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New Zealand.

ANNO TRIGESIMO

VICTORIÆ REGINÆ.

No.

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A BILL INTITULED—

Title.

AN ACT to Repeal the Laws now in force for the Sale Letting Occupation and Disposal of Waste Lands of the Crown within the Province of Marlborough and enact others in lieu thereof.

Preamble.

WHEREAS it is expedient to repeal the Acts Ordinances and Regulations now in force within the Province of Marlborough for the sale letting occupation and disposal of the Waste Lands of the Crown and to make fresh regulations therefor :

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

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I. The Short Title of this Act shall be "The Marlborough Waste Lands Act 1866." Short title.

II. This Act shall not come into operation until after Her Majesty's pleasure shall have been taken thereon and the same shall have been confirmed by Her Majesty with the advice of the Privy Council and a Proclamation of such confirmation having been given shall have been made by the Governor. When Act shall come into operation.

III. From and after the time of this Act coming into operation there shall be established a Board to be called the Waste Lands Board to consist of the Superintendent and Executive Council together with the Commissioner of Crown Lands any three of whom shall be a quorum. Waste Lands Board established.

IV. The Waste Lands Board shall keep a record of its proceedings in which record shall be entered a full and particular account of all proceedings transacted by it and such record shall be kept in the Land Office and shall be open to the inspection of all persons desiring to inspect the same during the customary office hours. Record of proceedings to be kept.

RESERVES.

V. It shall be lawful for the Waste Lands Board at any time when deemed necessary to make reserves of lands whether surveyed into sections and advertised for sale or not so surveyed and advertised for the following objects and purposes viz :— Reserves may be made by Board.

- (1.) The sites of towns and villages.
- (2.) Suburban sections.
- (3.) Districts necessary to be constituted into gold districts.
- (4.) Lines of internal communication by roads canals railways or otherwise.
- (5.) The laying out of drains around or through districts of a swampy character.
- (6.) Quays or landing places for the general convenience of trade or navigation.
- (7.) Sites for common schools in which reading and writing in English arithmetic English grammar and geography shall be taught.
- (8.) Sites for mechanics' institutes hospitals and institutions for charitable purposes markets court-houses prisons or other public edifices.
- (9.) Cemeteries.
- (10.) Places necessary for the embellishment of towns or the health and recreation of the inhabitants thereof.
- (11.) And generally for any purpose of public utility convenience or enjoyment.

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2½ per cent. of proceeds of land sales to be handed to Board of Education. VI. Two and one-half per cent of the proceeds of all land sales shall be handed over to the Board of Education to be expended on educational objects in accordance with the provisions of any law in force in the Province in that behalf

Reserves to vest in Superintendent. VII. 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 and villages) 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."

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

Roads to be according to natural facilities. IX Lines of roads shall in every case be laid out in accordance as far as possible with the natural facilities offered by the country through which they pass and roads and streets shall not be less than one chain in width except where local circumstances shall render an adherence to this rule impracticable

Rules for laying out sections. X. In laying out sections the following rules shall be adhered to as nearly as possible :—

- (1.) Every section shall front on a road.
- (2.) Roads and water frontages and natural advantages shall be equally distributed.
- (3.) Road frontages when practicable 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.

Size of sections to be fixed by Waste Lands Board within certain limits. XI. Sections of town Suburban Rural Pastoral and Mineral Lands may be of such size as the Waste Lands Board may from time to time determine : Provided that 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 three hundred and twenty acres. Within the above limits any section may at any time previous to sale be altered or subdivided by the Waste Lands Board but no alteration shall take place between the time of advertising the same for sale and the time of its being offered for sale by auction.

Proprietors may complete properties at fixed prices. XII. Provided always that where blocks of unsold land not exceeding ten acres of rural or eighty acres of pasture land occur between sold lands and rivers roads or sea-coasts the proprietors of the adjoining lands may be permitted to complete their properties by the purchase of such lands in blocks of irregular shape which at the option of the applicant will either be put up to auction or taken by him at a fixed price to be assessed by the Waste Lands Board and having relation to the average value of lands of the same character.

