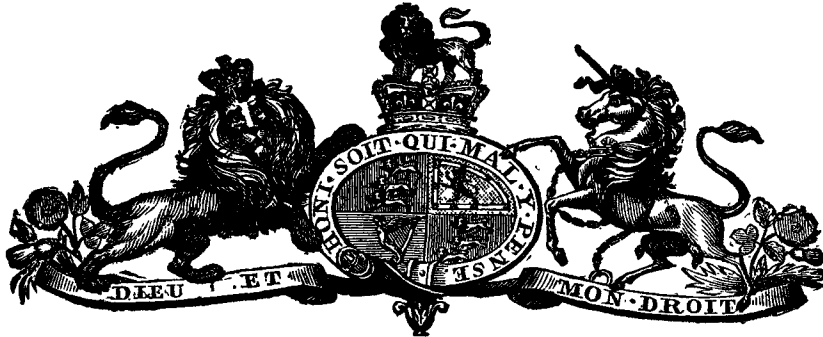


NEW ZEALAND.



TRICESIMO SEXTO

VICTORIÆ REGINÆ.

No. XXXIX.

ANALYSIS.

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AN ACT to amend and consolidate the Law relating to the Sale Letting and Occupation of Waste Lands of the Crown within the Province of Otago.

[25th October, 1872.]

WHEREAS it is expedient that the laws now in force for the sale letting occupation and disposal of the Waste Lands of the Crown within the Province of Otago should be consolidated and amended so as to afford greater encouragement to the settlement of people within the Province :

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

1. The Short Title of this Act shall be "The Otago Waste Lands Act, 1872."

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-three.

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 words "Waste Lands" shall mean Waste Lands of the Crown within the Province of Otago.

The word "Province" shall mean that part of the Province of Otago which was not previously included within the boundaries of the late Province of Southland.

The words "Superintendent," "Board," shall mean respectively the Superintendent and the Waste Lands Board of or for the Province of Otago.

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The words "Provincial Council" shall mean the Provincial Council of or for the Province of Otago.

The words "Receiver of Land Revenue" shall mean the Receiver of Land Revenue appointed for the Province of Otago.

The words "Receiver of Gold Revenue" shall mean the person appointed the receiver of the gold duty or other public revenue in a gold field district.

The words "District Officer" shall mean the Land Officer or person employed in any district by the Waste Lands Board to receive applications for land or for licenses to construct water races, or for other purposes authorized by this Act.

The words "District Surveyor" shall mean the Surveyor appointed hereunder for any district.

The words "Provincial Gazette" shall mean the *Gazette* published by or under the authority of the Government of the Province of Otago.

The word "Proclamation" shall mean and include as well any Proclamation in any Provincial *Gazette* as in the *New Zealand Gazette*.

The words "gold field" shall mean that part of the Waste Lands of the Crown in the Province proclaimed to be gold fields.

The words "holder of a miner's right" shall mean the person in whose favour the same shall have been issued.

The words "water race" shall be understood to include any artificial channel or ditch for the conveyance of water constructed through or of any material whatsoever, and any sludge channel.

The words "dam" and "reservoir" shall mean any natural as well as any artificial depository of water.

The words "sluice head" shall be held and deemed to be forty superficial inches of flowing water, to be gauged in such manner as shall have been prescribed by any rules and regulations then in force at the date of the passing of this Act, or which shall be made hereunder, in the Province wherein such water shall be flowing.

The word "allotment," whenever the same is used in this Act, shall be taken to mean a quantity of land not exceeding two hundred acres, and which shall be applied for by any applicant for a license under this Act, whether the same may be surveyed or unsurveyed Crown lands.

The word "occupy" shall mean residing on the allotment by a licensee in his own proper person.

The word "cultivation" shall mean planting cereal or root crops, planting an orchard vineyard nursery or shrubbery, or planting forest trees or laying down land with artificial grasses.

The words "substantial and permanent improvements," in any license to be granted under the provisions of this Act, shall mean and include dams wells cultivation fencing clearing or draining of an allotment, and the erecting of a habitable dwelling or farm or other buildings of not less than twenty pounds value upon and permanently attached to the soil of such allotment.

The word "run" shall mean any portion of Crown lands occupied by virtue of a lease or license for depasturing

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purposes, and defined as a separate run on the maps of the Survey Department of the Province wherein such portion of land shall be situate.

The words "lease of pastoral lands" shall include license to occupy the same.

The words "pre-emptive right" shall mean the parcel of land acquired by a pastoral lessee in freehold under any law now or hitherto in force.

The word "hundred" shall be held to include any block of land already set apart for sale and settlement as a hundred, or to be hereafter set apart as a hundred by virtue or in pursuance of powers conferred under sections ninety-six and ninety-seven of this or any other Act; and all the powers provisions conditions regulations and reservations in this Act contained relating to hundreds shall apply to such blocks of land.

The word "district" shall be taken to mean a Land District constituted under this Act.

The words "great cattle" shall mean horned cattle horses mules and asses, and the offspring of such above six months of age; and the words "small cattle" shall mean sheep goats and swine, and the weaned offspring of such.

And the word "cattle" shall mean all animals included within the meanings attached hereby to great and small cattle.

The singular number shall include the plural number, and the masculine gender shall also include the feminine gender.

REPEALING FORMER ACTS SAVING EXISTING RIGHTS.

4. The Acts specified in the First Schedule to this Act annexed are hereby repealed: Provided that nothing in this Act contained, except where otherwise expressly provided, shall affect any contract promise or engagement made with or by and on behalf of Her Majesty previously to the coming into operation hereof 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 granted or issued under any former Acts Ordinances or Regulations, and existing and being in force at the time of the coming into operation of this Act, or during the terms or 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 thereunder, except as expressly altered or varied by the provisions hereinafter contained, shall be and continue to be, during the terms or currency of such licenses and leases, regulated by and subject to the Acts Ordinances and Regulations to which the same were subject at the time of the coming into operation of this Act, notwithstanding the repeal of such Acts Ordinances or Regulations respectively: Provided, however, that the Board hereby constituted shall with respect to such licenses and leases, and such unfulfilled contracts promises and engagements, have all the powers and authorities and perform all the duties vested in and conferred or imposed on any Waste Lands Board established under the provisions of the Acts Ordinances and Regulations by virtue of which such licenses and leases were issued or granted, or such contracts and engagements were entered into: And upon the coming into operation of this Act any such last-mentioned Waste Lands Board shall be dissolved.

Acts repealed.
First Schedule.

5. Nothing in this Act contained shall be construed to repeal alter or in any way affect any of the provisions of "The Crown Lands Act, 1862."

"Crown Lands Act,
1862," not affected.

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GENERAL.

Superintendent to act with consent of Executive Council.

6. Every act which the Superintendent is hereby authorized or required to perform he shall perform solely in accordance with the advice of his Executive Council for the time being, and such advice shall be recorded on the Minutes of the Executive Council.

WASTE LANDS BOARDS CONSTITUTED—POWERS DEFINED.

How constituted.

7. There shall be a Board of Commissioners, to be called "The Waste Lands Board of the Province of Otago," and the said Board shall consist of one Chief Commissioner, and of not less than two nor more than five other Commissioners, all of whom shall be appointed and be removable by warrant under the hand of the Superintendent, subject to the approval of the Governor in Council: Provided that not more than one Member of the Executive Council shall be a Member of the Board.

Salaries of officers.

8. The salaries of the Commissioners, except that of the Commissioner of Crown Lands and of the officers of the Board appointed by the Superintendent or by the Board, shall be paid by the Superintendent out of revenues appropriated for that purpose by the Superintendent and Provincial Council.

Place of sitting.

9. The Board shall have an office in Dunedin, at which office the Board shall sit.

Commissioner of Crown Lands to preside.

10. The Commissioner of Crown Lands, when present, and in his absence then some member selected by those present at any meeting of the Board, shall preside thereat, and said Commissioner or presiding member for the time being shall have an original as well as a casting vote in all questions coming before the Board.

Questions decided by majority.

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

Quorum.

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

Waste Lands business under control of Board.

13. All business connected with the sale letting disposal and occupation of Waste Lands shall be transacted by the Board, subject however to the provision in the fourteenth section of this Act.

