

No. X.

AN ORDINANCE to amend "*The Crown Lands Ordinance*," (No. 1, Session X.,) and to extend the operation thereof to the Islands of New Zealand.

CROWN LANDS
AMENDMENT AND
EXTENSION.

[28th July, 1851.]

WHEREAS an Ordinance was enacted by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, (Session X., No. 1,) intituled "*An Ordinance to regulate the occupation of Waste Lands of the Crown in the Province of New Ulster*:" And whereas it is expedient that the said Ordinance be amended as follows, and that such Ordinance so amended be extended to the Islands of New Zealand, except as hereinafter provided:

Preamble, reciting
No. 1, Session X.

BE IT THEREFORE ENACTED by the Governor-in-Chief of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

1. So much of the said recited Ordinance, section 12, as requires a "Return" of cattle in his possession to be made by "any person depasturing cattle on any waste lands of the Crown not being within the limits of a hundred," shall be and the same is hereby repealed. And such "Return" shall, from and after the passing of this Ordinance, be made by "every holder of a depasturing license." And every such last-mentioned person shall do all such acts as by the said recited section of such Ordinance were required to be done by "any person depasturing cattle on any waste lands of the Crown." And in default thereof, or in case such person shall knowingly make any false statements in any such "Return," he shall be liable to such and the like penalties as are imposed in and by such section as aforesaid.

Section 12 of No. 1,
Session X., amended.

2. And whereas by the said recited Ordinance power is given to the persons to whom depasturing licenses within the limits of a hundred may have been issued to elect "three persons to be called Wardens:" And whereas it may in certain cases be desirable that a greater number of persons should be elected to act as such Wardens as aforesaid: Be it enacted that it shall be lawful for the persons to whom such licenses may have been issued, to elect as Wardens of any hundred such number of persons, not being less than three, as the Governor may from time to time by Proclamation in that behalf direct and appoint, who shall continue in office until the election of their successors, and shall have the regulation and apportionment of the right of pasturage within the hundred for the current year, or until some other regulation and apportionment thereof shall be lawfully made in that behalf.

Number of Wardens
may be increased,
who shall continue in
office until successors
are appointed, and
shall have regulation
of pasturage.

3. At

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Who to preside at election of Wardens.

3. At every meeting to be held for the election of Wardens, a Commissioner of Crown Lands or such other person, being a Justice of the Peace, as the Governor or the Lieutenant-Governor shall in that behalf appoint, shall preside; and in case of an equality of votes at any such election, such Commissioner, or other person shall have a casting vote.

Impounding of cattle.

4. If any cattle shall be found unlawfully trespassing upon any lands or public roads within the limits of a hundred, whether such land shall be the property of the Crown or shall belong to any private person, and whether such land shall be fenced or not, it shall be lawful for any of the Wardens of such hundred, or for any person authorized by them, to impound the cattle so trespassing, in any public pound, to be dealt with according to law.

Operation of by-laws to be extended.

5. And whereas by the said recited Ordinance the Wardens of any hundred, or any two of them, are authorized to make by-laws for the purposes in the said Ordinance mentioned, and it is expedient that the operation of the by-laws so to be made should be extended as follows: Be it enacted that the by-laws to be hereafter made by the Wardens of any hundred, or by the majority of such Wardens, shall extend and be applicable not only to persons to whom such licenses as aforesaid may have been issued, but to persons to whom no such licenses shall have been issued, and to the lands of such last-mentioned persons being situated within the limits of the hundred.

Transfer of licenses.

6. It shall be lawful for the Wardens of any hundred, or the majority of them, to authorize the transfer of any such license as aforesaid, from the person to whom the same may have been issued to any other person being an occupant of land held under a grant from the Crown, and situated within the limits of the hundred in respect of which such license may have been originally issued.

Licenses may be issued for part of a year.

7. It shall also be lawful for such Wardens, or the majority of them, to issue such depasturing licenses as aforesaid, at any period of the year, for the remaining portion of the then current year.

Ordinance not to apply to limits of any hundred until certain portions of the same shall have been granted by the Crown, and Ordinance shall have been proclaimed to come into operation within such hundred.

