

(Mr. W. H. Harrison.)

## Westland Waste Lands.

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## A BILL INTITULED

**Title.** 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:—

- Short Title.** 1. The Short Title of this Act shall be "The Westland Waste Lands Act 1870."
- Commencement of Act, &c.** 2. This Act shall commence and come into operation on the first day of September, one thousand eight hundred and seventy, except the sections hereof numbered respectively seven and seventeen, which shall come into operation on the day on which this Act shall receive the Governor's assent. 5
- Interpretation.** 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 expressions "the County," "the said County," and "County of Westland," shall respectively 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. 10 15 20
- First Schedule.** 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 the Acts of the General Assembly respectively, coming into operation on the day 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the fifth section of this Act shall come into operation, when the same shall, except as is hereinafter expressed, be repealed. 25 30
- Regulations to have force of law until repealed; and from what time repealed.** 5.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 or 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 35 40 45 50
- Second Schedule.**
- Repeal of Acts and Regulations saving clause.**

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 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.

Second Schedule.

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 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 or County would have under the said "Crown Lands Act, 1862," or "The Commissioner of Crown Lands Act, 1869," 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."

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

#### 45 II.—THE WASTE LANDS BOARD.

7. It shall be lawful for the Governor from time to time to appoint in or for the 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 reappointed in such office by the Governor hereunder.

Governor may appoint 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 or more than four

Constitution of Waste Lands Board.

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 have been appointed under this Act to the respective offices in which they shall thus be acting as if reappointed by the Governor hereunder. *The Colonial Treasurer shall, out of the Land Fund arising within the said County, pay such salaries to the Receiver of Land Revenue for the County, to the members of the Waste Lands Board, and to the Chief Surveyor of the County, as shall from time to time be authorized by the General Assembly. Provided that until such authorization as aforesaid, the present salaries payable to the said Receiver, Members of the Waste Lands Board, and Chief Surveyor, shall continue to be paid out of the said Land Fund, and shall be charged to the said County.*

Where Board to sit.

9. The principal Land Office of the County shall be kept at the Town of Hokitika, and the Waste Lands Board shall sit there 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 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 as often as may be necessary.

Chief Commissioner, or in his absence Chairman to preside.

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.

Questions to be decided by majority.

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

Meetings to be public.

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

Applications how to be determined.

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.

Board to determine disputes respecting boundaries.

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

Application Book to be kept, and applications to be heard in order.

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 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.

17. "The Waste Lands Board Appeal Act, 1867," shall apply to the Board constituted by this Act, and the decisions of such Board; and for this purpose the word "Province" and the expression "the Road Board," when used in the said "Waste Lands Board Appeal Act, 1867," shall be deemed to have the meanings following—that is to say, the word "Province" shall mean the County of Westland, the expression "the Road Board" shall mean the Board constituted by this Act.

Waste Lands Board Appeal Act to apply to Boards constituted under this Act.

### III.—SURVEYS.

18. There shall be a Chief Surveyor for the County, who shall be appointed and removable from time to time by the ~~Chairman of County Council on the recommendation of the County Council,~~ 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 Chairman of the County Council upon the recommendation of the County Council, 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 reappointed to such office by the Governor hereunder.

Chief Surveyor and assistants.

19. 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 ~~Chairman of the County Council,~~ Governor in Council, on recommendation of the County Council.

Surveys, how to be regulated.

20. 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.

Crown Grants to be prepared, &c.

### IV.—THE LAND REVENUE.

21. All payments to be made in respect of land to the Waste Lands Board to be made under the provisions of this Act, 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: Provided that if from illness or other sufficient reason the Receiver of Land Revenue be absent from any sitting of the Board, the Chief Commissioner, or the Chairman of the Board, shall act as Receiver in his stead.

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

### V.—PUBLIC RESERVES.

22. It shall be lawful for the Governor, to make all reserves required for purposes of General Government, all which reserves shall be notified in the New Zealand Gazette, and upon the recommendation of the ~~County Council,~~ Board 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:—

Reserves, how to be made.

