

A BILL INTITULED

AN ACT to Regulate the Sale Letting Occupation and Management of the Waste Lands of the Crown in the County of Westland.

BE IT 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 Westland Waste Lands Act 1868."

2. This Act shall commence and come into operation on the day of one thousand eight hundred and sixty-eight except the sections thereof numbered respectively seven and seventeen which shall come into operation on the day on which this Act shall receive the Governor's assent.

3. In the construction of this Act the words and expressions following shall have the meanings by this section hereinafter assigned to them unless such meanings be repugnant to or inconsistent with the context that is to say the expression "Waste Lands" shall mean the Waste Lands of the Crown within the County of Westland the expression "the county" "the said county" and "County of Westland" shall be deemed to mean and include that part of the Colony of New Zealand comprised within the boundaries specified in the first Schedule to this Act the word "Board" and the expression "Waste Lands Board" shall respectively mean the Waste Lands Board for the County under this Act.

4. The regulations specified in the second Schedule to this Act shall be deemed to have had from the time at which the same purported to have been brought into operation by the respective proclamations specified in the said second Schedule the same force of law as if such regulations respectively had been incorporated in Acts of

From what time repealed.

Repeal of Acts and regulations.

Saving clause.

the General Assembly respectively coming into operation on the days on which such regulations purported to have come into operation And such regulations shall continue to have such force of law as aforesaid until the fifth section of this Act shall come into operation when the same shall except as is hereinafter expressed be repealed. 5

5. All Acts and regulations in force at the time of the coming into operation of this section of this Act in the County of Westland for the sale letting disposal and occupation of the Waste Lands of the Crown are hereby repealed Provided that nothing in this Act shall affect any promise contract or engagement made by or on behalf of the Crown previously to the coming into operation of this section of this Act and then incomplete or unfulfilled And nothing in this Act shall be deemed to affect any licenses or leases for the occupation of Waste Lands for depasturing or other purposes heretofore lawfully granted or issued and existing and being in force at the time of the coming into operation of this section of this Act or during the currency of such licenses or leases the Waste Lands held thereunder or the rights of the holders thereof except when otherwise expressly provided but such licenses and leases and the rights of the holders thereof and the Waste Lands held thereunder shall be and continue to be during the term or currency of such licenses and leases regulated by and subject to the laws in force regulating the same and to which the same were subject immediately before the time of the coming into operation of this section of this Act notwithstanding the repeal of such laws Provided however that the Board hereby constituted shall with respect to such licenses and leases and such unfulfilled contracts promises and engagements as aforesaid and with respect to all acts matters and things commenced under the regulations specified in the second Schedule hereto before the coming into operation of this section of this Act and at the time of the coming into operation thereof pending or incomplete have all the powers and authorities and perform all the duties which with respect to such licenses leases promises contracts and engagements acts matters and things were immediately before the coming into operation of this section of this Act vested in conferred or imposed on any Waste Lands Board then existing and on the coming into operation of this section of this Act any such Waste Lands Board shall be dissolved Provided also that "The Waste Lands Act 1858" shall only be repealed where it is repugnant to or inconsistent with this Act and only so far as regards Waste Lands in the County of Westland and all the powers and authorities of "The Waste Lands Act 1858" vested in the Governor shall continue to be vested in him in like manner as if this Act were included in the Schedule of "The Waste Lands Act 1858" Provided further that all appointments made under the regulations specified in the second Schedule hereto and in force at the time of the coming into operation of this section of this Act shall continue and remain in force as if made under this Act and that all acts matters or things done and completed under the said regulations at the time of the coming into operation of this section of this Act shall be as valid and effectual and remain in as full force as if the said regulations had not been repealed hereby And all acts matters and things commenced under the said regulations and pending or incomplete at the time of the coming into operation of this section of this Act shall be continued and completed under the said regulations as if the same had never been repealed and this section had not come into operation. 55

"The Crown Lands Act 1862" not to be affected except as in this section mentioned.

6. Nothing in this Act contained shall be construed to repeal alter or in any way affect except as in this section contained any of the provisions of "The Crown Lands Act 1862" The Chief Commissioner of the Waste Lands Board of the County of Westland shall 60

be *ex officio* the Commissioner of Crown Lands for the County of Westland under "The Crown Lands Act 1862" and shall have all the authorities duties powers and responsibilities with regard to the Waste Lands of the Crown within the said County as a Commissioner of Crown Lands appointed for a Province would have under the said "Crown Lands Act 1862" and the said "Crown Lands Act 1862" shall be deemed to apply to the Crown Lands within the said County and the said Act shall be deemed to be in force in the said County without proclamation thereof and in the application of the said Act to the said County the word "Province" shall be deemed to include "County of Westland."

II.—THE WASTE LANDS BOARDS.

7. It shall be lawful for the Governor from time to time to appoint in or for the said County a Receiver or Receivers of Land Revenue as fully as if such County were a Province and any such receiver or receivers to remove from office at his pleasure and appoint another or others in the place of any receiver or receivers so removed and the person acting as Receiver of Land Revenue for the County immediately before the coming into operation of this section of this Act shall continue to act as Receiver of Land Revenue for the County as if re-appointed to such office by the Governor hereunder.

Governor may appoint &c. Receiver of Land Revenue.

8. There shall be established a Board to be called the Waste Lands Board for the County of Westland to consist of one Chief Commissioner of the Receiver of Land Revenue for the County who shall by virtue of his office of Receiver be a Commissioner of and Member of such Board and of not less than two nor more than four other commissioners as the Governor shall from time to time think fit all of whom shall be appointed and be removable from time to time by the Governor and shall hold office during pleasure and the persons acting as members of the Waste Lands Board in and for the said County of Westland immediately before the coming into operation of this section of this Act shall continue to act hereunder and be deemed to be appointed under this Act to the respective offices in which they shall thus be acting as if re-appointed by the Governor hereunder.