District Land Offices and Officers.

14. It shall be lawful for the Board, with the consent of the Superintendent, to create districts for the sale and disposal of land, and for the purposes of this Act such districts shall be called Land Districts. And it shall be lawful for the Board to appoint offices at such places as may be most convenient for the sale and disposal of land within such district, and also to appoint officers or other persons for conducting such sales and for receiving applications for the sale letting disposal or occupation of Waste Lands, and for generally carrying into effect the provisions of this Act. And the salaries or other remuneration of such officers, or other persons so to be appointed, shall be paid by the Superintendent out of revenues appropriated for that purpose by the Superintendent and Provincial Council.

Chief Commissioner to transact routine business.

15. All the routine business relating to the letting purchasing disposal or occupation of Waste Lands shall be transacted by the Commissioner of Crown Lands, subject to such instructions as may be given by the Board in that behalf.

Disputes determined.

16. Every dispute and difference relating or incident to the sale letting disposal and occupation of Waste Lands, or to anything done under this Act, or to the interpretation or meaning hereof, shall be heard and determined by the Board at meetings of the Board.

Board may charge fees for decision of disputed questions.

17. It shall be lawful for the Board at its discretion to charge and receive for the decision of any disputed question which it is authorized to determine by the provisions of this Act a fee not exceed-

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ing five pounds, to be paid by the party against whom its decision shall be made, to be recovered in a summary way, and the Board may require such fee to be deposited by each party before entering on the question; and the fee deposited by the party in whose favour the decision shall be, shall after the decision be returned to him.

18. The decision of the Board on all matters to be by it heard and determined shall, subject to right of appeal to the Supreme Court, as provided in "The Waste Lands Board Appeal Act, 1867," be final and conclusive: Provided always that the Board may, on the application of any person, grant a rehearing of any case decided by it if it shall think that justice requires it, and on such rehearing may revise alter modify or confirm any previous decision in the same case.

Decision final.

19. All applications for the purchase leasing occupation or disposal of Waste Lands made before the coming into operation of this Act, under the Acts Ordinances and Regulations heretofore in force, to the Waste Lands Board constituted and established by such Acts Ordinances or Regulations, and not decided upon by such last-mentioned Waste Lands Board at the time of the coming into operation of this Act, and all matters questions disputes and differences relating to or arising out of any such application, or any sale lease or license made or granted before the coming into operation of this Act under the said Acts Ordinances and Regulations, and as to which the last-mentioned Waste Lands Board has made no final decision, shall be decided upon by the Board hereby constituted, according and subject to the provisions contained in such Acts Ordinances and Regulations: And in the decision and determination of all such applications matters questions disputes and differences, the Board hereby constituted shall have the powers and authorities conferred on and vested in the Waste Lands Board established by the said Acts Ordinances and Regulations or any of them.

Applications for purchase &c. decided by Board.

20. The Board shall keep a record of all its proceedings, in which shall be entered a full and particular account of all business transacted by it, and a minute of the opinion of the members of the said Board in cases where they differ and in which any member wishes his opinion to be recorded, which record shall be open to the inspection of any person at all reasonable hours, on payment of a fee of two shillings and sixpence for each inspection.

Board to keep minutes.

21. There shall also be kept in the office of the Board at Dunedin, in a convenient form for reference, every letter application report and communication received thereat and copies of those written therefrom, also every order made by the Board and by the Commissioner of Crown Lands, and a convenient index shall be made thereto, all of which shall be open to inspection by any person at all reasonable times, on payment of a fee of two shillings and sixpence for each inspection.

And other forms.

22. All rents fees assessments purchase moneys and other sums of money payable under the provisions of this Act, shall be paid to the Receiver of Land Revenue for the time being, unless otherwise herein expressly provided.

Rents &c. to be paid to Receiver of Land Revenue.

23. The Commissioner of Crown Lands shall cause a statement, specifying the area and locality of all the surveyed lands of the Province (excepting town and village lands), for the time being open for selection, to be published in the *Provincial Government Gazette*, and circulated once in every twelve months; and every such statement shall exhibit as near as may be the distance and direction of such lands respectively from the nearest town village navigable river or public road, and shall specify as near as may be the quality of the land, whether bush or open land, and if open the distance from bush.

Publication of lands open for selection.

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SURVEYS.

Chief Surveyor and Assistants to be appointed.

24. There shall be a Chief Surveyor, who shall be appointed and be removable by warrant under the hand of the Superintendent, and as many Assistant or District Surveyors as shall be necessary, who shall be appointed and be removable by the Superintendent upon the recommendation of the Chief Surveyor.

Surveys to be conducted as Board may direct.

25. All surveys shall be conducted in such manner as the Board by any regulations to be made in that behalf shall direct.

CLASSIFICATION OF WASTE LANDS.

Classification.

26. The Waste Lands shall be and are hereby divided into three classes as follows, namely:—

- (1.) Town land—being the sites heretofore reserved or which shall be hereafter reserved for towns and villages.
- (2.) Suburban land—being land in the vicinity of any town lands.
- (3.) Rural land—being lands not reserved for towns or villages or other public purposes.

Class of land may be altered.

27. It shall be lawful for the Board at any time and from time to time to declare, by notice in the *Provincial Gazette*, that any land shall belong to either of the said classes, and also that any land shall cease to belong to either of such classes: Provided that no land which has been declared to be town or suburban land shall cease to belong to such classes respectively without the consent previously obtained of the Superintendent and Provincial Council.

SALE OF TOWN LANDS.

Sale of town lands.

28. All town lands, except as hereinafter provided, shall be sold by auction, according to the provisions hereinafter contained relating to sales by auction of town lands, and the upset price of allotments of such lands shall be fixed by the Board subject to the approval of the Superintendent: Provided that it shall be lawful for the Board, if it should to the Board seem expedient so to do, to sell otherwise than by auction any sections of town lands which, having been put up for sale by auction, have either been withdrawn from sale or have not been sold from want of buyers, or which having been sold at auction the purchasers have failed to complete their purchases; but no such land shall be so sold otherwise than by public auction until thirty days after notice in the *Provincial Gazette*, describing the land and the price at which it is proposed to sell such land otherwise than by auction; and if before the expiration of such period there shall be more applicants than one for such land, it shall be put up again for sale by public auction open to all bidders. If the Board shall, under this proviso, sell any town lands otherwise than by auction, the price at which such lands shall be sold shall be such price as the Board shall determine, not being less than the highest sum bid for such lands at the auction held thereof; and if no bid has been made, then the price shall not be less than the price at which such lands were put up for sale at the auction held thereof.

In certain cases, sold without auction.

29. In special cases wherein any person or persons, being in duly authorized temporary occupation of such lands, shall apply by petition to the Board setting forth the circumstances of his or their case, it shall be lawful for the Board, with the approval of the Superintendent and Provincial Council first obtained, to sell town land, except land within the limits of the towns of Dunedin and Port Chalmers, without exposing the same to auction, at such price as shall be fixed by the Board and approved of as aforesaid, such price

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not being less than the upset price if such land had been exposed to sale by auction.

AUCTIONS OF TOWN AND SUBURBAN LANDS.

30. The Board shall give notice of the time and place at which any auction of town lands is intended to be held, in which notice the allotments of land which shall then be offered for sale or lease shall be specified, and such notice shall be published in the *Provincial Gazette* or a newspaper published in the Province, not more than three months nor less than one month before such auction shall take place. Advertisements.

31. No such lands shall be included in any such notice, unless the same shall have been previously surveyed and have been distinguished by an appropriate mark upon a map, to be exhibited in the Waste Lands Office for public inspection during usual hours. To be surveyed before auction.

32. The land shall be offered for sale by auction by some person to be appointed for that purpose by the Board, who, if an officer of the Board, shall not be required to take out an auctioneer's license. Auctioneer appointed

33. Immediate payment of one-tenth part of the purchase money shall be a condition of every such sale by auction, and the remaining nine-tenths of the purchase money shall be paid by the purchaser within one calendar month next after the time of such sale, otherwise the part of the purchase money so paid by way of deposit as aforesaid shall be forfeited, and the contract for the sale of the land shall thenceforward be null and void. Purchase money, how paid.