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MAPS AND REGISTERS.

XIII. Upon completion of the purchase of any section the section sold shall be tinted yellow on the map to which it belongs and on the completion of every Crown Grant the section or sections granted shall be distinguished on the same map by a border showing the boundary of the whole of the land comprised in such grant and by the name or names of the grantee or grantees thereof.

Sections sold to be distinguished on the maps.

XIV. The maps and the reports of the surveyors on every district and registers of land sold and granted shall at all times hereafter during office hours remain open to public inspection.

Maps, reports, and registers to be open to the public.

XV. Schedules of all land to be sold by auction or to be taken at a fixed price after auction shall at all times be exhibited on separate boards hung up in the Land Office.

Schedules of land for sale to be exhibited in land office.

XVI. As soon as practicable all schedules of lands for sale registers of lands sold and Crown Grants shall in addition to other usual particulars specify the number of each section and the number of the map on which it is laid down.

Schedules, &c., to refer to maps of square blocks.

SELECTIONS FOR RELIGIOUS PURPOSES.

XVII. Ministers or Trustees of religious bodies shall after any district is open for selection be at liberty to apply to the Commissioner for permission to purchase land not exceeding one acre in any town as sites for churches chapels schools or other buildings devoted to religious purposes and not exceeding twenty acres in any country district for burial grounds or as sites for churches chapels or schools. And upon any such application being approved of by the Waste Lands Board 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 Waste Lands Board.

Ministers, &c., may purchase sites for Churches, &c., at fixed prices.

SALES OF LAND.

XVIII. For the purposes of sale the lands of the province shall be classed by the Waste Lands Board under five heads that is to say:

Lands to be classed.

- (1.) Town Land being sites reserved for towns and villages.
- (2.) Suburban Land being land in the vicinity of such sites.
- (3.) Rural Land being land neither from the unevenness of its surface nor the quality of its soil unsuited for tillage.
- (4.) Pasture Land being such as from its hilly and broken character or inferior quality appears unsuitable for agricultural purposes.
- (5.) Land believed to contain minerals of value.

XIX. In determining within which class any particular lands are to be included Town and Suburban Lands shall 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 un-

Rules for classifying.

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fitness for the purpose of tillage rather than their position shall be considered.

Land may be exempted from sale.

XX. Provided always that when it shall appear for the public benefit to withdraw any lands from sale it shall be lawful for the Waste Lands Board by notice posted in the Land Office to withdraw or exempt the same accordingly: Provided that notice of such withdrawal or exemption shall be published in the next *Government Gazette*.

Lands to be sold by auction.

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

Board to fix upset price of town and suburban land.

XXII. The upset price of Town and Suburban Land shall be fixed by the Waste Lands Board.

Also of mineral land.

XXIII. The upset price of Mineral Land shall be fixed in like manner subject to the provisions of clause 43 as to any land included in a mining lease.

And rural land within limits.

XXIV. The upset price of Rural lands shall be from ten shillings to twenty shillings per acre and of Pasture Land from five shillings to ten shillings per acre to be fixed in like manner.

No land to be sold till surveyed.

XXV. No section or block of sections of 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 comprising the district in which it is situated in manner hereinbefore provided.

Land sales to be published by Commissioner.

XXVI. No land shall be sold by auction until the land to be sold the class to which it belongs and the upset price thereof and the time and place of sale shall have been notified by the Commissioner with the approval of the Waste Lands Board 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.

Applicants may have the land surveyed in certain cases.

XXVII. 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 upon the report of the Chief Surveyor it shall be plotted on the general plan as hereinbefore provided: Should the land be withdrawn from sale or any other person than the applicant aforesaid become the purchaser then the original applicant will be paid for the expenses incurred in the survey thereof.