- (1.) Canals, railways and tramways.
- (2.) Drains.
- (3.) Quays or landing-places and ferries.
- (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, court houses, 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. 5
- (8.) For the endowment of Municipal Corporations within the County, and generally for any purpose of public utility convenience or enjoyment.
- (9.) For resting-place and commonage for cattle being driven from one part of the County to another. 10

Description of reserves to be published in County Gazette, and set forth in maps. Temporary reserves.

**23.** 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 four 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 made by the Governor 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. 15 20 25

Repeal of section 16, "County of Westland Act, 1867." Other provisions made in lieu thereof.

**24.** 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 or his successors 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 or their successors by grant under "The Public Reserves Act, 1854." And whereas the said section has been repealed, and it is expedient that other provisions should be made in lieu thereof: Be it therefore enacted as follows:— 30 35

- (1.) That with regard to reserves of Waste Lands of the Crown within the said County made before the first day of January, one thousand eight hundred and sixty-eight, and granted by the Crown to the Superintendent of the said Province or his successors, and remaining vested in him or his successors on the said first day of January, the same shall be deemed to vest 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, one thousand eight hundred and sixty-eight, subject, however, to be dealt with as if reserved under this Act. 40 45
- (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 said Province or his successors, 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 the Act, subject however to be dealt with as if reserved under this Act. 50 55 60

Reserves to be administered by the Governor.

**25.** Reserves heretofore made or hereinafter to be made of Waste

Lands, except reserves for Native purposes, as to which this Act shall not apply, and reserves for General Government purposes shall be managed and administered by the Governor upon the recommendation of the County in Council.

- 5       **26.** The specified purposes for which any such reserves shall be held may be changed, and any such reserves may be leased, mortgaged or sold, either in whole or in part, by the Governor upon the recommendation of the County in Council, and due notice of such change, lease, mortgage or sale shall be published in the *County of Westland*  
 10 *Gazette at least two months before such change or sale.* And the rents issues profits and proceeds arising from the sale mortgage or other disposition thereof *except with respect to reserves for purposes of the General Government,* shall form part of and be paid into the Public Account, to the credit of and to form part of the Land  
 15 Fund of the County: Provided that it shall be lawful for the Governor, upon the recommendation of the County 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  
 20 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.

Reserves may be let on lease, &c. Rents, how to be applied.

- 27.** 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  
 25 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 leasing for any term not exceeding twenty-one years from the date of the lease, and of  
 30 management of such reserves, and of disposing of the 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 of the Council to authorize the leasing of any lands which have been or may hereinafter be reserved  
 35 for public gardens or recreation grounds for the inhabitants of any town or district, 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 of the Council in any Corporation or  
 40 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 rents issues profits and  
 45 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.

Governor may by Order in Council cause reserves to vest in Corporation in trust for purposes of reserves. Lease of public gardens or recreation grounds not to be authorized.

- 28.** Reserves for public highways bridle-paths and foot-paths shall be made by the Waste Lands Board, and shall be set forth on the  
 50 authenticated maps in the Land Office of the County.

Reserves for public highways, bridle-paths, &c.

- 29.** 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.

- 55       **30.** 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, as sites for churches chapels schools  
 60 or for educational purposes, and this whether a Crown Grant for such lands shall have been issued at the time of the coming into operation

Governor empowered to execute Crown Grants of reserves for churches, chapels, schools, &c., to trustees.

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, and also all other such lands as may hereafter be reserved for like purposes, to the respective trustees and their successors of the several religious denominations bodies or societies, in whose favour such respective reserves may have been 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 practices of such denomination body or society, be most fittingly made, having regard to the due preservation and observance of the proper 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.

VI.—LAND AS SITES FOR CHURCHES, ETC.

Ministers, &c., may purchase land as sites for churches, &c.

31. 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.