8. And whereas it is expedient that the provisions of the said recited Ordinance should not come into operation within the limits of any hundred until a considerable portion of the land comprised therein shall have been granted by the Crown, and shall be in the actual occupation of the grantee or others deriving title therefrom: Be it therefore enacted that the said recited Ordinance shall not apply to or come into operation within any such hundred until, by Proclamation to be issued by the Governor of the Province, with the advice of the Executive Council thereof, it shall be proclaimed and declared so to be: Provided always that if more than one-fifth part of any licensed run shall be comprised within the limits of any such hundred, such portion of any such run shall not be deemed to form part of such hundred for any of the purposes of the said recited Ordinance until the expiration of twelve calendar months from the date of such Proclamation as aforesaid.

More than one-fifth part of a run comprised within limits of a hundred not to be deemed to form part of such hundred until expiration of twelve calendar months.

Power to holders of licenses in pastoral districts to elect Pastoral Wardens.

9. And whereas it may be expedient that the holders of depasturing licenses in the pastoral districts of New Zealand should be authorized to take measures for providing as far as may be for the preservation of cattle and sheep, and for the prevention and cure of disease in sheep to be depastured within any such district, and for the preservation of such sheep from destruction by dogs: Be it therefore enacted that it shall be lawful for the holders of such licenses within any district which may be proclaimed to come within the operation of this enactment, either in person or by proxy, to elect from among themselves by a majority of votes such number of persons, not less than

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than three, to be and to be called Pastoral Wardens, as the Governor shall in that behalf proclaim and direct.

10. The election of the said Pastoral Wardens shall take place at the time and shall be conducted in the manner prescribed by the said recited Ordinance for the election of the Wardens of hundreds.

Their election to be conducted in same manner as that of Wardens.

11. For the purpose of providing for the safety of cattle and sheep to be depastured within any such proclaimed district, it shall be lawful for the said Pastoral Wardens, or for the majority of them, from time to time, to make such by-laws as to them may seem meet, and by such by-laws to impose any fine not exceeding thirty pounds, to be recovered in a summary way, upon any person offending against the same: Provided always that no such by-law shall come into operation until it shall have received the assent of the Governor, and until the expiration of one calendar month after a copy of such by-law shall have been published in the Government *Gazette*.

Power to Pastoral Wardens to make by-laws for health and safety of flocks &c.

12. It shall also be lawful for the said Pastoral Wardens, or for the majority of them, to take or authorize to be taken such measures for the destruction of dogs found at large within any such district, as to such Pastoral Wardens may from time to time appear to be necessary for the safety of the flocks depastured therein.

And to cause dogs to be destroyed.

13. And be it further enacted that the said recited Ordinance, as amended hereby, and this present Ordinance, shall extend and apply to the Islands of New Zealand, save and except that portion of the said Islands described in a Schedule annexed to an Act passed in the Parliament holden in the thirteenth and fourteenth years of the reign of Her Majesty, intituled "*An Act empowering the Canterbury Association to Dispose of certain Lands in New Zealand*," until such portion of the said Islands shall be lawfully proclaimed by the Governor to come within the operation of this Ordinance.

No. 1, Session X. as amended, to extend to the whole Islands.

14. This Ordinance shall come into operation the first day of September, one thousand eight hundred and fifty-one.

Commencement of Ordinance.

RULES AND REGULATIONS FOR THE ISSUE OF PASTURE AND TIMBER LICENSES FOR THE OCCUPATION OF WASTE LANDS OF THE CROWN OUTSIDE HUNDREDS.

ISSUE OF DEPASTURING LICENSES OUTSIDE THE BOUNDARIES OF PROCLAIMED HUNDREDS.

1. All persons requiring licenses for runs on unoccupied portions of the Crown lands, or for portions of the same which they now occupy, shall lodge a description of such run (as near as may be in the form of Schedule B hereunto annexed) with the Commissioner of Crown Lands for the district in which such run is situated.

2. If no objection exist to the applicant being allowed to occupy such run, the Commissioner will thereupon publicly notify that it has been claimed as a run, and he will at the same time publish (in the Government *Gazette* or in a local newspaper), whenever he has the means of so doing, the name of the person claiming the run and the description of it.