Commissioner to conduct sales by auction.

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

One-tenth purchase money to be paid at sale, remainder within one month.

XXIX. 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 must be paid by the purchaser within one calendar month of the day of sale or the one-tenth deposit will be forfeited and the whole transaction null and void.

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XXX. Any lands put up to auction and not sold may within two years next after such day of auction be purchased by any person who shall pay for the same at the time of making such purchase the original upset price in full where there shall have been no bidding for such lands and where there shall have been any bidding then the highest price bid: Provided always that nothing herein contained shall prevent such land being at any time withdrawn or from being advertised and put up again for sale by auction if not previously applied for.

Lands put up to auction and not sold may be taken at any time within two years

XXXI. No portion of the land occupied by a holder of a pasturage license 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.

No homestead of licensee to be sold until offered to licensee

XXXII. The license holder in such case shall 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 three months' notice.

Homestead may be taken.

XXXIII. In case of the license holder declining or neglecting to exercise his right of purchase the land on which his homestead stands may be offered for sale (but in that case the value of the improvements thereon shall be assessed in some equitable manner and the land shall be offered for sale at a price made up of the upset price of the land and the value of the improvements) should any other person than the holder of the license become the purchaser the value of his improvements shall be paid to the license holder after the sale.

If license holder refuse to purchase homestead it may be offered for sale.

XXXIV. In the event of the land upon which the homestead or other improvements of any license holder of pasturage land stand 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 authorised to receive the same immediately after the sale or the deposit shall be forfeited and the whole transaction null and void.

Value of improvements to be paid by purchaser.

XXXV. Whenever any portion of land comprised in any pasture license shall be purchased by any other person 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.

Commissioner may delay giving possession.

FEES ON CROWN GRANTS.

XXXVI. Before the delivery of any Crown Grant there shall be demanded from and paid by the grantee therein named or other person duly authorised to receive such grant the sum of twenty shillings and no other fees for or in respect of the preparation of any such grant shall be payable thereon.

Fees, on Crown grants.

LEASING OF MINERAL LANDS.

XXXVII. 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.

Mining leases may be granted.

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- Land leased not to exceed two square miles. XXXVIII. The amount of land to be leased shall be any quantity applied for not exceeding two square miles.
- Term not to exceed 21 years. XXXIX. Term to be granted shall be any number of years at the option of the lessee not exceeding twenty-one.
- Royalty. XL. There shall be reserved a royalty or rent not exceeding one-fifteenth of the minerals raised.
- Conditions of lease. XLI. 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 surrender the lease.
- Applicants to furnish plans. XLII. Every applicant for a mining lease shall furnish to the Land Commissioner within one month from the time of making such application a plan and description of the land applied for which plan and description shall be made and prepared from actual survey by a surveyor to be approved by the said Commissioner.
- Lessee may purchase under certain conditions. XLIII. The lessee under any such mining lease shall after the minerals have been worked for three years be entitled to purchase the land comprised in the same at a fixed price of one pound per acre at any time before the expiration of the term therein granted.
- Right of way reserved to lessee. XLIV. A right of way shall 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 shall not be exclusively granted to any one lessee.
- Persons holding mining lease may within one year after this Act comes into operation surrender same and be entitled to new lease. XLV. Any person or persons holding any mining lease of Crown land at the time this Act shall come into operation may within one year thereafter surrender such lease and shall be entitled to a fresh lease of such lands for the term of twenty-one years subject to the provisions of this Act provided such person or persons shall have fulfilled all the conditions of the lease.
- Preceding clauses not to apply to leases of auriferous lands for mining purposes. XLVI. The preceding clauses relating to the leasing of mineral lands shall not apply to leases of auriferous lands for mining purposes.

ISSUE OF TIMBER LICENSES.