Constitution of Waste Lands Board.

9. The Waste Lands Board shall sit at the principal Land Office of the County which shall be kept at the town of Hokitika and at certain stated times to be determined from time to time by the Governor and shall also sit for special purposes at such places and at such times as the Governor shall from time to time direct of which special sittings due notice not less than ten days beforehand shall be given in the Westland County *Gazette* and one or more newspapers published in the County provided that the Board may adjourn any such sitting or special sitting from day to day as may be necessary.

Where Board to sit.

10. 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 an original as well as a casting vote in all questions coming before the Board.

Chief Commissioner or in his absence a chairman to preside.

11. All questions coming before the Board shall be decided by a majority of the commissioners present thereat.

Questions to be decided by majority.

12. All meetings of the Board shall be attended by at least three commissioners and shall be open to the public.

Meetings to be public.

13. All applications for land and for pasturage and for timber cutting licenses shall after hearing evidence when necessary be determined by the Board at some sitting thereof.

Applications how to be determined.

14. The Board shall have power to hear and determine all disputes between the holders of pasturage and timber licenses respecting the boundaries of runs and districts.

Board to determine disputes respecting boundaries.

15. A book to be called the "Application Book" shall be kept open during office hours at the Land Office in which the name of

Application Book to be kept and

applications to be heard in order.

every person desiring to make any application to the Board shall be written in order by himself or any person authorized by him and the commissioners shall during the sitting 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 in writing on his behalf before the Board when called in his turn his application shall be dismissed until his name shall appear again in the book in order Provided also that if two or more persons shall apply at the same time to write their names in the Application Book the chief commissioner or presiding member shall bracket their names and shall initial the bracket and when they shall appear before the Board the Board shall determine the priority of right to be heard by lot and it shall not be lawful for the Board to hear any application except such as shall be made in accordance with this regulation.

Board to keep minutes of applications &c.

16. The Board shall keep true and detailed minutes of all applications made to the Board and all decisions thereon and of all sums of money paid to the Receiver of Land Revenue and generally of all the proceedings of the Board and such minutes shall be signed by all the commissioners present at any meeting The Minute Book shall be open to the inspection of any person desiring to inspect the same at all reasonable hours on payment of the sum of two shillings and sixpence for every such inspection.

III.—SURVEYS.

Chief Surveyor and assistants.

17. There shall be a Chief Surveyor for the County who shall be appointed and removable from time to time by the Governor and shall hold his office during pleasure and as many assistant surveyors as shall be necessary who shall be appointed and removable by the Governor upon the recommendation of the Chief Surveyor all of whom shall hold office during pleasure and the person acting as Chief Surveyor for the County immediately before the coming into operation of this section of this Act shall continue to act as Chief Surveyor of the County as if re-appointed to such office by the Governor hereunder.

Surveys how to be regulated.

18. All surveys shall be conducted in such manner as the Board by any regulations to be made by it from time to time in that behalf shall direct subject to any regulations to be at any time or from time to time made by the Governor in Council.

Crown Grants to be prepared &c.

19. Crown Grants of all lands sold under this Act shall be prepared and forwarded to the Secretary for Crown Lands within one month after the completion of the sale in the case of town lands and within one month after the completion of the survey in the case of suburban and rural lands.

IV.—THE LAND REVENUE.

Payments to be made to and receipts given by Receiver of Land Revenue.

20. All payments to be made in respect of land and other payments to be made under the provisions of this Act except such payments as are made for mining on private land shall be made to the Receiver of Land Revenue during the sitting of the Board and the Receiver shall thereupon give receipts for the same.

V.—PUBLIC RESERVES.

Reserves how to be made.

21. It shall be lawful for the Governor by writing under his hand from time to time and at any time when deemed necessary to make reserves of land whether surveyed into sections and advertised for sale or not so surveyed and advertised for the following objects and purposes—

- (1.) Lines of internal communication by canals railways or otherwise.
- (2.) The laying out of drains around or through districts of a swampy character.

- (3.) Quays or landing places for the general convenience of trade or navigation.
- (4.) Sites for schools and other buildings to be used for purposes of education and land for the endowment of schools and other educational institutions in the County or elsewhere if of a public character.
- (5.) Sites for mechanics' institutes hospitals and institutions for charitable purposes markets courthouses prisons or other edifices for public uses or purposes either for the government of the Colony or for the County or any Borough or Road Board.
- (6.) Cemeteries.
- (7.) Places necessary for the embellishment of towns or for the health and recreation of the inhabitants thereof.
- (8.) For the endowment of Municipal Corporations within the County and generally for any purpose of public utility convenience or enjoyment.

22. A full and complete description of every such reserve and of the purposes to which it shall have been dedicated shall so soon as possible after it shall have been made be published in the County of Westland *Gazette* and set forth on the authenticated maps in the Land Office Provided that the Waste Lands Board may temporarily reserve land for such purposes and if such temporary reserve shall not be confirmed by the Governor making the same a reserve in manner aforesaid within three months from the date at which such temporary reserve was made such land shall thereupon cease to be so reserved Schedules and plans of all public reserves shall be forwarded to the office of the Secretary for Crown Lands by the Commissioner of Crown Lands for the County in all cases as soon as possible after such reserves shall have been set forth as aforesaid.

Description of reserve to be published in County Gazette and set forth in maps.

Temporary reserves.