VII.—TOWN LANDS.

Site for towns.

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: Provided always that upon the recommendation of the County Council, approved by the Waste Lands Board, the Governor may withdraw any such lands as sites for towns, or make such alterations in their boundaries as may be recommended as aforesaid.

Town lands, how to be sold.

33. Town lands shall be sold by public auction by—a licensed auctioneer to be appointed by the Waste Lands Board, 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: Provided that if any person has made improvements to the value of twenty pounds sterling upon any section the occupier shall be entitled to purchase said section at the upset price without competition *within three months after the said land has been open for sale.*

Notice of time and place of auction sale of town lands.

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.

Maps showing sections submitted for sale to be laid open for inspection.

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 at the Land Office, and such map shall set forth, accurately delineated, such town sections numbered

consecutively so far as laid out, showing the sections to be submitted for sale.

5 **36.** Town sections may be put up to auction either by order of 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. Such deposits shall if no advance on the upset price be made, be considered as the deposit upon the sale at such auction: Provided that if any town sections put up within a defined block as specified in this section be not sold, they may be purchased at any subsequent sitting of the Board at the upset price.

Town sections, how put up to auction.

10 **37.** If any town section shall at the auction sale be purchased by other than the original applicant, the deposit money shall be returned to said applicant on demand.

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

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

List of sections to be published.

20 **39.** 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: 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 deposit required by this section.

Successful bidder to pay deposit.

30 **40.** The remainder of the purchase money shall be paid to the Receiver of Land Revenue in full, at the next sitting, within fifteen ~~thirty~~ days after the day of sale, and in default thereof the purchaser shall forfeit his deposit money, and also all right of title to the land: ~~Provided that if at the sitting of the Board next after the one at which the purchase should have been completed the purchaser shall assign such reason for the non-completion of the purchase at the specified time as to the Board shall seem sufficient, the Board may allow him to complete such purchase at that sitting.~~

Balance of purchase money, how payable.

40 **41.** Any section so forfeited, as provided in the preceding clause, may be sold to any person applying for the same, for the price at which it was knocked down at the auction; and if not so sold, the section may be again put up to auction at any future sale.

Any section forfeited, how to be dealt with.

45 **42.** Upon payment of the purchase money in full, the purchaser shall receive from the Board a license to occupy, in the form 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.

License to occupy.

Third Schedule.

VIII.—SUBURBAN AND RURAL LAND.

50 **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 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 rural land; and all Proclamations made under any Act or Regulations repealed by this Act, and in force or reputed to be in force at the time of the coming into operation of this Act, shall be deemed to have been valid from the making thereof, and shall continue

Notice of sale of suburban and rural lands.

55 **44.** All suburban or rural lands (but not lands within any proclaimed township) sold under the provisions of this Act shall, for the period of fourteen years after sale, be open to entry by miners for the purpose of mining for gold, subject to the provisions contained in

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

## Fourth Schedule.

the Regulations set forth in the Fourth Schedule hereto, or to such other Regulations, either additional to or amending or altering the Regulations in the said Fourth Schedule, as may be made by the Governor by the recommendation of the County in Council; and the Governor is hereby authorized to make from time to time, as he may think fit, by Proclamation in the *New Zealand Gazette*, Regulations additional to the Regulations set forth in the Fourth Schedule, or altering or amending the same, and for like purposes, and it shall not be necessary in the Crown Grant of any such land to make any reservation or exception of such right of entry or other reference thereto.

## 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, there shall be added an amount equal to ~~ten~~ five per cent. of the total average 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 through such lands such roads tramways or railways as such Board may think fit.