- Timber licences to be granted. XLVII. It shall be lawful for the Commissioner of Crown Lands to issue licenses for the purpose of cutting timber on the Waste Lands of the Crown at an annual rent of one pound per acre: Provided that the land to be comprised in any one license shall in no case exceed ten acres.
- Applications to be addressed to Commissioner. XLVIII. All applicants for timber licenses must address their applications to the Commissioner of Crown Lands stating their names and residences in full.

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XLIX. When the application has been approved of the license will be issued upon payment of the required fee. Fee for license.

L. 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. No person to cut timber upon reserves.

LI. The form of timber license will be according to Schedule A hereto annexed. License to be in form specified in schedule.

RESERVATION OF LANDS FOR SETTLEMENT.

LII. It shall be lawful for the Superintendent with the advice and consent of the Executive Council and the Commissioner of Crown Lands to withhold from sale temporarily any land that they may deem it advisable to prepare for settlement by making roads or other public works therein. Lands may be reserved from sale to facilitate settlement thereon.

LIII. The Superintendent may cause any block of land so reserved as aforesaid to be surveyed and divided into sections in accordance with the regulations in force for that purpose. Such land may be surveyed and divided into sections.

LIV. Every alternate section in such block shall be reserved for sale by auction and shall be offered at a price to be made up of the original upset price of the class to which such land belongs together with a *pro rata* share of the cost of the public works to be completed within such block. Price to be the upset price of such land with a pro rata share of cost of works.

LV. The remaining sections in such block having been assessed at the upset price of the class to which such land belongs together with a *pro rata* share of the cost of the public works as aforesaid may be received in payment or part payment for any public works to be completed therein and any person contracting for the execution of such public works and having completed the same to the satisfaction of the Superintendent shall receive a certificate entitling him to a Grant of such portion of the sections as aforesaid as may be equivalent to the price of the work. Sections to be granted for the execution of works.

LVI. After the works determined on shall have been contracted for the remaining sections as aforesaid not having been disposed of in manner provided may be sold by auction according to the provisions of clause 54 for the sale of every alternate section. Remaining sections to be sold by auction as in clause 54.

LVII. The person or persons contracting for the performance of any public work in any such block as aforesaid shall furnish to the satisfaction of the Superintendent and his Executive Council security for the due completion of such contract. Security to be given.

LVIII. In order to enlist private enterprise and capital in the construction of large public works such as trunk roads railroads and docks by means of grants of land as payment part payment or consideration for such work it shall be lawful for the Superintendent with the advice and consent of his Executive Council and the Commissioner of Crown Lands when any person or company shall have agreed with the Superintendent for the performance of any such work under the authority of an Act of the Provincial Legislature and shall have given such security as required in such Act for the punctual fulfilment of such agreement to reserve from sale such portions of land not exceeding in quantity three-fourths of the land of average quality within two miles next adjacent to such work or any part thereof or in case of a work made wholly or in part through other than Crown Lands then such other land of equal extent and of average quality in some other locality to be benefitted by such work as may be agreed upon Land may be given within certain limits for performance of large works.

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between the Superintendent and the promoters of the undertaking and be authorised by such Act of the Provincial Legislature and upon the completion of such work being certified to the Board by the Superintendent Commissioner and Provincial Engineer by writing under their hands such person or company shall be entitled to a Grant of the land so reserved: Provided that the land so to be reserved and granted shall not in any case be more in quantity than one acre for every pound sterling authorised by the Provincial Act as payment or consideration for such work respectively.

Contractors may be paid in land.

LIX. Whenever any person shall after public tender in the usual manner have contracted with the Superintendent to make and complete within a given time any lesser public work whether the same be or be not specially authorised by Provincial Act and shall agree to take land in full or in part payment for such work and shall have furnished such security as the Superintendent may have required for the due completion of such contract it shall be lawful for the Superintendent with the advice and consent of his Executive Council and the Commissioner of Crown Lands to reserve from public sale in manner hereinafter provided such portion or portions of land as the person so contracting shall desire to receive in payment or part payment as aforesaid: Provided always that such portion or portions of land shall be previously assessed and such assessment agreed to by the person contracting with: Provided also that such portion or portions of land shall be shaped situated and assessed as far as practicable in accordance with these regulations and upon the production of a certificate as aforesaid from the Superintendent that the work contracted to be done has been satisfactorily completed the person so contracting shall receive a certificate entitling him to a Grant of such portion or portions of land to be taken by him as payment or part payment as the case may be of the price of the work.