34. All suburban lands shall be offered for sale by auction in sections, the size or extent and upset price of which shall be fixed and determined by the Board, subject to the approval of the Superintendent, and subject also to the provisions affecting town lands hereinbefore contained. Sale of suburban lands.

SALES OF RURAL LANDS.

35. All rural lands shall hereafter be open for sale or disposal, except such as at the time application is made for the purchase of the same are leased or reserved for leasing, or for occupation by license and lease as hereinafter provided, or included or comprised within any license to depasture stock, or reserved from sale by virtue of any power or authority in that behalf given by any Act Ordinance or Regulations for the time being in force; but it shall be lawful for the Board, with the consent of the Superintendent, to reserve or withdraw from sale any land the sale or disposal of which may appear to them to be or likely to be prejudicial to the public interests. Sales of rural lands.

36. The price at which rural lands shall be offered for sale shall be twenty shillings per acre; and in the event of two or more applications for the same land being made on the same day, the upset price at which such land shall be put up at auction, as hereinafter mentioned, shall be twenty shillings per acre: Provided that it shall be lawful for the Board, with the approval of the Superintendent first obtained, to sell at twenty shillings per acre, or such higher price as the Board may determine, rural land, either within hundreds or comprised within any license or lease to depasture stock, not exceeding three hundred and twenty acres, to any person who may have improved the same prior to the passing of this Act; but no such lands comprised within any license or lease to depasture stock shall be sold without the consent of the licensee or lessee: Provided always that after the lands within any hundred or block, either already proclaimed or which shall be hereafter proclaimed under the provisions of this Act, shall have remained open for selection and sale for the full period of seven years from the time of the same having been first open for selection and sale, the portion thereof remaining unsold after such Price of rural lands.

Otago Waste Lands.

period of seven years may, with the sanction of the Superintendent and Provincial Council, be offered for sale by public auction to all bidders, at the upset price of ten shillings per acre, upon the terms and under the provisions hereinafter contained.

Price may be augmented.

37. It shall be lawful for the Governor in Council from time to time if he shall see fit, on the receipt of a recommendation to this effect from the Superintendent and the Provincial Council, to order that an augmentation shall be made in the price at which the Waste Lands shall be offered for sale, either by selection or auction, to such an amount as shall be expressed in the said recommendation; and from and after a date to be fixed in the Order in Council, the price shall be raised accordingly.

Applications, how made.

38. Any person desirous of purchasing rural land shall make an application in writing for the purchase thereof at the Land Office of the district in which the land applied for is situate, and in a form to be by the Board prescribed, and every such application shall be accompanied by a deposit of ten per centum upon the upset price, and shall be forthwith forwarded to the Land Office in Dunedin; and the decision of the Board on such application shall, if such land shall have been previously surveyed, be given within six days after such application has been received at the Land Office in Dunedin; if there be no more than one applicant for the same land on the same day, and if such land shall not have been previously surveyed, then such decision shall be given on such day as the Board shall appoint, not being more than six months from the receipt of the application: Provided always that should the applicant refuse to complete the purchase, such deposit shall be absolutely forfeited.

Applications may be in sealed covers.

39. Any application may, at the option of the applicant, be enclosed in a sealed cover, which shall not be opened till after the office hours on the day it is made.

No application to be for less than fifty acres.

40. No application for a less quantity than fifty acres of rural land shall, except as hereinafter provided, be granted by the Board; and the land specified in every such application shall, so far as the features of the country and the survey of the Province will admit, be of a rectangular form, and when fronting a river lake road or coast be of a depth not less than twice the length of the frontage: Provided always that the Board may divide any of the Waste Lands into blocks and sections of any size, and offer the same for sale, and may also permit owners of lands desirous of making an addition to lands already purchased to apply for and purchase adjoining lands of irregular shape and of small extent, if such purchase shall not unduly interfere with the advantageous division of adjoining land into convenient allotments.

Unsurveyed land.

41. Immediately on the payment of the purchase money for unsurveyed land to the Receiver of Land Revenue, the purchaser shall receive a license to occupy, in the form set forth in the Second Schedule hereunto annexed; and as soon thereafter as conveniently may be, the land shall be laid off by the District Surveyor, as nearly in accordance with the description given by the purchaser in his application as the regulations will admit. The expense of the survey and of connecting such survey shall be borne by the purchaser, who shall at the time of purchase deposit the amount of the estimated cost of such survey with the Receiver of Land Revenue, and such survey shall be made as soon as practicable by order of the Chief Surveyor: 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 the surveyor shall find that the whole extent of land in the

Second Schedule.

Otago Waste Lands.

selected locality falls short of the quantity paid for by the purchaser, the Receiver of Land Revenue shall repay so much of the purchase money as exceeds the price of the land to be granted, and the license to occupy shall in any such case be amended in accordance with the report of the surveyor, and the Crown grant shall be made out in accordance therewith, and such license shall be returned to the Commissioner of Crown Lands when the Crown grant shall be issued.

42. Notwithstanding that the Board may have received an application for unsurveyed land, it shall be lawful for the Board, if it shall be deemed prejudicial to the public interest, to grant the application either as to the whole or to any part of the land applied for, to refuse to grant the application either as to the whole or as to part of the land, and to return the moneys deposited on account of purchase money or such part thereof as has been deposited on account of the portion of land applied for and the application for which shall not be granted.

Board may refuse application.

43. Where no more than one such application shall have been made for the same rural land on the same day, and the Board shall have decided that the land shall be sold and shall have declared such applicant to be the purchaser thereof, then such applicant shall, if the application be for land previously surveyed, pay to the Receiver of Land Revenue the purchase money of the land applied for within ten days after his being declared the purchaser thereof. If the application be for land not previously surveyed, then the applicant shall pay to the Receiver of Land Revenue the purchase money thereof within fourteen days after a notification shall have been published in the *Provincial Gazette*, and sent by post addressed to the applicant at his last known place of abode, that the applicant has been declared the purchaser; and if in either case the purchase money is not paid at the time hereby fixed, such application shall be deemed withdrawn and cancelled and shall thereupon become and be void.

When price paid.

44. In the event of two or more persons making application to purchase the same land on the same day, the said land shall be offered for sale by public auction, open to all bidders, at such time and place as the Board shall appoint, and in the manner hereinafter provided relating to sales by auction of land and leases of land: Provided that if two or more applications are made on the same day for the same land, and any such application shall refer only to part of the land applied for in another application, then the auction to be held shall take place in respect of such part only of the land as shall be included in two or more applications so made on the same day.

Land open to all bidders when two applicants on same day.

45. It shall be lawful for the Board, with the consent of the Superintendent, to receive and grant applications for the purchase of any rural land upon which timber may be standing in such quantities as the Board shall see fit, and subject in all other respects to the provisions herein contained relating to ordinary rural land.

Timbered land.

46. If any person shall contract with the Superintendent to make and complete within a given time any public road tramway or railway bridge watercourse drain or other public work, or any part of any such road tramway or railway bridge watercourse or drain or public work, furnishing such security as the Superintendent may require for the due completion of such contract, and shall before or after such completion select such portion of rural land as he shall be willing to accept by way of payment or compensation, or by way of part payment or compensation for such work, such person shall on the completion of such contract be entitled to a grant of such land to the extent of one acre for every one pound sterling which the Superintendent shall certify to the Waste Lands Board to be the *bonâ fide*

Land exchanged for public works.

Otago Waste Lands.

value of the work so done by such person, according to the prices for work and materials at the time of performing such contract current in the district: Provided that such selection shall be made within hundreds or in blocks in the interior to be reserved for payment of such contract in accordance with the provisions of this Act relating to the reservation of land for sale: Provided also that no greater amount of land than two hundred and fifty acres shall, under the provisions of this clause, be granted to any person under any such contract, unless in payment of work for which a vote has been passed by the Provincial Council; and that no greater amount of land than one thousand acres in the aggregate shall in any one year be granted under the provisions of this clause, without the special sanction of the Provincial Council: Provided also that no greater amount than ten thousand acres shall, under the provisions of this clause, be granted in any one year.

ALIENATION OF LANDS BY LICENSE OR LEASE.

Areas set apart for settlement.