23. Whereas by the sixteenth section of "The County of Westland Act 1867" it is enacted that all estate and interest of the Superintendent of the Province of Canterbury in any public reserves or lands within the said county shall upon the coming into operation of "The County of Westland Act 1867" forthwith vest in the Governor who shall have with respect to such reserves all the powers conferred upon the Superintendent and Provincial Council by grant under "The Public Reserves Act 1854" And it is expedient that the said section should be repealed and other provision made in lieu thereof Be it therefore enacted as follows—

Repeal of section 16 "County of Westland Act 1867."

- (1.) That with regard to reserves of Waste Lands of the Crown within the said county made before the first day of January 1868 and granted by the Crown to the Superintendent of the said Province and remaining vested in him on the said first day of January the same shall be deemed to revest in the Crown but shall continue to be reserves for the purposes or uses for which the same were or were reputed to be reserves on the said first day of January 1868 subject however to be dealt with as if reserved under this Act.
- (2.) That with regard to reserves of Waste Lands of the Crown within the said County except reserves made by the Governor under "The Waste Lands Act 1858" made before the said first day of January and of which no Crown grant had been issued to the Superintendent of Canterbury or made since the said first day of January and before the coming into operation of this section of this Act the same shall be deemed to vest and remain in the Crown but shall continue to be reserves for the purposes or uses for which the same were or were reputed to be reserves at the time of the coming into operation of this section of this Act subject however to be dealt with as if reserved under this Act.

Reserves in Westland granted to Superintendent of Canterbury before 1st January 1868 to revest in the Crown as reserves.

Reserves not granted to vest and remain in the Crown as reserves.

Reserves to be administered by the Governor.

24. Reserves heretofore or hereafter to be made of Waste Lands except reserves for Native purposes as to which this Act shall not apply shall be managed and administered by the Governor.

Governor may delegate administration and revoke delegation.

25. The management and administration of all such reserves as aforesaid shall be carried on and conducted by the Governor provided that it shall be lawful for the Governor from time to time to delegate the management and administration of any such reserve to such person or persons or corporation as he shall think fit and from time to time to revoke any such delegation. And such delegate or delegates shall while such delegation shall be in force carry on and conduct the management and administration of the reserve or reserves to which such delegation shall relate and the management and administration by the Governor or his delegate shall continue until other provision be made in that behalf by the Governor in Council.

Reserves may be let on lease &c.

26. Such reserves may be let by the Governor or his delegate for any term not exceeding three years and the specific purposes for which any such reserve shall be held may be changed but no such reserve as aforesaid shall be alienated by way of sale or mortgage or lease for any longer term than three years nor shall the purposes for which any such reserve shall have been made be changed except by the authority of an Order in Council to be made in that behalf and published in the *New Zealand Gazette*. And the rents issues profits and proceeds arising from such reserves and from the sale mortgage or other disposition thereof shall form part of and be paid into the Public Account to the credit of and to form part of the Land Fund of the County. Provided that it shall be lawful for the Governor in Council to order that the rents issues profits or proceeds arising from any reserve or the sale mortgage or disposition thereof shall be paid to any person or persons or corporation having the management of such reserve and in such case the said rents issues profits and proceeds shall not be paid into the Public Account but shall be receivable by and paid to such person or persons or corporation.

Rents how to be applied.

Governor in Council may regulate the administration of reserves.

27. The Governor by Order in Council may regulate the management and administration of any such reserves as aforesaid and on any such Order in Council being made such reserve shall be managed and administered in accordance therewith and the power hereinbefore given to the Governor or his delegate to carry on and conduct the management and administration of such reserve shall be subject to the provisions of any such Order in Council.

Governor may by Order in Council cause reserves to vest in Corporation in trust for purposes of reserve.

28. The Governor in Council may from time to time by Order in Council direct that any such reserves as aforesaid shall vest in and be held by any Corporation commissioners or other person or persons having corporate succession to be named in the order in trust for the like or other public purposes to be specified and declared in such order in such manner and with such powers of lease management and disposition over the same and over all rents issues profits and proceeds thereof and other powers provisions and provisoes as shall be expressed and declared in such order. Provided however that it shall not be lawful by any Order in Council to authorize the sale of any lands which have been or may hereafter be reserved for public gardens or recreation grounds for the inhabitants of any town or district or for any lease of such lands excluding the public therefrom except in furtherance of the purposes for which the same may have been reserved but the management of any such public gardens or recreation grounds may nevertheless be vested by Order in Council in any Corporation or commissioner or other person or persons having corporate succession under such restrictions and limitations as the Governor in Council shall think sufficient to secure the full maintenance of the purposes for which such reserve may have been made and it is hereby expressly declared that where the disposition of the

Sale of public gardens or recreation grounds not to be authorized.

rents issues profits and proceeds of any reserves is under this section vested in any Corporation commissioners or persons such rents issues profits and proceeds shall not be paid into the Public Account.

29. Reserves for public highways bridle-paths and footpaths shall be made by the Waste Lands Board and shall be set forth on the authenticated maps in the Land Office of the County. Reserves for highways bridle paths &c.

30. The Waste Lands Board 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 County Council. Reserves for preservation or sale of timber.