Value of land not to exceed £150 to one person nor £2,000 altogether.

LX. No greater sum shall be paid in land to any one person under the last preceding clause than one hundred and fifty pounds in any one year nor shall the total sum so to be paid within one year exceed two thousand pounds in respect of the construction of any one public work except under authority of a Provincial Act.

Reservation of land to be gazetted, &c.

LXI. Every such reservation of land from public sale shall be published in the *Gazette* and in some newspaper circulating in the Province.

Reservation not to exceed period allowed for work.

LXII. No such reservation shall continue in force for a longer period than one year from the date on which it shall have been made unless a longer period shall have been allowed for the completion of the work in respect of which it is made by such Act as aforesaid.

LICENSED OCCUPATION OF PASTURE LANDS.

Persons applying for pasturage license to lodge description thereof with Commissioner.

LXIII. All persons requiring occupation licenses for unoccupied portions of Pasture Lands in the Province of Marlborough 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 B and shall at the same time of lodging such description pay to the Commissioner a cash deposit according to the following scale namely:

- (1.) Five pounds for runs described as under three thousand acres.
- (2.) Ten pounds for runs described as under six thousand acres.

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- (3.) Fifteen pounds for runs described as under ten thousand acres.
- (4.) Thirty pounds for runs described as under twenty thousand acres.
- (5.) Fifty pounds for runs described as over twenty thousand acres.
- (6.) And no application shall be received for more than thirty thousand acres.

LXIV. 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.

Application to be registered.

LXV. The Commissioner shall publish without delay in the *Government Gazette* of the Province of Marlborough the description of every run thus applied for together with the name of the first applicant for the same and the amount paid as deposit.

Commissioner to publish application.

LXVI. The Waste Lands Board shall have power to hear and decide on all applications and also all objections thereto as well as all disputes in respect of conflicting applications and all disputes between holders of pasture occupation licenses regarding the boundaries of their respective runs in open court.

Waste Lands Board to decide on applications, &c.

LXVII. All objections shall 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.

Objections to be lodged within three months.

LXVIII. 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 *Government Gazette* and in some newspaper circulated in the Province as early a day for hearing and determining the claims and objections of the respective parties as shall be compatible with a sufficient notice.

If objections made, Commissioner to publish notice of time and place of hearing.

LXIX. 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.

Holders of licenses may be required to distinguish boundaries of runs.

LXX. So soon as practicable after the decision in favour of any applicant for a run and after the plan of the run hereinafter required shall have been furnished an occupation license in the form of Schedule C 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 hereinafter mentioned to the extent of the deposit lodged by him subject always to the following reservations and conditions:

Conditions of license.

- (1.) No license whatever shall be issued until an estimate of the acreage of the run be certified to the satisfaction of the Commissioner as correct and indorsed 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 shall obtain such certificate and plan at his own expense and lodge

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the same with the Commissioner within nine months from the date of the decision in his favour in default of which the application next on the register for the same run or any portion of it shall be published heard decided on and disposed of in manner hereinbefore provided.