47. It shall be lawful for the Superintendent, with the advice and consent of the Provincial Council, from time to time, by Proclamation to be published in the Provincial *Gazette*, to set apart in any part of the Province districts or blocks of land within which licenses to occupy land and leases thereof on deferred payments, as hereinafter provided, may be granted, either exclusively, or, if the Proclamation shall so declare, within which the land shall be open for license or lease as aforesaid, or for sale on immediate payment, and from time to time, with consent as aforesaid, to alter amend or revoke such proclamations: Provided that pending the next meeting of the Provincial Council, it shall be lawful for the Superintendent, by and with the advice and consent of the Executive Council, by Proclamation, to set apart under this section any lands which may have been already thrown open under any power given in any previous Act: Provided that no area exceeding in the aggregate five thousand acres in one block may be proclaimed on any run, nor exceeding ten per centum of the extent of the run: Provided also that when one-half of any such proclaimed block shall have been sold or leased, and shall be occupied *bonâ fide* for agricultural purposes, another block of a similar extent may be proclaimed and set apart upon the same run for the same purpose: Provided that the area to be so set apart shall not exceed thirty thousand acres in any one year: And that no further land shall be so set apart until one-third of the entire quantity of land previously so set apart shall be occupied under sale or lease, and in course of being cultivated.

Officer not to be interested.

48. No officer employed in any Land Office or in the Survey Department shall, directly or indirectly, be interested in any way in the selection, under this Part of this Act, of any part of the Waste Lands within the district to which he has been appointed, or in which he is or has been employed: Provided that nothing herein contained shall be construed to prevent such officer taking up and occupying a section not exceeding two hundred acres under the provisions hereinafter contained.

Any person may apply for an allotment.

49. Except as hereinafter mentioned, any person may on any day, during office hours, apply personally to a Land Officer acting in the district for a license to occupy an allotment of Waste Lands in any block of land proclaimed or set apart for the purpose as hereinafter provided, or in any hundred containing such block, and shall at such time deposit the fee for one half-year's occupation as hereinafter provided: Every application shall, so far as the features of the country and the survey of the Province will admit, be of a rectangular form, and of a depth not less than twice the length of the frontage.

Otago Waste Lands.

50. Every application shall be received and entered in its order in a book to be kept for that purpose, and the District Officer shall appoint a day which shall be duly notified in some newspaper having general circulation in the district, being not less than fourteen nor more than thirty days from the date of the receipt of such application, for deciding the unopposed applications, and for notifying the objections (if any) which have been lodged.

Applications to be recorded and day fixed for deciding same.

- (1.) Objections that the whole or any portion of the land applied for is claimed or owned by any person other than the applicant, or is in the whole or in part auriferous, or is likely to be required for any public purpose, must be made in writing to the District Officer and lodged at the office at which the application shall have been lodged twenty-four hours at the least before the time appointed for hearing; and the person objecting must, at the time appointed for hearing, urge the objection personally or by counsel or agent.
- (2.) Upon the day appointed as aforesaid for deciding the unopposed applications, if an objection shall have been lodged against the granting of the whole or any of the applications, the District Officer shall publicly notify the nature of such objection, and shall appoint a day, being not less than seven nor more than twenty-one days from the date of such notification, for the purpose of hearing and deciding such opposed applications.
- (3.) If no objection as aforesaid be made and no reason be known to the District Officer why the application should not be granted, he shall immediately issue an interim certificate, and report the application and his decision to the Waste Lands Board, and he shall require the applicant to pay to the Receiver of Land or of Gold Revenue, who shall give the applicant a receipt for the same, the fee for one half-year's occupation; and such applicant shall also pay to the District Surveyor, who shall give a receipt for the same, the amount of the estimated cost of the survey of the land, such cost to be assessed in terms of the Government survey regulations then in force; and upon production of such receipt to the District Officer, he shall give to the applicant a certificate in the form of the Third Schedule hereto, bearing even date with such receipt, from which date the commencement of the term of the license, if a license be granted, shall be taken and computed.

Objections how to be lodged.

Day fixed for deciding opposed applications.

Unopposed application may be granted.

Third Schedule.

51. The Waste Lands Board, subject to the approval of the Superintendent, may from time to time appoint a Board (hereinafter called the "Board of Inquiry") of three members, for the purpose of hearing and deciding all objections which may have been lodged against applications, of which Board the District Officer shall be Chairman.

Board for hearing objections.

- (1.) Upon the day appointed as aforesaid for the hearing, the Board of Inquiry shall proceed to hear the application and any such objection as aforesaid, and may examine the parties and their witnesses (if any) on oath, and such hearing may be adjourned from time to time for any period not exceeding thirty days at one time.
- (2.) If at the hearing of any objection as aforesaid the Board of Inquiry shall find such objection valid, they shall thereupon reject the application, either as to the whole or part of the land applied for, and may grant to the objector a certificate that he is entitled to a specified amount of reasonable costs and expenses, which shall be chargeable

Opposed applications.

Costs awarded. Valid and frivolous objections.

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against the applicant and recoverable in any Court of competent jurisdiction; and if they shall find that the objection is frivolous or vexatious, they shall grant to the applicant a certificate as aforesaid, recoverable from the objector as aforesaid; and if no reason be known to them why the application should not be granted, they shall immediately issue an interim certificate on the same terms and subject to the same conditions as provided in subsection three of section fifty.

52. If the District Officer shall find that more than one application has been made for a license to occupy the same land on the same day, and shall find that no objection has been made or sustained to the issuing of a license of such land or some portion thereof, and that the land is not in the whole or in part auriferous, and is not likely to be required for any public purpose, the right to the license of such land, or of such part thereof as may be granted, shall be determined by lot in manner following:—

Procedure where more than one application on same day.

Ballot.

(1.) On the day following that on which the decision of the District Officer or Board of Inquiry shall be arrived at, the applicants shall attend before the District Officer at noon, and the District Officer shall, in the presence of the applicants or such of them as shall be in attendance in person or by agent, prepare twice as many ballot tickets as there shall have been applications for the license. The ballot tickets shall be as nearly as may be two inches square, and shall be numbered consecutively from one upwards, and being so numbered shall be folded in such a manner as to conceal the numbers thereon and to be as nearly as possible of equal size shape and appearance.

Drawing of tickets.

(2.) The ballot tickets so prepared shall be placed in a box and shall be drawn therefrom by the applicants who shall be in attendance as aforesaid, in turns, one ticket only being drawn at a time; and the applicant who draws the ticket marked with the highest number shall be entitled to the license to occupy the land.

If only one applicant.

(3.) If only one applicant shall be in attendance at the time appointed for the ballot no ballot shall take place, but such applicant shall be entitled to the license. All applicants not in attendance in person or by agent as aforesaid, at the time appointed for the ballot, shall be deemed to have withdrawn their applications.

Issue of certificates.

52A. On issuing any interim certificate, the District Officer shall forthwith forward to the Waste Lands Board a duplicate of such certificate, and, notwithstanding the issue of the same, it shall be lawful for the Board, within thirty days from the date thereof, to refuse to grant to the applicant a license to occupy the land referred to in such certificate; and immediately upon such refusal being communicated to the applicant, either personally or by letter addressed to him at his usual or last-known place of business or abode, the certificate and any matter and thing therein contained shall become and be absolutely void; and the Board shall intimate such refusal to the Receiver, who shall thereupon repay the applicant the amount paid by him as rent, and the applicant shall forthwith quit and deliver up possession of said land, and failing his so doing he may be proceeded against as a trespasser on Crown lands.

Certificate to be exchanged for license.

52B. Whenever a license to occupy any lands for which an interim certificate shall have been granted as aforesaid shall be issued, the same shall be forwarded to the District Officer, who shall there-

Otago Waste Lands.

upon give notice in writing, in the form of the Fourth Schedule hereto, to the holder of the certificate, directing him to attend at the District Office within thirty days of the date of service of such notice, and execute such license: And if such person shall refuse or neglect to comply with such notice or to pay the rent (if in arrear) as hereinafter provided, he shall be deemed to have relinquished his claim to the land comprised in such license, and the interim certificate for the same shall thenceforth be void, and the District Officer shall forthwith report the circumstance of such refusal or neglect to the Waste Lands Board, who shall thereupon, by notice in the *Provincial Government Gazette*, declare such land to be open for application and occupation by any other person for the same or any other purpose.