## Form of sections.

46. Every section of suburban or rural land shall be in one block, and, except as hereinafter provided, of a rectangular form: Provided always, that should any section when surveyed prove to differ in any respect from that intended by the purchaser, the Government will not be responsible for any loss or inconvenience which the purchaser may experience, nor will the purchase money be returned: ~~Provided also, that if upon the survey of any sold land it shall appear to the Board necessary to reserve a portion of such land for purposes of public utility, the Board may order such portion to be excluded from survey:~~ Provided also that when the land is found to be in excess, such excess may either be retained by the Government or paid for by the purchaser, at a price determined as aforesaid, at the discretion of the Waste Lands Board: Provided further, that if the Surveyor shall find that the whole extent of land in the selected locality falls short of the quantity paid for by the purchaser, so much of the purchase money as exceeds the price of land to be conveyed shall be returned to him by the Receiver of Land Revenue upon a voucher certified to by the ~~Commissioners~~ Chairman of the Board. The license to occupy shall in any case be amended by the ~~Commissioners~~ 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.

## Frontageline defined.

47. 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 Gazette*, to constitute a frontage.

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

48. 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 determined as nearly in accordance with the foregoing provision as in the judgment of the Board circumstances will admit.

## IX.—SUBURBAN LAND.

## Suburban land.

49. 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.

50. Suburban land shall be sold by public auction at an upset price of two pounds per acre, in blocks of not less than one nor more than ten acres. Suburban land, how put up for sale.
- 5 51. Where such improvements *as are* mentioned in the fifty-ninth 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 one acre, but no such section shall in 10 any case exceed ten acres. Improved lands (suburban).
- 15 52. 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~~ one acre. Suburban sections containing less than five acres.
- 20 53. The provisions of this Act in respect of the sale of town lands 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 centum of the upset price or of the purchase 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. Provisions as to sale by auction.
- 25 54. Every section of suburban land shall have such a depth as in the judgment of the Board circumstances admit. Depth of sections.
- 30 55. Upon payment of the purchase money in full for any suburban land, the purchaser shall receive from the ~~Commissioners~~ Board a license to occupy in the form set forth in the Fifth Schedule to this Act, and such license shall be delivered up upon receipt of a Crown Grant of the land purchased, or proof to the satisfaction of the ~~Com-~~missioners Board shall be given of the loss or destruction of such license. License to occupy. Fifth Schedule.

## X.—RURAL LANDS.

- 35 56. All rural land shall be open for sale at a fixed uniform price of one pound per acre, in blocks of not less than twenty acres: Price of rural land. Provided that, under special circumstances, it shall be lawful for the Governor, upon the recommendation of the County Council, and *Waste Lands Board* to authorize the sale of special blocks not less in area than one hundred and sixty acres at an upset price of not less than 40 ten shillings per acre; such price to be fixed in each case by the Governor upon the recommendation aforesaid.
57. Every section of rural land shall have such a depth as in the judgment of the Board circumstances admit. Depth of section.
- 45 58. 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 Sixth 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 50 of this Act will admit. License to occupy. Sixth Schedule.

## XI.—RESERVED UNSOLD LANDS OCCUPIED AND IMPROVED.

- 55 59. Whenever improvements have been made on any section, the value of which should, in the opinion of the ~~County Council of Westland,~~ *Waste Lands Board* be secured to the lawful occupant of such section, it shall be lawful for the Waste Lands Board, on the ~~its~~ recommendation to that effect having been approved in such case by the Governor, to add to the upset price of such section the value of such improvements, to be ascertained in such manner as shall be decided by the Board, with 60 such approval as aforesaid; in which case, should the occupant become Improvements in certain cases to be added to upset price.

the purchaser, it shall not be necessary for him to pay the value so ascertained, but the same shall be allowed to him as if paid; and if any other person become the purchaser, the amount of such value shall be paid over to the occupant by the Receiver of Land Revenue: Provided always that should lands so occupied be public reserves, such sale shall in no case take place except under an order of the Governor in Council, to be applied for by the Board, notice of which intended application shall be published in the Westland Gazette for a period of three weeks prior to the issue of such order.

XII.—WITHDRAWAL OF LAND FROM SALE.

Waste Lands Board may withdraw land from sale.