31. All such lands within the said County as before the first day of January one thousand eight hundred and sixty-eight had been reserved by the Superintendent of the said Province of Canterbury from time to time under the nineteenth clause of the Waste Lands Regulations of the said Province for churches chapels schools or cemeteries and this whether a Crown Grant for such lands shall have been issued at the time of the coming into operation of this section of this Act to the Superintendent or not shall on the coming into operation of this section of this Act revert in the Crown and it shall be lawful for the Governor to execute and issue a Crown Grant of such lands to the respective trustees and their successors of the several religious denominations bodies or societies in whose favour such respective reserves may have been originally made and the term "trustees" shall with reference to any such denomination body or society be deemed to mean the person or persons or body ecclesiastical or secular to whom or which in the opinion of the Governor such conveyance will according to the usages or practises of such denomination body or society be most fittingly made having regard to the due preservation and observance of the trusts for which such lands were reserved. Provided that nothing in this section contained shall apply to any such reserves as had been granted to the Superintendent of the said Province and conveyed by him to any trustees or other persons before the said first day of January one thousand eight hundred and sixty-eight. Governor empowered to execute Crown Grants of reserves for churches chapels &c. to trustees.

VI.—TOWN LANDS.

32. The sites of towns shall from time to time be determined by the Governor upon the recommendation of the County Council and shall be notified by proclamation in the County of Westland *Gazette* and all sites for towns determined to be such sites before the coming into operation of this Act shall continue to be sites for towns as if determined hereunder. Sites for towns.

33. Town lands shall be sold by public auction in sections the size and upset price of which shall be determined by the Governor on the recommendation of the County Council and having been so determined for each town severally such upset price shall not be diminished and all town lands the size and upset price of which have been determined before the coming into operation of this Act shall be sold under this Act in and according to such sizes and prices so determined as if determined under this Act unless otherwise determined hereunder. Town lands how to be sold.

34. The time and place of every auction sale shall be fixed by the Waste Lands Board and shall be notified in the County of Westland *Gazette* and one or more newspapers circulating in the County at least thirty days before such sale shall take place. Notice of time and place of auction.

35. 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 the town sections numbered consecutively so far as laid out showing the sections to be submitted for sale. Maps showing sections submitted for sale to be laid open for inspection.

36. Town sections may be put up to auction either by order of Town sections how put up to auction.

the Waste Lands Board or upon the application of some person who shall at the time of making such application deposit ten per cent. of the upset price with the Receiver of Land Revenue.

Deposit to be returned if section bought by any person other than the applicant.

37. If any town section shall at the auction sale be purchased by other than the original applicant the deposit money shall be returned 5 on demand.

List of sections to be published.

38. Ten days at least before any such auction sale a list of all the sections about to be offered for sale shall be published in one or more newspapers circulating in the County.

Auction sale in open court.

39. Every auction sale of land shall be held by the Commis- 10 sioners in open court as hereinbefore provided.

Successful bidder to pay deposit.

40. The person who shall be declared the highest bidder at such auction shall immediately pay a deposit of ten per cent. of the purchase money to the Receiver of Land Revenue and in default thereof the section shall be again immediately put up to auction 15 Provided that if the person so declared to be the highest bidder shall have originally applied to have the land put up to auction and shall at the time of making such application have deposited ten per cent. of the upset price with the Receiver of Land Revenue no further deposit shall be paid but such deposit shall be deemed to be the 20 deposit required by this section.

Balance of purchase money how payable.

41. The remainder of the purchase money shall be paid to the Receiver of Land Revenue in full within fifteen days 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 25 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.

License to occupy.

42. Upon payment of the purchase money in full the purchaser shall receive from the Board a License to Occupy in the form 30 set forth in the Third Schedule to this Act and such license shall be delivered up upon receipt of a Crown Grant of the land purchased.

VII.—SUBURBAN AND RURAL LAND.

Notice of sale of suburban and of first-class and second-class rural land.

43. Waste Lands of the Crown in the County of Westland not being town land may from time to time be declared open for sale by 35 the Waste Lands Board by notice in the County of Westland *Gazette*. Such notice shall define the boundaries and position of the blocks of land so declared open for sale and shall classify the same as suburban land or first-class rural land or second-class rural land and all proclamations made under any Act or regulation repealed by this Act and 40 in force or reputed to be in force at the time of the coming into operation of this section of this Act shall be deemed to have been valid from the making thereof and shall continue in operation under this Act.

Lands sold to be open to entry by miners for gold mining purposes subject to conditions.

44. All suburban or rural lands (but not lands within any proclaimed township) sold under the provisions of this Act shall 45 after sale be open to entry by miners for the purpose of mining for gold subject to the provisions contained in the regulations set forth in the seventh Schedule hereto or to such other regulations either additional to or amending or altering the regulations in the said seventh Schedule as may be made by the Governor and the Governor 50 is hereby authorized to make from time to time as he may think fit by proclamation in the Government *Gazette* regulations additional to the regulations set forth in the seventh Schedule or altering or amending the same and for like purposes.

Roads tramways and railways may be laid out and reserved through purchased land.

45. Upon the survey of all lands sold as suburban or rural land 55 there shall be added an amount equal to ten per cent. of the total acreage so sold in the case of sections containing fifty acres or less and five per cent. in the case of sections containing more than fifty acres for the purposes of roads tramways and railways and it shall be

lawful for the Waste Lands Board at any time within five years from the date at which a Crown Grant shall have been or shall be issued for any land sold as suburban or rural land under this Act or any Act or regulations repealed hereby to cause to be laid out and reserved
5 through such lands such roads tramways or railways as such Board may think fit Provided that the Board shall in each case determine whether any and what payment shall be made to the owner of the land so granted to defray the actual cost of making such fences as the Board may deem necessary.