3. No person shall be allowed to dispute the claim of another person to any run described according to these Regulations, unless he shall do so within three months subsequently to the date of the publication above alluded to.

4. From the date of the expiration of the above-named period of three months, the applicant will be required to pay rent for the run at the rate and in the manner after mentioned; and he will be re-

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quired to distinguish, by marked trees or posts, or in such manner as shall be satisfactory to the Commissioner, such boundaries of the run as are not distinctly defined by streams or natural boundaries.

5. Any person who shall have a run or any considerable part thereof unoccupied by the requisite amount of stock for a period of six months after he shall have claimed the same, shall be liable to be regarded as having abandoned such run or part thereof; and if the Commissioner of Crown Lands shall find it necessary publicly to notify that such run or part thereof has been so abandoned, it shall thereupon be given into the occupation of the first applicant for it.

6. In estimating the sufficiency of stock for any run applied for, the Commissioner shall not allow for natural increase in any proportions with respect to the amounts of stock on the run greater than those set forth in the following scale:—

For any number of sheep up to 500, inclusive, run to be granted for any number not exceeding	5,000 sheep.
For every additional 100 between 500 and 1,000 for	500 additional sheep.
For every additional 100 between 1,000 and 3,000 for	400 additional sheep.
For every additional 100 between 3,000 and 5,000 for	200 additional sheep.
For every additional 100 between 5,000 and 10,000 for	100 additional sheep.

And in no case shall a run be granted capable of containing more than 25,000 sheep. In estimating runs for great cattle, one head of such cattle shall be rated as six sheep.

7. In case of any questions arising as to attempts to evade the foregoing Regulation, or to obtain unduly the benefits thereof, the Commissioner shall have full power to decide such questions in such manner as may most effectually carry out the true spirit and meaning of such Regulation.

8. So soon after the time at which rent for a run may have become payable under these Regulations as the occupant may in the opinion of the Commissioner have sufficiently stocked the same, he will be entitled to a license to depasture stock upon it for fourteen years, in the form of Schedule A hereunto annexed, and subject to the following conditions:—

- (1.) If at any time during the currency of such license the land comprised therein, or any part thereof, shall be included within the boundaries of any hundred, the said license shall cease and determine as to so much of the land as shall be included within such boundaries, from and after the day of the date of the Proclamation by which such hundred shall be constituted.
- (2.) If at any time during the currency of such license the land comprised therein, or any part thereof, shall be sold by or on behalf of the Crown, then and in that case also the said license shall cease and determine as to so much of the land as shall be so sold as aforesaid, from and after the day of the date of the *Government Gazette* in which notice of such sale shall be published.
- (3.) The annual license fee shall be in all cases at least five pounds, and each person who occupies a run shall pay annually in addition a further license fee at the rate of one pound sterling for every thousand sheep above five thousand which

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which the run so occupied shall be estimated to be capable of containing, and in the same proportion for great cattle, six sheep being rated as one head of great cattle.

- (4.) If at any time during the currency of such license such annual fees and the annual assessment imposed by law should not be paid by the holder of it in the manner and at the time required by the local Ordinance and by these Regulations, then and in that case the said license shall cease and determine, and the Commissioner of Crown Lands will thereupon be empowered to notify publicly the forfeiture of such license, and to let the run to which it relates by public auction to the highest bidder for a term of fourteen years, subject to the conditions of these Regulations and of any law for the regulation of pastoral pursuits.

9. No such license for fourteen years will be granted to any applicant for a run until he shall have paid all arrears of rent and assessments which may be owing by him for such run.

10. In the event of any dispute arising between two or more claimants regarding the boundaries of their respective runs, it shall be in the power of the Commissioner of Crown Lands to make such alterations in the boundaries of their runs or of any of them as he may upon inquiry judge to be just and expedient.

11. Every proper facility will be afforded for the acquisition of homesteads on their runs, not exceeding eighty acres, to persons who may be desirous of purchasing the same; but the Government will not undertake to survey and offer for sale any smaller block than fifty acres of land.