60. It shall be lawful for the Waste Lands Board at any time to withdraw from sale, by Proclamation in the County of Westland Gazette, any block or blocks of suburban or rural land which may have been or shall hereafter be declared open for sale by the said Board, in exercise of the powers given them by section forty-three of this Act, and which shall, after such declaration, be found to be auriferous. Provided always that every such withdrawal shall be notified in the County of Westland Gazette, within seven days thereof.

Land withdrawn from sale can be declared open for sale again.

61. It shall further be lawful for the Waste Lands Board to declare the land so withdrawn open for sale again, in accordance with the preceding forty-third section, at their discretion: Provided always that three months' notice of such declaration of being open for sale, as last aforesaid, shall be previously given in the County of Westland Gazette.

XIII.—PASTURAGE.

Pasturage licenses, to what extent applicable. Extent of blocks.

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

Applicant to state boundaries and extent of run applied for. Rent to be paid.

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

64. The rent to be paid for the license shall be at the following rates for the lands included in such license. That is to say—

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

For any quantity of land in one block exceeding five hundred acres and not exceeding fifteen hundred acres, fourpence per acre per annum.

For any quantity of land in one block exceeding fifteen hundred acres, and not exceeding three thousand acres, threepence per acre per annum; and

For any quantity of land in one block exceeding three 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.

Renewal of license.

65. If upon the expiration of any annual pasturage license it shall appear to the Waste Lands Board expedient to issue a further 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.

Form of pasturage license and transfer. Seventh Schedule.

66. Every annual pasturage license shall be in the form set forth in the Seventh Schedule to this Act, and shall be transferable by indorsement in the form set forth in such Schedule, and upon the payment of a fee of one pound to the Receiver of Land Revenue, 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. Such license shall give no right to the soil or to the timber, and shall immediately deter-

mine 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 for right of entry to miners for the purpose of mining or searching for gold.

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## XIV.—FLAX LANDS.

**67.** The Waste Lands Board may issue licenses authorizing licensee to occupy land for the purpose of cutting and dressing flax on the following conditions:—

Licenses to be issued on conditions.

10 (1.) That no license shall comprise more than five hundred acres nor less than fifty acres.

(2.) The annual rent shall not be less than one shilling per acre.

15 (3.) Every annual flax license shall be in the form set forth in the Eighth Schedule to this Act, and shall be transferable by indorsement in the form set forth in such Schedule upon the payment of a fee of two pounds ten shillings to the Receiver of Land Revenue.

Eighth Schedule.

## XV.—TIMBER.

**68.** 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 Ninth Schedule hereto.

License to cut timber.

Ninth Schedule.

**69.** 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 for every yearly license.

Term of license, and license fee.

**70.** 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.

Effect of license.

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

License to extend only to district named.

**72.** If any person duly licensed shall have established a saw-pit for the purpose of sawing timber, no other person shall cut timber within fifty yards from such pit, without the consent of the person first occupying such saw-pit: Provided that if the person establishing such saw-pit shall not use the same, and shall not cut timber within such distance as aforesaid from the pit for twenty-eight consecutive days, it shall be lawful for any other holder of a license to enter thereupon and to cut timber as though such pit had not been established.

Protection of timber within fifty yards of licensed saw-pits.

**73.** 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.

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

**74.** 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 may 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.

Forfeiture of license.

**75.** Nothing in this Act contained shall prevent any person holding a mining lease, miner's right or business license, from cutting timber upon Waste Lands of the Crown, in such manner to such

Act not to prevent holder of miner's right, business license, or mining lease, from

lawfully cutting timber.

extent and for such purposes as may be prescribed by any regulations issued under the authority of "The Gold Fields Act, 1866."

Penalty for unlawfully occupying.

XVI.—UNLAWFUL OCCUPATION OF CROWN LANDS.

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76. 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 shall 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 on that behalf.

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Penalty for persisting in such occupancy.

77. 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.

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Timber for domestic purposes allowed to be cut.