52c. A survey of the land applied for shall be made by the District Surveyor, to the satisfaction of the Waste Lands Board, at the cost of the applicant; and such cost, to an amount as shall be fixed by the Waste Lands Board, shall be repaid to the applicant out of the first fees received for the land surveyed.

53. The Waste Lands Board shall, upon all legal conditions being complied with, issue a license or licenses to occupy any portion of the Waste Lands proclaimed or set apart as hereinafter mentioned, not exceeding in the whole two hundred acres, for a period of three years, at a fee for occupation of two shillings and sixpence per annum for each and every acre or fractional part of an acre, to any person who shall have applied for such license or licenses and been found entitled thereto, and who shall have paid a half-year's fee in advance for such allotment.

54. Every license shall be issued by the Board, and shall contain the following conditions:—

- (1.) A condition for the payment of the fee in advance at half-yearly intervals. Fee.
- (2.) A condition that the licensee or his assigns shall not, during the currency of such license, sublet the allotment therein described or any part thereof, and that the license shall become absolutely void upon the said allotment or any part thereof being sublet. Licensee not to sublet.
- (3.) A condition that the licensee or his assigns shall, within three years from the issue of such license, enclose the land described in such license with a good and substantial fence, according to the Fencing Laws in force in the Province for the time being, and shall during the currency of such license cultivate at least one acre out of every ten acres thereof. Land to be enclosed and part cultivated.
- (4.) A condition annulling the license in case of non-payment of the fees or any of them, in accordance with the conditions herein mentioned, or in case the licensee or his assigns shall not, except in the case provided for by the last proviso to this section, within six months after the issue of the license, and thenceforward during the continuance of such license, personally occupy the allotment, or in case substantial and permanent improvements, certified in writing by the Board or under the hands of arbitrators to be of the value of one pound for every acre and fractional part of an acre of the allotment, shall not have been made on the allotment by the licensee his executors administrators or assigns before the end of the third year from the commencement of the license, or in case of the breach or non-fulfilment of any of the conditions of the license, or of a violation of any of the provisions of this Act. If fees not paid and conditions not complied with, license to be annulled.

Otago Waste Lands.

If allotment occupied personally by licensee and improvements made, licensee may obtain Crown grant or a lease for seven years.

(5.) A condition that if the licensee or his assigns shall during the said period personally occupy the allotment or a contiguous or adjoining allotment, making together with such allotment an area not exceeding in the whole two hundred acres, for not less than two years and a half, and shall fence and cultivate as herein provided, and make the improvements of the nature and value in the previous condition mentioned, on the allotment, during the said period of three years, and shall prove to the satisfaction of the Board, by such evidence as the Board may require, that he has complied with the said conditions, and with all other conditions of the said license, he shall be entitled at any time within thirty days, after three years from the commencement of the license, to demand and obtain a Crown grant, upon payment of seventeen shillings and sixpence for each acre or fractional part of an acre; or otherwise he may obtain a lease of the said allotment, and every such lease shall be for a term of seven years, at a yearly rent, payable in equal parts half-yearly in advance, of two shillings and sixpence for each acre or fractional part of an acre so demised, and shall contain the usual covenant for the payment of rent, and a condition for re-entry on non-payment thereof; and upon the payment of the last sum due on account of the rent so reserved, or at any time during the term, upon payment of the difference between the amount of rent and the fees actually paid and the entire sum of one pound five shillings for each acre, the lessee or his representatives shall be entitled to a grant in fee of the lands leased, and every such grant shall be subject to such covenants conditions exceptions and reservations as the Board may direct: Provided that in the case of the death of the licensee or his assigns during the currency of such license, it shall not be obligatory on the executors or administrators of such licensee or his assigns to comply with the said condition of occupation.

Right to search for gold reserved.

(6.) A reservation of a right of entry upon the land occupied at any time, to such person or persons as may be authorized by the Superintendent, to search and dig for gold therein, under such regulations in that behalf as may be deemed expedient by the Superintendent and published in the *Provincial Gazette*.

Other conditions.

And every license shall contain such other conditions and provisions, not inconsistent with the provisions of this Act, as the Board shall approve and shall direct to be inserted therein: Provided that no such license or lease shall be deemed to give the licensee or lessee the right to search for or to take any metal: Provided further that before any license or lease is issued to any applicant, such applicant shall make a declaration on oath before a Justice, in a form to be settled by the regulations, that such application is made by him in conformity with and not in violation of any of the provisions of this Act. A charge of two pounds shall be made on issue of each lease, and one pound on the issue of each license: Provided that in the case of a lessee under an agricultural lease granted under the provisions contained in "The Gold Fields Act, 1866," or any Act amending the same or passed for the like purposes, of any land within a Gold Field in the Province of Otago, such lessee may apply for such license as aforesaid, of an allotment not exceeding in extent so many acres as with the land held under lease will be equal to two hundred acres, and

Declaration by applicant.

Charges on issue of licenses and leases.

Conditions under which lessee under Gold Fields Acts may apply for license.

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if such lessee apply for any such license as aforesaid of an allotment, such license shall not be subject to the conditions contained in the fourth and fifth subsections of this section requiring personal occupation of such allotment if such licensee or his assigns personally occupy the land held by him under agricultural lease.

55. No person shall become the licensee, either in his own name or in the name or names of any other person or persons, of more than two hundred acres of land under this Act as aforesaid. No license shall be issued to any person who shall be the owner of a pre-emptive right, and no person shall become the licensee of any allotment who is an infant under eighteen years of age, or who is a married woman not having obtained a decree of judicial separation, or who is in respect of the allotment for which a license has been applied, or in respect of any part thereof, an agent or a servant of or a trustee for any other person, or who at the time of the application has entered into any agreement to permit any other person to acquire by purchase or otherwise the allotment in respect of which such application is made, or any part thereof, or the applicant's interest therein, or the usufruct thereof; and all land applied for under this Act shall be so applied for *bonâ fide* for the use and benefit of the applicant in his own proper person, and not as the agent or servant or trustee of any other person: Provided that if any person shall, in violation of any of the provisions hereof, become the licensee of an allotment, the Board shall declare the license of any such allotment to be forfeited; and upon publication in the *Provincial Gazette* of notice of such declaration, the interest created by the said license shall cease and determine, and all the right title and interest of the licensee in and to such license, and in and to the allotment therein described, and all moneys paid for fees in respect of such allotment, shall be absolutely forfeited, and the allotment may be alienated in fee-simple or licensed or leased again in manner herein provided: Provided also that all contracts agreements and securities which shall be made entered into or given with the intent, or which, if the same were valid, would have the effect of violating all or any of the provisions of this Act or of any condition of a license granted under it, and all contracts and agreements relating to an allotment made and entered into before or after the issue of a license, and to take effect wholly or in part before or after the termination of three years from the commencement of the said license, shall and are hereby declared to be illegal and absolutely void both at law and in equity.

56. If any person shall become the licensee or continue to hold a license of any Waste Lands in violation of or non-compliance with any of the provisions of this Act, the same shall be fraud under this Act, and such license shall be forfeited and void; and if at any time it shall be shown to the satisfaction of the Board that any licensee who occupies any allotment under a license has been guilty of fraud illegality under or a violation of this Act, or has committed a breach of or not fulfilled any of the conditions of his license, the Board shall revoke such license, and resume possession of the land therein mentioned and dispose of it as if such license had never been issued; and no claim at law or in equity under such license shall be made entertained or enforced in any Court against such revocation and resumption, but such licensee shall be taken to have forfeited all right title and interest under such license, and to be as against Her Majesty, the Governor, and the Board, or any person claiming under Her Majesty, the Governor, or the Board as aforesaid, a mere trespasser; and the production of a copy of the *Provincial Gazette* containing a notice purporting to be signed by the Commissioner of Crown Lands, of the

Extent of land
selected not to
exceed 200 acres.

To whom license
shall not be issued.

Licenses obtained in
violation of Act void.

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revocation or forfeiture of any license, or that any license has become forfeited and void, shall be conclusive evidence that such license has been lawfully determined and annulled.

