right
of licensees.

LXX. The applicant for any rural land included in any pre-emptive right shall deposit with the Receiver of Land Revenue a sum equal to four shillings per acre of the purchase money and the remainder he shall pay within one week from the date of his application being granted or forfeit such deposit. Such deposit however shall be immediately returned on demand if the licensee shall give notice of his intention to purchase any portion of the land applied for.

Deposit by applicants
not being licensees.

LXXI. If the licensee decide upon purchasing any portion of the land applied for he shall forthwith pay to the Receiver of Land Revenue a deposit of four shillings per acre of the purchase money of such portion and if he shall not within six weeks thereafter have paid the remainder of the purchase money he shall forfeit such deposit together with all right or title to the land. If the licensee shall neglect or refuse to purchase any portion of the land applied for such portion shall from and immediately after such neglect or refusal be released from all right of pre-emption and be open to purchase.

Forfeiture of pre-
emptive right in
certain cases.

LXXII. In the event of improvements having been effected by the licensee of a run on any land which shall be reserved by the Governor or by the Superintendent or the Superintendent and Provincial Council under this Act such licensee shall receive payment of the value of such improvements such value to be decided by arbitration under direction of the Board and to be paid by the Receiver of Land Revenue.

Improvement by
licensee to be valued.

LXXIII. In case the licensee of any run shall be desirous of surrendering his license and the Superintendent and Board shall agree to accept such surrender it shall be lawful for the Receiver of Land Revenue upon the warrant of the Superintendent to pay to such licensee upon his surrendering his license such sum as may be agreed upon between the Board and such licensee not exceeding however the scale of compensation provided by section XXVII. of this Act.

Compensation for
surrender of licenses.

LXXIV. If any holder of a depasturing license heretofore issued shall at any time within three months after the coming into operation of this Act give notice to the Board that he is desirous of holding his run subject to the provisions of this Act such run shall on and from the expiration of such three months be subject to the provisions of this Act and the licensee shall thereupon receive from the Board a new license under the provisions of this Act but for a term of years equal to the unexpired term of the former license and ten years added.

Present licenses may
come under this Act.

LXXV. It shall be lawful for the Governor in Council if he shall think fit at any time after the expiration of the period of three months provided by the last preceding section and upon the recommendation of the Superintendent and Provincial Council by proclamation in the *New Zealand Gazette* to declare any land comprised within a depasturing license issued before the coming into operation of this Act the holder whereof shall not have elected to come in under the provisions of this Act to be either a new Hundred or to be added to a Hundred already proclaimed and from and after the date of such proclamation such land so proclaimed shall be subject to the provisions of this Act affecting Hundreds already proclaimed.

Proclamation of new
Hundreds.

Southland Waste Lands.

X.—TIMBER.