78. 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 fire bote fencing stockyards or other conveniences for the enjoyment of the said lands, unless such timber be reserved by the Board for other public purposes, and the licensed occupier or lessee shall have been warned of such reservation.

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Her Majesty's title not to be affected.

79. 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 effect in any respect the right of Her Majesty her heirs and successors in respect of any such lands.

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Cattle found trespassing may be impounded, &c.

80. 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.

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XVII.—FINES AND PENALTIES.

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Fines, and how to be recovered.

76. All the fines and penalties hereby, or by any rule regulation or by-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.

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PART II.

XVIII.—SETTLEMENTS TO BE ESTABLISHED.

County Council empowered to establish settlements.

77. Whereas the formation of special settlements within the County of Westland in the unoccupied parts thereof for colonization, would tend to advance the development and prosperity of the said County, it is expedient that the County Council should be empowered to take the necessary steps for the formation of such settlements.

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78. It shall be lawful for the ~~Chairman of the County~~ *Governor* in Council, upon a Resolution duly passed by *an absolute majority* of the County Council, from time to time to declare, by Proclamation in the ~~County of Westland~~ *New Zealand Gazette*, that certain blocks of land within the County, *south of the Miko Mikonui River*, as prescribed in such Proclamation, are set apart and reserved to establish settlements for colonization upon the terms following:—No such block shall exceed fifty thousand acres, and such lands shall be granted sold or disposed of upon the conditions and in accordance with the provisions following, that is to say:—

Settlements, how to be established, and conditions of establishment.

- 10 (a.) The Chairman of the County Council may cause town suburban and rural allotments respectively to be laid out in each of the said settlements so constituted and set apart as above.
- 15 (b.) Before any grants sales or reserves shall be made, or the lands disposed of by lease, it shall be lawful for the Governor to make such reserves in such settlements as he may think necessary for purposes connected with the public service of the Colony, and before any such grants sales or disposals by lease of land in any town in each such settlement shall take place, a plan of such town shall be sent to the Governor.
- 20 (c.) The Chairman of the County Council, with the advice of the ~~County Council~~ *Waste Lands Board* may cause reserves to be made for the uses of the County and for public purposes in any parts of the land set apart in each such settlement as aforesaid, either before or after the same may have been laid out as town suburban or rural land respectively.
- 25 (d.) Such town suburban and rural lands shall be sold at the upset price as provided under this Act ~~and the Westland Waste Lands Regulations~~ or if not sold may be disposed of by being leased by the ~~Commissioners of the Waste Lands Board~~, in the manner following:—
- 30 (1.) Unsold town lands may be leased in sections of not less than one-quarter acre nor more than one-half acre to one person for seven years, at an annual rental, payable in advance, at the rate of ~~five~~ *one* pounds ~~five~~ *ten* shillings per acre.
- 35 (2.) Suburban lands may be leased in blocks of not less than ten acres for seven years, at an annual rental, payable in advance, at the rate of six shillings per acre.
- 40 (3.) Rural lands may be leased in blocks of not less than twenty-five acres nor more than two hundred and fifty acres for seven years, at an annual rental payable in advance, at the rate of three shillings per acre: Provided, nevertheless, that if at any time of continued residence ~~such occupant~~ *the lessee* shall purchase the said land held by him under a lease at the upset price as fixed in this Act and ~~the Waste Lands Regulation~~ the rental paid prior to the purchase shall be considered as the deposit made at the application for the purchase of the said land, and upon the balance being paid to the Receiver of Land Revenue the purchaser shall be entitled to a Crown Grant thereof: Provided also that if at any time the lessee of any town suburban or rural section shall neglect to pay in advance the annual rent one month after the same has become due, ~~the Commissioners of the Waste Lands Board~~ shall have power to determine such lease, and to declare such lease forfeited, and to dispose of the same by auction, inclusive of improvements effected thereon; and after pay-
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ment of the rent due and the expenses of the sale, the surplus shall be handed over to the lessee.

