

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Otago Waste Lands Act Amendment.

ANALYSIS.

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| <ul style="list-style-type: none"> Title. Preamble. 1. Short Title. 2. Interpretation. 3. Repeal clause. 4. Right of pasturage. 5. The Waste Lands Board to make Regulations. 6. The Waste Lands Board by Regulations to provide for safety of cattle depastured on Hundreds &c. 7. Copies of all Regulations to be laid on Table of Provincial Council. | <ul style="list-style-type: none"> 8. Board may transfer licenses. 9. Licenses may be issued for a portion of a year. 10. Superintendent may levy assessment on cattle depastured on Hundreds. 11. Assessment how recoverable. 12. Penalty on unlicensed persons. 13. Cattle trespassing may be impounded. 14. Right of pasturage to remain with lease or license holders until Regulations made. 15. Commencement of Act. |
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A BILL INTITULED

AN ACT to amend an Act of the General Assembly of Title.
 New Zealand intituled "An Act to consolidate
 and amend the Law relating to the Sale Letting
 and Occupation of Waste Lands of the Crown
 within the Province of Otago."

WHEREAS it is expedient to amend ~~the Act of the General~~ Preamble.
~~Assembly of New Zealand passed in the thirtieth Session~~
~~thereof number twenty two shortly intituled "The Otago~~
 Waste Lands Act 1866."

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

1. The Short Title of this Act shall be "The Otago Waste Lands Short Title.
 Act 1866 Amendment Act 1869."

10 2. Words and expressions used in this Act shall have the same Interpretation.
 meanings as are assigned to similar words and expressions by "The Otago Waste Lands Act 1866" The expression "the said Act" wherever used in this Act shall mean "The Otago Waste Lands Act 1866."

15 3. Section numbered eighty-six of the said Act and all the Repeal clause.
 sections of the said Act numbered from ninety-nine to one hundred and fifteen both inclusive shall be and the same are hereby repealed And section numbered one hundred and seventeen of the said Act in

so far as the same requires such licenses as are mentioned in the one hundred and sixteenth section of the said Act to be drawn so as to expire on the last day in each year shall be and the same is hereby also repealed.

Right of pasturage.

4. 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 who shall have deposited with the Board a return in the form specified in the sixth Schedule to the said Act and to whom licenses have been issued or who are entitled to have licenses issued to them in any Hundred And the persons whose names shall be comprised in such lists to whom licenses shall be issued and who shall have paid the assessment hereinafter referred to shall have the exclusive right of pasturage on the Waste Lands within the Hundred in respect of which they shall hold such license *each in proportion to the area of land he holds or occupies.*

The Waste Lands Board to make Regulations.

5. The Waste Lands Board shall in or by any uniform Regulations to be made by them from time to time compute the quantity of cattle capable of being depastured on the Waste Lands within any Hundred 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 determine the boundaries within which both great cattle and small cattle may be respectively depastured Provided always that all such Regulations shall be approved by the Superintendent.

The Waste Lands Board by Regulations to provide for safety of cattle depastured on Hundreds &c.

6. The Waste Lands Board shall make Regulations for the purpose of providing for the safety of the cattle to be depastured within any Hundred for improving the common lands and for preventing the intrusion and the depasturing thereon of cattle belonging to or under the charge of any unlicensed person and by such Regulations to may impose any fine not exceeding fifty pounds to be recovered in a summary way from any person offending against the same and such Regulations 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 *except as regards the owners of such unenclosed lands.*

Copies of all Regulations to be laid on Table of Provincial Council.

7. All Regulations so to be made as aforesaid shall have the force of law after the same shall be published in the Provincial *Gazette* and copies of all Regulations so made and published shall be laid on the Table of the Provincial Council of Otago within seven days after the next meeting of the Council after the publication thereof.

Board may transfer licenses.

8. It shall be lawful for the Board to transfer any such license as aforesaid from the person to whom the same may have been issued to any other person being an occupant of land as aforesaid situated within the limits of the Hundred in respect of which such license may have been originally issued.

Licenses may be issued for a portion of a year.

9. 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.

Superintendent may levy assessment on cattle depastured on Hundreds.

10. It shall be lawful for The Superintendent shall with the advice and consent of his Executive Council to levy and raise yearly for and in respect of *all* cattle depastured upon the Waste Lands within any Hundred an assessment as follows—

For every head of great cattle a sum of three shillings and sixpence

For every head of small cattle a sum of sevenpence

To be paid by the person depasturing such cattle at a time and place and in manner to be appointed by the Superintendent by notice in the Provincial *Gazette* and the amount received from every such assessment shall be paid into the Provincial Treasury and form part

of the Land Revenue of the Province of Otago and shall be appropriated by Ordinance of the Superintendent and Provincial Council in the formation and repair of district roads and bridges in the several Hundreds in which such assessment shall have accrued and such assessment shall be expended in such Hundreds exclusive of and in addition to any sums which shall be appropriated from time to time by the Provincial Legislature under the provisions of "The Otago Road Boards Endowment Act 1868" for the formation and repair of main roads and bridges thereupon.

10 **11.** In case any person liable for the payment of any such assessment shall neglect or refuse to pay within thirty days the amount due in respect thereof it shall be lawful for the Superintendent without prejudice to any other remedy he may have at law to issue a warrant under his hand directed to some constable to levy the amount so due by distress and sale of a sufficient part of the cattle of the party liable in like manner as in case of rent in arrear between landlord and tenant.

Assessment how recoverable.

12. 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 a penalty of not exceeding fifty pounds.

Penalty on unlicensed persons.

13. If any cattle shall be found unlawfully trespassing upon any lands or public roads within the limits of a Hundred whether such 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 constable or other person duly authorized by the Superintendent in that behalf to impound the cattle so trespassing in the nearest public pound and such cattle shall be dealt with according to law as if they had been found trespassing on fenced lands the private property of that constable or other person impounding the same and the owner of such cattle shall be liable to pay to the Superintendent for the time being for the use of the Province the same damages as if such cattle had trespassed on fenced lands the property of the constable or other person as aforesaid impounding the same Provided always that nothing contained in this or in the preceding clause shall be held or construed to authorize the impounding of any sheep or cattle which are being depastured on any land whether fenced or not which is the property of or is lawfully occupied by the owner of such sheep or cattle.

Cattle trespassing may be impounded.

14. The right of pasturage over all lands proclaimed or to be proclaimed into Hundreds after the first day of June one thousand eight hundred and sixty-nine which at the time of such proclamation were or shall be held under lease or license for depasturing purposes shall remain with the leaseholder or license-holder until Regulations affecting such lands shall be made under the fifth Section of this Act.

Right of pasturage to remain with lease or license holders until Regulations made.

15. This Act shall not come into operation until the first day of January one thousand eight hundred and seventy.

Commencement of Act.