Unauthorized occupier may be dispossessed.

57. When any person shall occupy any Waste Lands under any license which has expired (other than a licensee who is entitled to apply and who has applied for a certificate from the Board, that he has complied with the provisions of this Act, and pending the granting of such certificate or the valuation by arbitrators as provided hereunder not exceeding six months from the expiration of such license) or become forfeited or forfeited and void, or has been revoked under this Act or in virtue or under colour of any expired forfeited void or revoked license, or shall otherwise remain in unauthorized possession or occupation of such lands, and refuse or neglect to deliver up possession of the same to any person authorized by the Board in that behalf, such person or any other person authorized by the Board may apply, upon an information to be laid by him in the form set forth in the Fifth Schedule to this Act, to any Resident Magistrate, who shall issue a summons (which may be served and the service proved in the manner directed by "The Resident Magistrates Act, 1867," and subject to the like conditions as if it were a proceeding under that Act, in the form set forth in the Sixth Schedule to this Act) calling upon the occupier of such lands to appear at a time and place to be therein specified, before any Resident Magistrate, who may hear and determine the matter of such information in a summary way, *ex parte* or otherwise; and upon proof to the satisfaction of the Resident Magistrate then and there present, or present at any adjourned hearing of the said information, that the lands referred to in such summons are the same as are referred to in the said notice, and on the production of a copy of the Provincial *Gazette* containing a notice that such license has expired or been revoked or forfeited, or that any license has become forfeited and void, a warrant shall be issued by such Magistrate, which may be in the form or as near as may be in the form contained in the Seventh Schedule to this Act, and every constable or bailiff to whom such warrant is directed may forthwith execute the same, according to the tenor and exigency thereof, in the same manner as any warrant of possession or writ of *habere facias possessionem* may now be executed by the Sheriff: Provided always that the jurisdiction of such Magistrate shall not be taken away or deemed to be ousted by any claim of title question of property or suggestion of right, whether made *bond fide* or otherwise, which may be raised at any such hearing as aforesaid.

Fifth Schedule.

Sixth Schedule.

Seventh Schedule.

Improvements valued.

Certificate.

Sections 100 to 103.

Eighth Schedule.

Forfeited lands may again be licensed.

58. If it be proved to the satisfaction of the Board, within sixty days after the end of the third year from the commencement of the license, that substantial and permanent improvements of the value of one pound for every acre and fractional part of an acre of the allotment have been made on the allotment, in terms of the conditions of his license before the end of the third year aforesaid, a certificate by the Board to that effect shall be given to the licensee his executors or administrators. If the Board shall not be satisfied that substantial and permanent improvements of the value aforesaid have been made within the time aforesaid by the licensee his executors or administrators upon the allotment, such improvements respectively may be valued by arbitration and in the manner provided in sections numbered one hundred to one hundred and three of this Act, and the valuation shall be made in the form set forth in the Eighth Schedule to this Act or to the like effect.

59. If entry shall be made upon any allotment for breach of or non-compliance with any of the provisions of this Act, or of any con-

Otago Waste Lands.

dition of any license or covenant of any lease, the Board may direct that such allotment or allotments or any portion thereof may be again licensed in the manner in this Act provided: Provided that any person who has been dispossessed for any fraudulent occupation or breach of the provisions of this Bill shall not obtain a fresh license.

60. The Board shall, as soon as conveniently may be after the last days of June and December in every year, prepare a list of the names of all persons from whom fees or rents shall have become due during the six months ending on those days respectively on licenses or leases granted under this Act, and who shall not have paid such fees or rents, and the days on which such fees or rents become due, and every such list shall be in the form in the Ninth Schedule to this Act or as near thereto as may be, and shall be forthwith published in the Provincial Government *Gazette*; and the insertion in such list of the name of any person from whom fees or rents became due during the periods aforesaid respectively shall be *prima facie* evidence of the non-payment of such fees or rents, and shall be evidence of notice to the parties therein named that such fees or rents have been due, and that payment thereof, where necessary, has been lawfully demanded.

Non-payment of
rent gazetted.

Ninth Schedule.

61. The licensee or lessee of an allotment of land under this Act, and the person or persons in whom the interest or any part thereof of any such licensee or lessee may at any time under this Act become vested, shall have all the rights as against trespassers which at law belong to the owner in possession of any land when and so soon as the allotment or such part of the allotment as shall be trespassed upon shall have been enclosed, either alone or with any adjoining land in the occupation of the same person, with a substantial fence, but not before.

Rights against
trespassers.

62. When substantial and permanent improvements have been made upon any lands held under any agricultural lease granted under "The Gold Fields Act, 1866," or any Act or Acts passed for the management of the gold fields, and of which land the lessee shall have been in possession for a period of three years, if it be proved to the satisfaction of the Board that such improvements have been made as provided by the said Gold Fields Act, and that the lessee has been in possession of such lands as aforesaid, and that the conditions of such lease have been complied with, and if there be no objection to the alienation of such lands on the ground of being auriferous or other reasons of a public nature, the lessee shall be entitled to exchange his lease and to obtain a lease under this Act in the same manner and subject to the same conditions and with the same rights and consequences as herein provided, whereby the purchase money may be paid and received by ten equal instalments.

Pre-emption to
agricultural lessees
under previous Acts.

63. If at the time any license shall be issued to an applicant for an allotment under this Act such allotment shall not have been surveyed, the temporary boundaries thereof shall be marked and described by the applicant. Any dispute between two or more licensees respecting temporary boundaries shall be settled by the Board or as they shall direct. Such temporary boundaries shall be liable to be adjusted and permanently fixed by the Board at any time during the continuance of such license.

Unsurveyed lands.

64. It shall be lawful for the Board, when the sale of the unsold portion of any hundred or block at the upset price of ten shillings per acre has been sanctioned under this Act, to set apart parcels or sections of such unsold land for the purpose of the same being taken up and occupied by license and lease, to the extent, in the manner, and under the conditions as hereinbefore provided for Waste Lands generally: Provided that the fee to be paid yearly for such

Unsold lands in
hundreds may be set
apart and leased.

Otago Waste Lands.

land during the occupation under license shall be one shilling and threepence for each acre, and that the yearly rent during the currency of the lease shall be one shilling and threepence for each acre, so that the whole sum to be paid by any licensee or lessee for such land shall be twelve shillings and sixpence for each acre: Provided further that any freeholder may take up and occupy a complete allotment of such land, extending to three hundred and twenty acres, over and above any other land of which he may be the owner; and it shall not be necessary for the licensee or lessee to reside upon such allotment, but the licensee or lessee shall be bound to make the improvements required by the conditions of his license or lease.

WATER RACES, ETC.

Water races may be authorized.

65. The Waste Lands Board or District Land Officer appointed for that purpose may, subject to the provisions of any Act regulating the Gold Fields, and to the regulations that now or hereafter may be in force relating to Gold Fields, authorize the holder of a miner's right to construct and use water races and sludge channels dams or reservoirs for mining purposes, and may also authorize any person to construct and use water races dams and reservoirs, for the purpose of irrigation manufactures or other industrial purposes, through or over Crown or private lands, whether in a proclaimed Gold Field or not, and to divert and use for such purposes any water which Her Majesty may lawfully divert and use; and to occupy for the purpose of depositing matter removed from such water races sludge channels dams or reservoirs the land immediately adjoining such water races and sludge channels dams or reservoirs, to a distance not exceeding seven feet on each side, subject to the conditions hereinafter described (that is to say)—

Conditions.

(1.) Any person intending to divert and use water for mining purposes, or for the purpose of irrigation manufactures or other industrial purposes, by means of any water race sludge channel dam or reservoir to be constructed under authority of this Act, shall give notice thereof in writing to the Officer of the district in or near which such water race sludge channel dam or reservoir is intended to be constructed, and to any person whose interests may be affected by the diversion of such water as well as to the owner or occupier of any land on which it is proposed to construct or through which it is proposed to carry such dam reservoir water race or sludge channel, and such notice shall be in the form set forth in the Tenth Schedule to this Act, and shall be published by advertisement in any newspaper circulating in the district and in the Provincial Government *Gazette* for two weeks, and copies of such notice shall be posted and maintained for fourteen clear days at the source whence it is proposed to obtain water, and at the proposed termination of such water race or sludge channel, and the intended course thereof shall be indicated by pegs not less than two inches square or by large stones marked // and placed not more than two hundred yards apart, and such notices shall state the mean breadth and depth of the proposed water race or sludge channel, and the quantity of water it is capable of carrying. Thereafter the procedure shall take place for the deciding upon applications and objections as is prescribed hereinbefore in reference to applications for lands on license and

Notice to be given to District Officer.