- (2.) If at any time during the currency of such occupation license any part of the land comprised therein 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 shall be sold by or on behalf of the Crown in that case also the said license shall cease and determine over so much of the land as shall have been sold from and after three months' notice of such sale in the said *Government Gazette*.
- (4.) Rent for a run shall be computed upon the acreage according to the following uniform rates that is to say: For the first seven years of occupation at the rate of one halfpenny per acre per annum and for the remaining seven years of occupation at the rate of one penny 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 payable to the Commissioner during the month of January in each year: Provided that for licenses issued after the thirtieth of June in any year only half-a-year's rent shall be chargeable until the next ensuing month of January: Provided always that should any part of the land comprised within any license be taken for a Government reserve an allowance shall be made to the runholder in proportion to the quantity of land taken.
- (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 *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 runholder.

If run not awarded to applicant, or if withdrawn by him, deposit to be returned

LXXI. 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 or in the event of the applicant withdrawing his application before any award shall be made thereon the amount so deposited shall be returned.

License may be transferred.

LXXII. The beneficial interest in any occupation license may at any time after issue of the license be transferred by the license holder: In order to render such a transfer valid it shall be necessary that all the conditions upon which the original license was granted shall have been complied

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with as to the payment of rent or otherwise and that notice shall be given to the Commissioner within one month of the transfer having been effected.

LXXIII. From and after the time when this Act shall come into operation no further licenses shall be issued under the regulations heretofore in force whether in respect of applications already or to be hereafter received anything herein contained to the contrary thereof in any wise notwithstanding.

New licenses not to be granted under old regulations.

GENERAL REGULATIONS RELATING TO LICENSES.

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

Annual licenses to expire on the last day of the year.

LXXV. Licenses applied for after the first day of July in each year shall only be chargeable with half of the usual fee.

Licenses applied for after the 1st July to be charged half fee.

LXXVI. No license will preclude the Government from including within a hundred or reserve or selling or shall in any way affect the rights of the Crown to land occupied in virtue of such licenses.

Licenses not to affect rights of Crown.

LEASING LANDS.

LXXVII. Any person occupying Crown lands under license or who shall be entitled to a depasturing license over lands which from their hilly and broken character or inferior quality are unsuitable for tillage shall upon making application to the Commissioner of Crown Lands on or before the first day of January one thousand eight hundred and sixty-eight be entitled to a lease of any of the lands of the above-mentioned description which the said applicant occupies or is entitled to occupy for the term of fourteen years with a right of purchase over such lands at the expiration of such lease on the terms and conditions hereinafter mentioned: Provided that the lessee shall exercise his right of purchase over the whole of the lands comprised in his lease at the uniform price of seven shillings and sixpence per acre.

License holders may obtain a lease on certain terms.

LXXVIII. Every applicant shall at the time of making such application deposit with the Commissioner of Crown Lands a sum equal to five pounds per centum on the estimated value of the land comprised within the limits of such application at the minimum price per acre as hereinafter provided and for which deposit the said applicant shall be entitled to receive credit as a set-off against the rent accruing on such land and he shall be deemed and taken to be a leaseholder from the date of such application.

Deposit to be paid on application.

LXXIX. Any applicant for a lease under these regulations shall within twelve months after making such application deposit with the Commissioner of Crown Lands a plan made from actual survey by an approved surveyor of the land applied for (furnished at his own expense) defining to the satisfaction of the said Commissioner the exact shape and extent of the block of land the said applicant wishes to have included in such lease together with a full and accurate description of the character quality and depasturing capabilities of the land so set forth in such plan.

Plan to be deposited by applicant.

LXXX. If the aforesaid applicant who being in possession of or entitled to a license shall refuse or neglect to take up such lease within three months after notification to him that the said lease is prepared and ready for issue such applicant shall forfeit the right to take up such lease and likewise any

Applicant to forfeit his right if he neglect to take up lease after notification.

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sum he shall have deposited or paid over and above the amount chargeable on such run or land.

Rent for lease.

LXXXI. The rent for such lease as aforesaid shall be computed according to the following rates that is to say:—

- (1.) For the first seven years at the rate of threepence per acre per annum.
- (2.) For the remaining seven years at the rate of fourpence-halfpenny per annum.

Lands not taken under lease to be taken under license.