12. Whenever it becomes necessary to offer for sale by public auction any homestead of the licensed occupier of a run on which he has made improvements, such improvements will be valued by two arbitrators appointed respectively by the Government and by the lessee, or by an umpire chosen by them, and the homestead will be offered for sale at a price made up of the upset price of the land and the value of the improvements. Should the holder of the license not become the purchaser, the value of his improvements, estimated as above, will be paid to him immediately after the sale; but should there be no bidding for such homestead, the holder of the license will be required to purchase the land at the upset price immediately after the sale. Should he not do so, the Government will at any time sell the homestead at the price at which it shall have been last offered to the holder of the license, or at any other price which it may judge expedient.

ISSUE OF TIMBER LICENSES.

13. Persons occupying waste land of the Crown for the purpose of cutting timber will be required to pay a fee of five pounds yearly to the Crown upon the issue of the license.

14. The Commissioner of Crown Lands will determine the extent of land to which such license shall give a right of occupancy, and the licenses are only to have effect within the district specified in them.

15. No fresh applicant for a license will be permitted injuriously to interfere with a portion of forest upon which any other person may have expended capital and labour.

16. In the event of any occupant of a portion of forest, upon which he may have expended any considerable sum in the formation of roads or improvements to facilitate the removal of timber, wishing to resign his license, he will, if in the consideration of the Commissioner

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sioner he should be regarded as having established a claim to this indulgence, be permitted to transfer his license and right of pre-occupancy to such person as he may select.

17. All applicants for timber licenses must address their applications to the Commissioner of Crown Lands, stating their names and residences in full.

18. When the application has been approved it will be forwarded to the Colonial Treasurer, by whom, upon payment of the required fee, the license will be issued.

19. No person will be allowed to cut or remove timber on or from the Crown lands which have been reserved by Government for the public use.

20. The form of timber license will be according to Schedule C hereunto annexed.

GENERAL.

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

22. Licenses applied for after the first of June in each year will only be chargeable with half of the usual fee.

23. Licenses to be signed and issued by the Colonial or Provincial Treasurer upon payment of the proper fee.

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

25. All disputes between holders of licenses having reference to depasturing stock or cutting timber shall be heard and decided by the Commissioner of Crown Lands, who is authorized by the Crown Lands Ordinance to charge, at his discretion, to the party against whom his decision shall be made, a fee of five pounds.

26. Licenses for depasturing purposes can be transferred from one person to another, with the authority of the Government previously obtained through the Commissioner of Crown Lands.

27. These Regulations are not intended to affect any rights already acquired by occupants of purchased land to depasture upon Crown lands in their vicinity a certain quantity of cattle in proportion to the extent of purchased land which they may occupy, whether such rights have been acquired under Regulations issued by the Government or by the New Zealand Company.

SCHEDULES.

SCHEDULE A.

FORM OF LICENSE.

WHEREAS , of , has made application for a license to [depasture stock] upon the waste lands of the Crown within the district of [boundaries], and has this day paid into my hands the sum of £ s. d. I , do hereby license the said to [depasture stock] upon the said land for the term of fourteen years from the date hereof, subject nevertheless to be sooner determined pursuant to the provisions of and of the Regulations under which this license is issued, and to be cancelled as by law and these Regulations is provided.

Dated this day of

Signed ()

SCHEDULE B.

DESCRIPTION OF A RUN ON THE WASTE LANDS OF THE CROWN, claimed by

Situation

Boundaries

Estimated extent

Number and description of Stock left upon the Run.

(Signature.)
SCHEDULE C.

1851.

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Building and Land Societies.

SCHEDULE C.

TIMBER LICENSE TO AT .

PERMISSION to cut saw split and remove timber on and from the waste Crown lands at , within such limits as may at any time be assigned by the Commissioner of Crown Lands, subject to the provisions of , and to the provisions of such rules as may be duly made by His Excellency the Governor-in-Chief in conformity with law, is hereby granted to , of , by direction of the Governor of New .

Colonial Treasurer.

N.B.—If the holder of the above license shall contravene or violate any order or regulation of the Government made with respect to any of the purposes for which this license is granted, the Government reserves to itself the power of declaring the license of any such person so offending to be cancelled, and such license shall thereupon become null and void, and shall not be pleaded in justification of any offence committed against the provisions of any Ordinance relating thereto.