Tenth Schedule.

Otago Waste Lands.

lease: And if no valid objection be entered against the construction of such dam reservoir water race or sludge channel, within fourteen clear days from the delivery of such notice, the Officer shall report the matter to the Waste Lands Board, and a license in the form of the Eleventh Schedule to this Act may be granted by the Board to the applicant, subject to the provisions and conditions herein contained.

Eleventh Schedule.

- (2.) The Board shall not grant a license for the construction of any dam reservoir water race or sludge channel, on or through or over private lands, until they shall have received a report from a surveyor engineer or other competent person to be appointed by them, that the only position in which such dam or reservoir can be constructed is on such land, and that the only course by which such water race or sludge channel can be carried lies through such land, and until they shall be further satisfied that the conditions herein contained have been complied with: The cost of obtaining such report shall be paid by the persons applying for such license before such license shall be issued.
- Report from Surveyor.
- (3.) Before a water race or sludge channel shall be constructed cut and used through and over private lands which have been improved or cultivated, the owner lessee or occupier of such land shall be entitled to such compensation as shall be determined by agreement between the said owner lessee or occupier or any other person appointed by them, and any person appointed for that purpose by or on behalf of the parties constructing such water race or sludge channel, and such compensation when ascertained shall be paid to such owner lessee or occupier by the parties constructing such water race or sludge channel, before they commence the construction of such water race or sludge channel: Provided that in case the amount of such compensation shall not be fixed by agreement in manner aforesaid within one month after the granting of such license as aforesaid, then such amount in dispute shall be settled by arbitration as in manner provided in sections one hundred to one hundred and three of this Act: Provided further that no compensation shall be paid for lands which shall hereafter be sold if such lands have only been enclosed and have not otherwise been improved.
- Compensation.
- (4.) The persons intending to cut any water race or sludge channel through or over any private lands shall not, except by consent of the owners or occupiers of such land, enter upon such land until they have paid or tendered to such owner or occupier the compensation agreed to be paid or awarded to them as provided by this Act: Provided always that for the purpose merely of surveying and taking levels, such person may, after giving not less than twenty-four hours nor more than seven days' notice, enter upon such lands without previous consent of such owner or occupier, provided that the consent of the Board shall have been first obtained before the issue of such notice.
- Compensation to be paid before entry on land.
- (5.) The cutting and formation of dams reservoirs water races and sludge channels must be commenced within one calendar month from the issue of the license authorizing
- Cuttings and formation to be commenced within one month from issue of license.

Sections 100 to 103.

Otago Waste Lands.

- the same, and the holders of such license shall continue cutting and forming the same until the work is completed.
- Right to water race &c. forfeited if unused for one month. (6.) All right to any water race or sludge channel authorized to be constructed under the provisions of this Act for gold mining purposes shall become forfeited if entirely unused by the owner thereof for the space of one calendar month, and in the case of water used for the purpose of manufactories or other industrial purposes shall be forfeited if entirely unused for a period of six months, unless in case of sickness or unavoidable absence or in consequence of failure of water; but it shall be lawful for the Board, upon sufficient cause being shown, to suspend the operation of this subsection for a further period of two months, and a certificate of such suspension shall be given in writing to the holder of such license.
- Renewal of license. (7.) Every license for a dam reservoir water race or sludge channel shall be brought to the Board for renewal annually; and if any such license is not so brought within sixty days after the expiration of twelve months from the date at which it has been or may be granted, it shall be deemed to be forfeited, and the registration thereof be cancelled.
- Water race &c. to be kept in repair. (8.) The holder or occupier of any dam reservoir water race or sludge channel shall keep the same in repair, and shall make and maintain an efficient bridge where any road in ordinary use crosses the water race or sludge channel, upon being required to do so by the Board or any Officer duly authorized in that behalf.
- Water required for public purposes &c. not to be diverted. (9.) No license shall be granted under the authority of this Act for the use or diversion of any water which is or may be required for public purposes, or for the use of the miners generally, or for mills or manufactories.
- Water for general use. (10.) Two sluice-heads of water shall, if required, be at all times allowed to flow in the natural course of any stream for general use.
- Water race &c. crossing watercourse required for use. (11.) Where a water race or sludge channel crosses any watercourse the use of which is required by holders of miners' rights, or by the owners or occupiers of any land, such water race or sludge channel shall be carried either over or under such watercourse, so as not to interfere with the natural flow of water therein.
- Casual damage to claims races, &c. **66.** The holder of a pastoral lease or license or of a depasturing license, and the owner or occupier of private property, shall not be liable for any casual damage caused or done by sheep or cattle to any claim water race sludge channel dam or reservoir situate upon lands with respect to which any such lease or license shall have been or may be granted, or of which he is the owner or occupier.
- Reservation of water races when land is sold. **67.** When any land is sold or leased under the provisions of this Act, the right to use occupy and enjoy any dams or reservoirs water races or sludge channels cut and constructed and in actual use through and over such land, shall be and the same is hereby reserved to the holder of such right, so long as such holder shall be lawfully entitled thereto; and such holder may at any time cleanse and keep in repair such water race sludge channel dam or reservoir, and may deposit the matter removed therefrom to and upon the adjoining land, within a distance not exceeding seven feet from the said race, without compensation to the owner of the land.
- Use of water may be sold. **68.** It shall be lawful for the holder of a license under this Act,

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or under "The Gold Fields Act, 1866," empowering such holder to divert water and to cut construct and use water races sludge channels dams and reservoirs, to sell and dispose of the right to and the use of the whole or any portion of such water.

69. Whenever any water which has been or hereafter may be diverted, under any license or other authority empowering such diversion, shall be required for the purposes of settlement and for the use of *bonâ fide* settlers, or for any public use or purpose, it shall be lawful for the Governor to revoke such license or other authority, and to cause such water to be restored to its natural channel: Provided that the Governor may in his discretion allow sufficient time for the completion of any mining operations for or in connection with which such water shall be in actual use at the date of such revocation.

Resumption of water rights.

70. The holder of any such license or other authority shall be entitled to compensation on account of any revocation as aforesaid, and for all races sludge channels dams reservoirs and other works cut or constructed for the diversion of such water, and the amount of such compensation shall be determined in the same manner as is provided by sections one hundred to one hundred and three of this Act.

Compensation to be paid.

71. It shall be lawful for the Governor in Council from time to time to make alter and revoke regulations for imposing on the holders of licenses granted under this or any preceding Act, or under any rules and regulations that formerly have been, now are, or hereafter may be in force empowering such holders to cut construct and use water races sludge channels dams and reservoirs, such periodical rents fees or other payments as he may think fit: Provided always that no less rate than two shillings and sixpence, nor more than twenty shillings per sluice-head per annum, shall be imposed upon or demanded on account of any water race lawfully held occupied and used by virtue of a license at the date of the passing of this Act.

Sections 100 to 103.

Rent to be paid.

72. When any land held under license or lease shall have been withdrawn for any of the before-mentioned purposes, the area so withdrawn shall be deducted from the acreage originally granted, and the rent thereafter payable under such license or lease shall be reduced in the same proportion as the deduction bears to the entire acreage.

Rent of land reduced if any portion withdrawn for water races.

GOLD FIELDS.

73. Notwithstanding anything in any Act to the contrary, lands situated within any gold field over which a pastoral license does not exist, or has been cancelled or suspended, may be sold or otherwise dealt with in the same manner as lands of the same class not within a gold field, but it shall not be necessary to proclaim such lands into hundreds for the purposes of such sale or other disposal: Provided always that all such lands shall be sold in conformity with the provisions of this Act regulating the sale of rural lands.

Land may be sold.