LXXXII. Any lands comprised in any license as aforesaid and which may be excluded from any lease to be taken under the regulations shall come under the provisions herein before provided for the licensed occupation of pasture lands: Provided that in all cases the license to depasture such lands shall be submitted to public auction for a term of fourteen years at the upset rental of one halfpenny per acre: Provided also that in the event of there being no competition the original licensee shall be bound to take a license for the same at the upset price.

UNLAWFUL OCCUPATION OF CROWN LANDS.

Persons unlawfully occupying Crown lands to be liable to a penalty of fifty pounds.

LXXXIII. If any person shall occupy any Waste Lands of the Crown either by residing or erecting any hut or building thereon or by clearing inclosing or cultivating any part thereof or shall fell remove or sell the timber growing or being on any such lands without having a lease or license for such purposes respectively every such person shall on conviction of either 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 complaint of a Commissioner of Crown Lands or of some other person duly authorised in that behalf by such Commissioner.

Persons continuing in possession liable to further penalty.

LXXXIV. If any person so convicted as aforesaid shall for the space of one calendar month continue in possession or occupation of such lands 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 further sum not less than fifty pounds to be recovered in a summary way.

Commissioner may remove persons trespassing upon Crown lands and take possession of houses, &c., thereon.

LXXXV. In case any person shall unlawfully intrude upon or 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 or some duly authorised person 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.

Commissioner may give notice, &c., and do other acts to re-

LXXXVI. It shall be lawful for any such Commissioner to give any notice make any claim or demand and to make any entry or to authorise

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any person to make any entry which may be requisite and 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 lands 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 except as is herein otherwise provided 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 authorised 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.

cover possession of Crown lands compelling performance of contract, &c.

LXXXVII. 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 lands and the goods chattels and effects so distrained to impound sell and dispose of as in ordinary cases of rent in arrear.

Commissioner may distrain for rent.

LXXXVIII. 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 firewood fencing stockyards 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.

Licensed occupiers of Crown lands may cut timber for their own use.

LXXXIX. 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 Act 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.

No title to be derived by virtue of occupation of Crown land.

XC. 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 authorised by him in that behalf either generally or in that particular case to impound the cattle so trespassing in any public pound to be dealt with according to law.

Cattle trespassing on Crown lands to be impounded.

XCI. 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 authorised 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 proof of such fact unless the defendant prove the contrary and all maps plans licenses and certificates and office copies certified as true under the hand of the Provincial Surveyor or other proper officer or of the Commissioner of Crown Lands for the Province 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.

Omis probandi.

XCI. It shall be lawful for the Superintendent to pay or cause to be paid out of the Provincial Treasury the cost or charges of any suit action

Costs of suit.

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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.

SCHEDULE A.

[T I M B E R L I C E N S E .]

Whereas _____ of _____ has made application for a license to cut, saw, split, and remove timber on and from all that piece or parcel of the Waste Lands of the Crown, situate at _____ in the Province of Marlborough, containing _____ acres, and has this day paid into my hands the sum of _____

Now, therefore, I do hereby license the said _____ to cut, saw, split, and remove timber on and from the said land, for the term of _____ subject to the provisions of the Marlborough Waste Lands Act, one thousand eight hundred and sixty-six.

A. B.,
Commissioner.

SCHEDULE B.

[APPLICATION FOR PASTURE LICENSE.]

District of _____
Boundaries _____
Estimated Extent _____
Deposit, £ _____

[Signature of Applicant.]

SCHEDULE C.

[PASTURE OCCUPATION LICENSE.]

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

Now, therefore, I, _____ do hereby license the said _____ to depasture stock upon the said land, for the term of fourteen years from the date hereof, subject nevertheless to be sooner determined, pursuant to the provisions of the Marlborough Waste Lands Act, one thousand eight hundred and sixty-six, and to be cancelled as in such Act is provided.

Dated _____

(Signed) C. D.,
Commissioner.