- Land with timber.** LXXVI. If any tract of land shall have been reserved for the sale of the timber thereon such timber may be sold by public auction at an upset price and subject to conditions to be fixed by the Superintendent and the purchaser shall agree to remove the same within a certain time and all that timber not removed within such time may be again put up to public auction.
- Penalty for cutting timber without license.** LXXVII. No person shall without a license cut or remove any timber from any Waste Lands of the Crown (except timber which he shall have purchased under the last clause) and any persons so cutting or removing timber shall pay the cost of such license for one year together with the cost of recovering the amount of the same.
- Fees on timber licenses.** LXXVIII. Every license for cutting or removing timber shall be issued for one month or for one year at the request of the person applying for the same and a fee of ten shillings shall be paid upon every monthly license and of five pounds upon every yearly license.
- Power under timber license.** LXXIX. A timber license shall entitle no one but the person named therein to cut down standing timber but he may employ any number of persons during the term of the license to saw split or remove the timber so cut.
- Timber licenses to extend to districts named.** LXXX. Timber licenses shall be issued by the Chief Commissioner and shall extend only to the district named therein and shall not be transferable.
- Rule where saw-pits established.** LXXXI. If any person duly licensed shall have established a saw-pit for the purpose of sawing timber no other person shall cut timber within fifty yards of such pit without consent of the person first occupying such saw-pit. Provided that if the person establishing such pit shall not use the same and shall not cut timber within such distance as aforesaid from the pit for twenty-eight consecutive days it shall be lawful for any other holder of a license to enter thereupon and to cut timber as though such pit had not been established.
- Rule when roads have been made.** LXXXII. If any person shall for the purpose of removing timber have made a road upon land being the Waste Lands of the Crown and not being a highway it shall not be lawful for any other person to use the same without the permission of the person making the same first obtained. Provided that if such road shall not be used at any time for ninety consecutive days it shall be lawful for any holder of a license at any time thereafter to use the same.
- Forfeiture of timber licenses.** LXXXIII. If any person holding a timber license shall be proved before the Board to have offended against any regulations herein contained respecting timber or to have wilfully or negligently injured or destroyed by fire or otherwise any timber belonging to the Crown such license shall be and shall be immediately declared to be forfeited and it shall be at the discretion of the Board to refuse to allow the issue of another timber license to the same person.
- Option to former purchasers.** LXXXIV. Notwithstanding that any person who having heretofore purchased land under the regulations for the time being in force in the district comprised within the Province of Southland shall not have expended in such land forty shillings per acre in improvements a Crown Grant may at once be issued for such land. Provided always that where any person shall have paid ten shillings per acre in accordance with the provisions of "The Southland Waste Lands' Act 1863" such person may select land to the extent of one acre for every pound so paid by him and receive a free grant for the same and where any person shall have under the same provisions surrendered any part of the land originally purchased by him he may receive a free grant for the same notwithstanding such surrender.

Southland Waste Lands.

LXXXV. All the powers and authorities by "The Waste Lands Act 1858" vested in the Governor shall continue to be vested in the Governor in like manner as if this Act were included in the Schedule of the said Waste Lands Act of 1858. Rights and liabilities of former purchasers.

LXXXVI. This Act shall not come into operation until the first day of December one thousand eight hundred and sixty-five. Commencement of Act.

SCHEDULES.

SCHEDULE A.

Province }
of }
Southland. }

LICENSE TO OCCUPY RURAL LAND.

WHEREAS of hath been duly declared the purchaser for the sum of pounds shillings and pence of the section of the Waste Lands of the Crown hereinafter described and hath this day duly paid the said sum of pounds shillings and pence.

Now know all men and these presents witness that we in pursuance of the powers vested in us as Commissioners of the said Waste Lands Board do hereby authorize and empower the said his heirs or assigns at any time after the date hereof to enter upon all that section of land situate and bounded as hereinafter described that is to say and to hold and to enjoy the same for his and their absolute use and benefit subject nevertheless to the regulations now in force for the sale letting disposal and occupation of the Waste Lands of the Crown within the Province of Southland.

Given under our hands at the sitting
of the Waste Lands Board held
at on the
day of 18

SCHEDULE B.

Province }
of }
Southland. }

LICENSE TO DEPASTURE STOCK.

WHEREAS of hath been duly declared to be entitled to a license to depasture stock upon the Waste Lands of the Crown within the Province of Southland upon the terms and upon the conditions hereinafter mentioned Now therefore we in pursuance of the powers vested in us as Commissioners of the Waste Lands Board to the said Province do hereby grant to the said the exclusive license from and after the date hereof until the first day of May next to depasture stock upon the land situate and bounded as hereinafter described that is to say and containing acres or thereabouts subject nevertheless to all the provisions and conditions containing in the Waste Lands Regulations now in force within the Province of Southland.

Given under our hands at the sitting
of the Waste Lands Board held
at on the
day of 18

ENDORSEMENT.

the within-named for valuable consideration to me paid by
of do hereby transfer to the said
the within-written pasturage license and all my estate and interest therein.
Witness my hand this day of 18
Witness