- (e.) Any lessee holding and occupying a lease as aforesaid, for town suburban or rural lands, for the term of seven years shall be entitled at the payment of the seventh year's rent in advance to a Crown Grant *without further payment*. 5
- (f.) All lands not lawfully occupied under this Act within each of such proclaimed settlements shall be considered as commonage, and may be depastured by the settlers residing within each such settlement so long as the same or parts thereof have not been legally taken up. 10
- (g.) All ~~gold-bearing~~ *suburban and rural* lands shall be subject to provisions made in section forty-four, and to the Seventh Schedule to this Act.
- (h.) No lessee shall be entitled to a Crown Grant unless he shall have *bona fide* occupied and cultivated such lands leased by him to the satisfaction of the Waste Lands Board. 15

Money received from sale of lands in settlements how to be disposed of.

79. The money to arise from the sale and disposal of any lands within either of the said settlements shall be applied in the first place for the following purposes:— 20

- (1.) In defraying the expenses incident to the formation and laying out of each such settlement. 20
- (2.) In making and constructing roads and any other necessary public works within each such settlement.
- (3.) In establishing endowing and maintaining public schools, and any other necessary public institutions, within each such settlement. 25
- (4.) In maintaining ~~constant~~ communication either by sea or by land with each such settlement.

### PART III. 30

#### XIX.—CONSTRUCTION OF PUBLIC WORKS TO BE PAID WITH LAND.

County Council empowered to pay for construction of public works by issuing land scrip.

~~85 Whereas it is expedient that the County Council should be empowered to authorize the construction of roads bridges and other works of public utility within the County of Westland, and to make payment either wholly or in part for the same by grants of land for such roads bridges or other works: Be it therefore enacted that, notwithstanding anything contained in this Act to the contrary, it shall be lawful for the Chairman of the County Council, upon a Resolution duly passed by the Council, to grant to such person or persons land scrip to the value agreed upon, and such land scrip shall be available as cash and be received by the Revenue Receiver as such.~~ 35 40

Waste Lands Board to reserve lands proposed by Council to be given in payment.

~~86 Upon receipt of a Resolution from the County Council, that said Council have determined to undertake any such works as aforesaid, and specifying the land proposed to be given in payment or in part payment thereof, the Commissioners of the Waste Lands Board shall immediately withdraw such lands from sale, and notice of such withdrawal shall be published in the County of Westland Gazette.~~ 45

Where land agreed to be taken in payment of works,

80. *Whenever any person shall, after public tender in the usual manner, have contracted with the Chairman of the County Council to make and complete within a given time any public work specially authorized by the County Council, and shall agree to take land in full or in part payment for such work, and shall have furnished such security as the Chairman shall have required for the due completion of such contract, it shall be lawful for the Board, at its discretion, to reserve from* 50

public sale in the manner and for the time hereinafter provided, such portion or portions of rural land then open for sale as the person so contracting shall desire to receive in payment as aforesaid. And upon the production of a certificate from the Chairman of the County Council that the work contracted for has been satisfactorily completed, the contractor shall be entitled to a grant of such land so reserved to the extent of one acre for every pound sterling which the Chairman shall certify to be the bona fide value of the work so done: Provided that such portion or portions of land shall be shaped and situated in accordance with the provisions of this Act applicable to the sale of rural lands.

sufficient lands may be reserved from public sale to satisfy demand.

On completion of contract, Crown Grant to issue.

81. No greater sum shall be paid in land under the preceding section in any one year than a total of five thousand pounds. Every such reservation of land from public sale shall be published in the County of Westland Gazette, and in some newspaper circulating in the County, and shall continue in force for a period of twelve months and no longer.

Maximum amount of land reserved in any one year.