10 46. Persons who shall prove to the satisfaction of the Waste Lands Board that they have previous to the seventeenth day of February one thousand eight hundred and sixty-eight made improve-
15 ments to the value of not less than thirty pounds on land declared or which may hereafter be declared open for sale as suburban or rural land shall have a pre-emptive right of purchase over the lands in which such improvements have been made to the extent of not more than ten acres of suburban land at the fixed price of three pounds per acre and fifty acres of rural land at one pound
20 or two pounds per acre according to the class in which such rural land shall be placed Such pre-emptive right shall however be forfeited unless claimed within one month from the date at which such lands have been or shall be proclaimed open for sale and unless the purchase be completed within three months from such date.

Pre-emptive right over improved suburban or rural lands.

25 47. Every section of suburban or rural land shall be in one block and except as hereinafter provided of a rectangular form.

Form of sections.

30 48. In the interpretation of this Act a frontage line shall be taken to mean the boundary of a road river or public reserve or any stream or watercourse which shall have been declared by the Waste Lands Board by notification in the County of Westland
30 *Gazette* to constitute a frontage.

Frontage line defined.

49. 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 rules provided in this Act in respect of form cannot be accurately observed the form of the section shall be
35 determined as nearly in accordance with the foregoing provision as in the judgment of the Board circumstances will admit.

Form to be as nearly in accordance with Act as circumstances will admit.

VIII.—SUBURBAN LAND.

40 50. Land in the vicinity of townships or other centres of population may when declared by the Waste Lands Board to be open for sale be classified as suburban land.

Suburban land.

51. Suburban land shall be sold by public auction at an upset price of three pounds per acre in blocks of not less than five nor more
45 than twenty acres.

Suburban land how put up for sale.

52. Where such improvements as are mentioned in the forty-
45 sixth section of this Act have been made on any land which under any proclamation continued in operation by this Act has been or which under this Act shall be classed as suburban land such land may be surveyed for sale and sold in a block or section of any size the Board may think fit though less than five acres but no such section shall in
50 any case exceed ten acres.

Improved lands (suburban).

53. It shall be lawful for the Board to put up for sale by auction any section of suburban land so limited by frontage lines or by lands which have been previously sold as to contain less than five acres.

Suburban sections containing less than five acres.

54. The provisions of this Act in respect of the sale of town lands
55 by auction shall apply *mutatis mutandis* to the sale by auction of suburban land except that the amount of deposit to be paid by the person upon whose application any suburban land shall be put up to auction or who shall at the auction be declared to be the highest bidder shall be twenty-five per cent. of the upset price or of the purchase

Provisions as to sale by auction.

	money realized at auction respectively and that the purchaser of any suburban land shall after payment of a deposit in respect thereof be allowed one month to pay the remainder of the purchase money.	
Depth of sections.	55. Every section of suburban land if bounded by a frontage line shall be of a depth of not less than twelve chains and a half from such frontage.	5
Dimensions of section how to be proportioned.	56. In sections of suburban land not adjacent to or bounded by a frontage line all the sides may be equal but no one side may be less than one-third of any other and such section shall not be less than twelve and a half chains distant from a frontage line.	10
License to occupy.	57. Upon payment of the purchase money in full for any suburban land the purchaser shall receive from the commissioners a license to occupy in the form set forth in the Fourth Schedule to this Act and such license shall be delivered up upon receipt of a Crown Grant of the land purchased.	15

IX.—RURAL LANDS.

First-class rural lands terms of sale.	58. (A.) All first-class rural land shall be open for sale at a fixed uniform price of two pounds per acre in blocks of not less than thirty acres in extent.	20
Second-class rural lands terms of sale.	(B.) All second class rural land shall be open for sale at a fixed uniform price of one pound per acre in blocks of not less than fifty acres.	
Depth of sections.	59. Every section of rural land if bounded by a frontage line shall be of a depth of not less than half a mile from such frontage.	25
Dimensions how proportioned.	60. In sections of rural land not adjacent to or bounded by a frontage line all the sides may be equal but no one side may be less than one-third of any other and such section shall not be less than half a mile distant from a frontage line.	
Size of rural sections.	61. Save as herein provided no section of first class rural land shall be sold containing less than thirty acres and no section of second class rural land shall be sold containing less than fifty acres but any section so limited by frontage lines or private lands as to contain less than thirty acres or fifty acres respectively may be sold to the holder of any pre-emptive right under the forty-sixth section of this Act at two pounds or one pound per acre according to the class of rural land in which such land shall be placed or may be sold by auction at the upset price of forty shillings per acre or twenty shillings per acre as the case may be the time and place of sale by auction and the mode of sale and payment of purchase money to be as nearly as may be in accordance with the provisions herein contained applicable to the sale of town land and where such improvements as are mentioned in the forty-sixth section of this Act have been made on any land which by any proclamation continued in force by this Act has been or which under this Act shall be classed as first-class or second-class rural land such land may be sold in a section of any size the Board may think fit though less than thirty acres in the case of first-class rural land or less than fifty acres in the case of second-class rural land.	30 35 40 45
License to occupy.	62. Immediately on the payment of the purchase money for any rural land the purchaser shall receive from the Board a license to occupy in the form set forth in the fifth Schedule 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 the provisions of this Act will admit Provided always that should any section when surveyed prove to differ in any respect from that intended by the purchaser the purchaser shall have no claim for any loss or inconvenience which he 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	50 55 60

quantity paid for by the purchaser so much of the purchase money as exceeds the price of the land to be conveyed shall be repaid to him The license to occupy shall in any 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 the license shall be delivered up when the Crown Grant shall be issued.

X.—PASTURAGE.

63. All Waste Lands not declared open for sale and not required as commonage for stock may be occupied for pasturage purposes by 10 persons holding annual licenses from the Waste Lands Board to occupy the same in blocks of not less than five hundred acres. Pasturage licenses to what lands applicable. Extent of blocks.

64. Any person applying for a pasturage license shall state to the Board what are the boundaries and extent of the run applied for. Applicant to state boundaries and extent of run applied for.

65. The fee to be paid for the license shall be at the following 15 rates for the lands included in such license that is to say— License fee.

For any quantity of land in one block not exceeding five hundred acres sixpence per acre per annum

20 For any quantity of land in one block exceeding five hundred acres and not exceeding two thousand acres fourpence per acre per annum

For any quantity of land in one block exceeding two thousand acres and not exceeding five thousand acres threepence per acre per annum and

25 For any quantity of land in one block exceeding five thousand acres twopence per acre per annum

and the fee for every license shall be paid to the Receiver of Land Revenue in advance on the issue of such license.

66. If upon the expiration of any annual pasturage license it shall appear to the Waste Lands Board expedient to issue a further 30 license to depasture the land included in such first-mentioned license the Board shall grant such further annual license to the holder of the license so expired upon payment of the rent provided in this Act. Renewal of license.

67. Every annual pasturage license shall be in the form set 45 forth in the sixth Schedule 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 Waste Lands Board and not before A pasturage license shall entitle the holder thereof to the exclusive right of pasturage over the land specified therein upon the terms herein stated 40 Such license shall give no right to the soil or to the timber and shall immediately determine over any land which may be reserved or declared open for sale under this Act A reasonable right of way shall be allowed through all pasturage runs as well as free right of entry to miners for the purpose of mining or searching for gold. Form of pasturage license and transfer sixth Schedule.

45 XI.—GOLD FIELDS.

68. Whereas by a certain Act of the General Assembly intituled "The Gold Fields Act 1866" it is enacted that any district proclaimed or to be proclaimed a gold field shall not be subject to any provisions of any law for the time being in force regulating the sale disposal and 50 occupation of Crown Lands within the Province in which such gold field is situate except (amongst other exceptions) so far as the provisions of such law may specially authorize the sale or leasing of land within a gold field Be it enacted that notwithstanding anything in the said last mentioned Act contained to the contrary all lands situate 55 within any gold field now or hereafter proclaimed within the said county shall be sold leased or otherwise dealt with under this Act in the same manner by the same persons and subject to the same conditions as if such lands were not situate within a gold field Act to apply to lands within gold fields.

and this Act shall be deemed to specially authorize such sale lease or other disposal.

XII.—LAND AS SITES FOR CHURCHES ETC.

Ministers &c. may purchase sites for churches.

69. Ministers or trustees of religious bodies shall after any land town suburban or rural is open for sale or selection be at liberty to apply to the Board 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 ten acres in the case of suburban or rural land for burial grounds or as sites for churches chapels or schools and upon any such application being approved of by the 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 Board.

XIII.—TIMBER.

License to cut timber.

70. Upon the application of any person desirous of cutting and removing timber from Waste Lands of the Crown it shall be lawful for the Waste Lands Board to issue a license authorizing him to do so in the form in the eighth Schedule hereto.

Term of license and license fee.

71. Every timber-cutting 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.

Effect of license.

72. A license shall entitle no one but the person named therein to cut down the standing timber but it will authorize him to employ any number of persons during the term of the license to saw split or remove the timber so cut and such license shall not be transferable.

License to extend only to district named.
Protection of timber within fifty yards of licensee's sawpit.

73. A license to cut timber shall extend only to the district named therein.

Protection for benefit of licensee of road (not being a highway) made by him.

74. If any person duly licensed shall have established a sawpit for the purpose of sawing timber no other person shall cut timber within fifty yards from such pit without the consent of the person first occupying such sawpit 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 to any other holder of a license to enter thereupon and to cut timber as though such pit had not been established.

Forfeiture of license.

75. 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.

Act not to prevent holder of miner's right from lawfully cutting timber.

76. If any person holding a timber license shall be proved before the Waste Lands Board to have offended against any provisions 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 issue another timber license to the same person.

77. Nothing in this Act contained shall prevent any person holding a miner's right from cutting timber upon Waste Lands of the Crown in such manner to such extent and for such purposes as may be prescribed by any regulations issued under the authority of "The Gold Fields Act 1866."

XIV.—UNLAWFUL OCCUPATION OF CROWN LANDS.

Penalty for unlawfully occupying.

78. If any person shall occupy any waste lands either by residing

or erecting any hut or building thereon or by clearing enclosing or cultivating any part thereof or shall fell remove or sell the timber growing or being on any such land or otherwise unlawfully occupy the same without having a lease or license for such purpose respectively every such person shall on conviction of any of the acts 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 the Commissioner of Crown Lands or of some person by him duly authorized in that behalf.

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

80. Nothing herein contained shall be construed to prevent any lessee or licensed occupier of Crown Lands or his agent or servant from cutting for his own use such timber on the lands so occupied by him as is ordinarily used and as may be necessary for domestic purposes for firebote fencing stockyards or other conveniences for the enjoyment of the said lands unless such timber be reserved by the Superintendent or the Board for other public purposes and the licensed occupier or lessee shall have been warned of such reservation.

81. No possession or occupation of any Crown Land had or taken by virtue of any lease or 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 lands.

82. 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 the Commissioner of Crown Lands or for any person by him authorized in that behalf either generally or in the particular case to impound the cattle so trespassing in any public pound to be dealt with according to law provided that the Commissioner of Crown Lands shall not nor shall any person acting under his authority be authorized or required to impound cattle trespassing upon lands forming any part of any defined run unless such cattle shall be found trespassing in defiance of an adjudication made by the Board with respect to such land.

XV.—FINES AND PENALTIES.