82. That in case any part of such lands to be granted in lieu by way of payment for such works as aforesaid, upon which no improvements have been effected by the grantee shall prove to be auriferous, and no improvements shall have been effected thereon by the grantee, such portion part may at any time within the period of seven years from the date of the grant be repurchased by the County Council, at an increase of one hundred per centum upon the upset price of such lands at which such lands were sold to such grantee.

Lands proving to be auriferous may be repurchased by County Council.

#### PART IV.

##### XX.—LANDS IN GOLD FIELDS IN COUNTY TO BE DEALT WITH UNDER THIS ACT.

83. Whereas, by an 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 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 within any gold field, now or hereafter to be 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, and this Act shall be deemed to specially authorize such sale lease or other disposal.

Act to apply to land within gold fields.

84. It shall be lawful for the Governor in Council, under his hand and the Public Seal of the Colony, from time to time to delegate to the Chairman of the County Council, or to such other person as the Governor may deem fit, all or any of the powers vested in the Governor or the Governor in Council by this Act, subject or not to any limitations or restrictions as he may think fit, and in like manner to alter and revoke any such powers.

Governor may delegate his powers.

#### SCHEDULES.

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 its commencing point at the mouth of the River Awarua.

Sec. 3.

## SECOND SCHEDULE.

Sec. 4, 5.

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, and published in the *New Zealand Gazette* on the 21st day of 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, and published in the *New Zealand Gazette* on the 7th day of 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 8th day of July, 1868, and published in the *New Zealand Gazette* on the 11th day of July, 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 November, 1869, and published in the *New Zealand Gazette* on the 29th day of November, 1869.

## THIRD SCHEDULE.

## LICENSE TO OCCUPY TOWN LANDS.

Sec. 42.

County of }  
Westland. }  
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 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.

## REGULATIONS AS TO MINING ON PURCHASED LAND.

Sec. 44.

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 two shillings and sixpence.

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, 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 such enclosure attached to any dwelling-house, unless a written contract shall have been entered into by himself and the owner of such private building garden yard or other such 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.

7. Within fourteen clear days after the delivery of notices by the miner to the occupier or owners 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, 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.

8. 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.

9. 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 centum per annum on the value of land 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 partially to the owner and partially to the occupier, in such proportions as shall be determined by the award.

10. In estimating the value of the land, the arbitrators or umpire or 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.

11. The sum of two guineas shall be paid to each of the arbitrators, and to the umpire, by the parties interested, prior to taking up the award.

12. 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 umpires, to cover the cost 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 such other 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.

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

14. As soon as the miner has ceased working the claim, he shall forthwith restore the surface of the ground should such have been agreed upon; 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 costs 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.

15. 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, except 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 favour of A.B., &c., miner.

Dated this                    day of                    18

C.D.,  
Warden.

#### APPENDIX B.

##### 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].

To E.F., owner [or occupier] of section.

A.B., &c.,  
Miner.

##### 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

To C.D., Esq., Warden,                    District.

A.B.,  
Miner.

FIFTH SCHEDULE.

County of )  
Westland. ) LICENSE TO OCCUPY SUBURBAN LANDS.

Sec. 55.

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 and 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

SIXTH SCHEDULE.

County of )  
Westland. ) LICENSE TO OCCUPY RURAL LAND.

Sec. 58.

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

SEVENTH SCHEDULE.

County of )  
Westland. ) LICENSE TO DEPASTURE STOCK.

Sec. 66.

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 on 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 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 one thousand eight hundred and

A.B.  
C.D.  
E.F.

Indorsement.

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 one thousand eight hundred and  
Witness—

EIGHTH SCHEDULE.

LICENSE TO CUT AND DRESS FLAX.

Sec. 67.

WHEREAS of has made application for a license to cut and dress flax on 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 our hands the sum of pounds: Now therefore we do hereby license the said to cut and dress flax on the said land for the term of subject to the provisions of "The Westland Waste Lands Act, 1870."

Commissioners.

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NINTH 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 our hands the sum of pounds: 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, 1870." Sec. 68.  
Commissioners.

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