83. All the fines and penalties hereby or by any rule regulation or bye-law to be made hereunder imposed or made recoverable may be recovered in a summary manner before a Resident Magistrate or before any two or more Justices of the Peace of the Colony.

SCHEDULES.

FIRST SCHEDULE.

BOUNDARIES OF COUNTY OF WESTLAND.

THE County of Westland is all that part of the Colony of New Zealand comprised within the following boundaries The sea coast from the mouth of the River Awarua to the mouth of the River Grey Thence the southern boundary of the Province of Nelson to the saddle between the rivers Teremakau and Hurunui Thence the watershed between the eastern and western coasts of that part of the Colony formerly included within the Province of Canterbury to its intersection with the northern boundary of the Province of Otago Thence the said last named boundary to the commencing point at the mouth of the River Awarua.

SECOND SCHEDULE.

REGULATIONS contained in the Schedule to a Proclamation by the Governor with the advice and consent of the Executive Council made on the 20th day of March 1868 published in the *New Zealand Gazette* 21st March 1868.

Regulations contained in the Schedule to a Proclamation by the Governor with the advice and consent of the Executive Council made on the 17th day of April 1868 published in the *New Zealand Gazette* 7th May 1868.

Regulations contained in the Schedule to a Proclamation by the Governor with the advice and consent of the Executive Council made on the 25th day of June 1868 and published in the *New Zealand Gazette* on the 29th day of June 1868.

Regulations contained in the Schedule to a Proclamation by the Governor with the advice and consent of the Executive Council made on the 5th day of July 1868 and published in the *New Zealand Gazette* on the 11th day of July 1868.

THIRD SCHEDULE.

County of)
Westland.)

LICENSE TO OCCUPY TOWN LANDS.

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 paid to the Receiver of Land Revenue for the County of Westland the said sum of pounds shillings and pence the receipt whereof is hereby acknowledged Now know all men and these presents witness that We in pursuance of the powers vested in us as Commissioners of the Waste Lands Board for the said County 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 situated in street in the town of marked No. in the authenticated map of the said town in the Land Office at Hokitika and containing or thereabouts being the section of land so purchased as aforesaid and to hold and enjoy the same for his and their absolute use and benefit.

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

FOURTH SCHEDULE.

County of)
Westland.)

LICENSE TO OCCUPY SUBURBAN 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 paid to the Receiver of Land Revenue for the County of Westland the said sum of pounds shillings and pence the receipt whereof is hereby acknowledged Now know all men and these presents witness that We in pursuance of the powers vested in us as Commissioners of the Waste Lands Board for the said County 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 enjoy the same for his and their absolute use and benefit subject nevertheless to the laws and regulations now in force for the sale letting disposal and occupation of the Waste Lands of the Crown within the County of Westland.

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

FIFTH SCHEDULE.

County of)
Westland.)

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 paid to the Receiver of Land Revenue for the County of Westland the said sum of pounds shillings and pence the receipt whereof is hereby acknowledged Now know all men and these presents witness that We in pursuance of the powers vested in us as Commissioners of the Waste Lands Board for the said County 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 laws and regulations now in force for the sale letting disposal and occupation of the Waste Lands of the Crown within the County of Westland.

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

SIXTH SCHEDULE.

County of }
Westland. }

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 County of Westland hereinafter specified 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 for the said County do hereby grant to the said the exclusive license from and after the date hereof until the day of 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 contained in the laws and regulations now in force for the letting disposal and occupation of Waste Lands of the Crown within the County of Westland.

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

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.....
.....

ENDORSEMENT.

I 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

SEVENTH SCHEDULE.

REGULATIONS AS TO MINING ON PURCHASED LAND.

1. Every mining claim on private land shall be registered in the office of the Warden of the district within which such land is situated before being entered upon for mining and the fee for such registration shall be ten shillings.

2. The mode of registration shall be by depositing with the Warden of the district a written contract entered into by the miner and the owner of the property or if there be no such contract then an award given by arbitrators or an umpire as hereinafter provided and together with such contract or award a plan of the claim and of the property within which such claim is situated signed by the Mining Surveyor and the Warden shall thereupon issue a certificate in the form given in Appendix A to this Schedule.

3. No miner shall be allowed to occupy for mining purposes any ground covered by any dwelling-house garden or any yard or other enclosure attached to any dwelling-house unless a written contract shall have been entered into by himself and the owner of such building garden yard or other enclosure.

4. No miner shall be allowed to use any part of any private land for any other purpose but that of actual mining or the performance of necessary operations connected with mining except under the terms of a contract entered into by himself and the owner of such private land.

5. If there be no contract entered into by the miner with the owner of the land intended to be occupied for mining purposes and the land be not such as is mentioned in the third clause of this Schedule the matter shall be referred to arbitration in the following manner—

6. The miner shall first of all give written notice in the form in Appendix B to this Schedule to the owner of the property or if after diligent inquiry no such owner can be found then to the occupier of such property and shall also give notice in the form contained in Appendix B to this Schedule to the Warden of the district and shall also pay to the Warden a sum of five pounds to defray the expenses of survey.

7. Upon receiving such notice and such sums of money as provided in the last section the Warden shall forthwith instruct the Mining Surveyor to survey the ground applied for and the miner shall accompany the Mining Surveyor and point out the boundaries of the claim for which he applies and the Mining Surveyor shall furnish to the miner a plan of the claim and of the property within which it is situated and shall also furnish to the Warden a tracing of such plan and a report stating whether the claim applied for interferes with any building garden yard enclosure or any other property of a special nature.

8. Within fourteen clear days after the delivery of notices by the miner to the owner or occupier and to the Warden as provided in the sixth clause of this Schedule the miner and owner shall each appoint in writing one person to act as arbitrator and shall state in writing to the Warden the name of the person so appointed and if the miner fail to appoint an arbitrator within fourteen clear days his application shall be forfeited and if the owner or occupier fail to appoint an arbitrator within fourteen clear days then the Warden shall appoint an arbitrator in his behalf the arbitrators so appointed shall forthwith appoint an umpire and their award or the award of the umpire shall be given within twenty-one clear days from the delivery of the notice as provided in the sixth clause of this Schedule and if the arbitrators fail to appoint an umpire or if the award of the arbitrators or umpire be not given within twenty-one clear days as

aforesaid the Warden shall act as sole arbitrator or shall appoint some other person to act as sole arbitrator. Provided that the Warden may upon good cause being shown extend the time for making the award but no such extension shall exceed seven days in addition to the twenty-one days fixed in this section.

9. The decision of the arbitrators or umpire or of the Warden or other person appointed by him acting as sole arbitrator shall be final and beyond any appeal except on the ground of fraud and every such decision shall be recorded in the Warden's Court and shall be enforced in the same manner as a judgment of that Court.

10. The award shall state the value of the land to be used as a claim the amount to be deposited to cover the costs of restoring the surface of the ground the special compensation if any to be paid to the owner for damages which cannot be made good and the special conditions if any to be observed by the miner in working the ground and the miner shall pay as rent to the owner or occupier a sum equal to twenty per cent. per annum on the value of the land as so determined. Provided that in any case where the occupant is not the owner of the land such rent may be made payable either wholly to the occupier or wholly to the owner or partly to the owner and partly to the occupier in such proportions as shall be determined by the award.

11. In estimating the value of the land the arbitrators or umpire or the Warden or other person appointed by him acting as sole arbitrator shall take into consideration not only the actual value of the soil but all the circumstances which may in their opinion give a special value to that portion of the property such as its position in relation to the remainder of the property its proximity to a road river or other means of access or to a building and the use to which it has been put or is intended to be put by the owner.

12. A fee of two guineas shall be paid to the Warden by the miner for each of the arbitrators and the umpire before they enter upon the reference and after the award shall have been made shall by the Warden be paid over to them.

13. Before entering upon the ground for mining the miner shall pay to the owner the first instalment of rent and shall also deposit with the Warden the amount fixed by the arbitrators or umpire to cover the costs of restoring the surface of the ground and shall before entering upon the ground for mining pay all other sums and do all other acts which the award shall order to be paid or done before entering upon the ground and the payment of such sums and the doing of all other such acts so ordered as aforesaid shall be considered to be conditions precedent to the right of the miner to enter upon such private land and no miner shall acquire any right of entry on private lands for the purpose of mining until all such sums shall have been paid and all such acts shall have been done as the award shall order.

14. All rents shall be paid by the miner quarterly in advance and the claim shall be forfeited if the rent remain unpaid for seven days beyond the date when it becomes due.

15. As soon as the miner has ceased working the claim he shall forthwith restore the surface of the ground and on proof being given to the satisfaction of the Warden that the surface has been so restored the Warden shall hand over to the miner the sum deposited to cover the cost of such restoration but if the miner after ceasing to work the claim shall neglect to restore the surface of the ground the Warden upon proof being given to his satisfaction that the claim has ceased to be worked shall at the end of fourteen clear days after the claim has ceased to be worked hand over the money deposited as aforesaid to the owner of the land on which such claim is situated.

16. In the foregoing regulations in this Schedule words in the singular number shall be understood to import the plural number and the word "owner" shall be understood to include "occupier" and where the owner and occupier are not the same person then a separate contract shall be made or award given in the case of each of them the word "Warden" shall be understood to mean the Warden or other officer for the time being entrusted with the administration of justice on the Gold Field within which the land is and the word "Mining Surveyor" shall be understood to mean Mining Surveyor or other officer whose duty it may be to furnish plans to the Warden.

17. All the regulations in force for the time being relating to mining on Crown Lands shall apply to mining on private property under these regulations excepting so far as they are affected by these regulations.

APPENDIX A.

Certificate of Registration.

PURSUANT to the regulations for the sale letting occupation and management of the Waste Lands of the Crown in the County of Westland and to the regulations for mining on private lands in the County of Westland I hereby certify that a mining claim No. _____ on section _____ in the Westland Gold Fields has been registered this day in favor of A.B. &c. miner.

Dated this _____ day of _____ 186 .

C.D. Warden.

APPENDIX B.

Notice to Warden.

PURSUANT to the laws in force regulating the sale letting occupation and management of the Waste Lands of the Crown in the County of Westland and to the regulations for mining on private lands in the County of Westland I hereby give you notice that I

seek to obtain a mining claim on section _____ owned by _____ and in the occupation of _____

A.B. &c. miner.

To C.D. Esq. Warden _____ District.
Received this _____ day of _____ 186 _____ the sum of five pounds sterling to defray the expenses of survey in respect of the foregoing application.

C.D. Warden.

Notice to Owner or Occupier.

PURSUANT to the regulations for the sale letting occupation and management of the Waste Lands of the Crown in the County of Westland and to the regulations for mining on private lands in the County of Westland I hereby give you notice that I seek to obtain a mining claim on section _____ your property (or in your occupation) and that I have this day paid to the Warden five pounds to defray the expenses of survey.

A.B. &c. miner.

To E.F. owner (or occupier) of section _____

EIGHTH SCHEDULE.

TIMBER LICENSE.

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 County of Westland containing _____ acres and has this day paid into my hands the sum of _____ Now therefore we 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 Westland Waste Lands Act 1868."

Commissioners.