74. Any person, being the holder of an agricultural lease under the provisions of any Act or Acts providing for the management of the Gold Fields, shall at any time after he shall have held such lease for three years, but only during the currency of such lease, be permitted to purchase the lands held thereunder without competition at the upset price of twenty shillings per acre for the lands so leased: Provided however that the Board may refuse to sell such land; and in such case the Board shall, if required by the lessee, cancel the lease of such lands, and pay the value of any improvements that may have been effected thereon to the lessee; such value to be settled by agreement between the lessee and the Board, or if such value be not settled by agreement, then it shall be settled by arbitration in manner provided

Agricultural leasees entitled to purchase.

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Sections 100 to 103. in sections one hundred to one hundred and three. All leases made under the provisions of the Gold Fields Acts or any or either of them, or under any regulations made thereunder, shall bear date on the day on which they shall respectively be signed by the Superintendent, but the term for which the land shall be granted shall commence and be computed from the day of the date of the receipt for the deposit money paid by the applicant on making application for a lease of the lands comprised in such leases respectively.

Miners' rights protected.

75. The holder of any miner's right who has constructed or who has acquired the right to use any race dam reservoir or sludge channel upon Waste Lands which has been or which shall hereafter be conveyed under this or any Act or Acts, may at all times enter upon any such land, and may cleanse and clean and keep in efficient repair such race dam reservoir or sludge channel, and may deposit the matter removed therefrom upon the land immediately adjoining such race dam reservoir or sludge channel, to a distance not exceeding five feet therefrom, without making any compensation to the owner of such land: Provided that in respect to all lands alienated under this Act the distance shall be extended to seven feet.

Depasturing lease may be cancelled or suspended upon proclamation of gold field.

76. When any gold mine or gold field has been or shall be discovered and proclaimed upon any Waste Lands held under license or lease for depasturing purposes, it shall be lawful for the Governor at his discretion to cancel the license or lease as regards the whole or any part of such lands, or with the concurrence of the licensee or lessee to suspend such lease or license as regards the whole or any part of such land. And in either case the licensee or lessee shall be entitled to compensation, the amount of which shall, failing a settlement by agreement between the Waste Land Board and the licensee or lessee, be settled by arbitration, in manner and subject to the provisions hereinafter provided in the sections of this Act numbered from ninety-eight to one hundred and three both inclusive, all of which provisions shall apply to such compensation, and the settlement and payment thereof.

Sections 98 to 103.

Right to search for gold reserved.

77. The right of free entry upon any land held under certificate or lease as aforesaid, for the purpose of searching for gold or for any other metal or mineral, is reserved to the Superintendent, and to such persons as shall be authorized so to do in writing under the hand of the Superintendent, subject to such conditions as the Superintendent for the time being may appoint, and to the payment of such deposit as he may think fit; and every certificate or lease shall be subject to a condition that such certificate or lease may be determined as regards the whole land held under the same or any part thereof, when any payable gold or other metal or mineral shall be discovered on the land. The lessee shall be entitled to such compensation as may be awarded by arbitrators to be appointed in manner provided by sections one hundred to one hundred and three of this Act; and the compensation, when ascertained, shall be payable by the person or persons applying for and obtaining right of entry, in whole or in part, as the Superintendent may fix.

Sections 100 to 103.

ISSUE OF CROWN GRANTS OF TOWN SUBURBAN AND RURAL LANDS—
ISSUE AND FORMS OF LEASES OF MINERAL LANDS AND LANDS
HAVING SPECIAL VALUE.

Grants issued.

78. As soon as conveniently may be after the payment of the purchase money of town suburban or rural lands of which the fee-simple has been sold by the Board, the purchaser shall receive a grant from the Crown in fee-simple of the land of which he shall have been declared the purchaser.

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79. The lessee who has duly fulfilled the conditions of a lease granted under the fifty-fourth section of this Act, and paid all rents due thereunder, shall be deemed a purchaser and entitled to receive a grant of the lands specified in the said lease, subject to such covenants conditions exceptions and reservations as herein provided for.

Lessee having fulfilled conditions entitled to grant. Section 54.

80. As soon as conveniently may be after it has been determined to grant any application made under any of the provisions herein contained for a lease of mineral lands or lands having a special value, and as soon as conveniently may be after any person has been declared the purchaser of any such lease of mineral or other lands, the Board shall, if payment has been duly made of all such sums of money as are herein made payable as deposit money purchase money or rent in advance, issue and deliver to the applicant or purchaser, as the case may be, a lease in a form to be by the Board prescribed, and on the delivery of such lease there shall be paid to the Receiver of Land Revenue by the applicant or purchaser a fee of five pounds.

Leases of mineral lands issued.

GENERAL PROVISIONS AS TO SALES AND LEASES OF RURAL AND MINERAL LANDS.

81. The Board shall give such notice of the time and place at which any auction of rural land or of any lease of rural or mineral lands is intended to be held as shall be by it determined, in which notice the allotments of land which shall then be offered for sale shall be specified; and such notice shall be published in the *Provincial Gazette* or a local newspaper, not more than three months nor less than one month before such auction shall take place, and a map of the said lands shall be exhibited in the office in Dunedin and in the District Land Office (if the land be situated in any Land District) for public inspection during the usual office hours.

Notice of auctions to be given.

82. The land shall be offered by auction by some person to be appointed for that purpose by the Board, and at such place in Dunedin or elsewhere as the Board may deem most convenient.

Where sale to take place.

83. Immediate payment of one-tenth part of the purchase money shall be a condition of every sale by auction of rural or mineral lands or of leases thereof, and the remaining nine-tenths of the purchase money shall be paid by the purchaser within one calendar month next after the time of such sale, otherwise the part of the money so paid by way of deposit as aforesaid shall be forfeited, and the contract for the sale of the land shall thenceforth be null and void.

Condition of sale.

84. If any land, surveyed at the expense of any applicant for the purchase or lease thereof be afterwards put up for sale by auction, and be sold to some other person than the original applicant, the purchaser shall, in addition to the amount bid for the same at the sale, pay to the Board, for the purpose of being paid over to the original applicant as the cost of the survey, such sum as the Board may determine, and before the auction shall commence such sum shall be publicly declared, and shall be paid forthwith upon the lot being knocked down to such purchaser, otherwise the purchase shall be void, and the land may be again offered for sale or lease under similar conditions.

Cost of survey repaid where applicant unsuccessful.

LEASE OR SALE OF LANDS OF SPECIAL VALUE.

85. It shall at any time be lawful for the Board, with the consent of the Superintendent, to offer for sale by auction, or to dispose of by lease in any manner and subject to such terms and conditions and at such price as the Board may think fit, any land which may be deemed to possess special value from improvements or otherwise, or in respect

Board may sell such lands.

Otago Waste Lands.

whereof compensation shall have been paid to any runholder under this Act: Provided that the grounds on which the Board shall deem such land to possess special value shall in every case be recorded on the minutes of the proceedings of the Board.

LEASES OF MINERAL LANDS.

Mineral leases may be granted.

86. It shall be lawful for the Board, with the consent of the Superintendent, to grant to any person applying for the same a lease of land containing or supposed to contain minerals other than gold, or possessing or supposed to possess any special value, upon the following terms and conditions, and upon such other terms and conditions as the Board shall deem necessary:—

Conditions.

- (1.) That the lease shall comprise so much land as shall in the opinion of the Board be necessary for the efficient working of the minerals or the beneficial use of the land supposed to possess special value.
- (2.) The term to be granted shall be any number of years not to exceed twenty-one, at the option of the lessee.
- (3.) That a money rent be reserved.
- (4.) That the lease may contain any or all of the following clauses:—
 1. For securing payment of the rent.
 2. For enabling some person on behalf of the lessor to enter and examine the mine.
 3. For securing that a plan of the mine shall be made and kept on the works for inspection, on payment of a fee of five shillings for each inspection.
 4. For securing the regular proper and efficient mining and working of the minerals.
 5. For making void the lease on breach by the lessee of the covenants therein contained.
 6. For delivering up the property at the termination of the lease in good tenantable repair.
 7. For enabling the lessee to abandon the working of the minerals whenever he shall find the same unprofitable to work, and to surrender the lease.
 8. For securing payment by succeeding tenant of valuation of buildings and machinery necessary to the proper working of the mine.

Compensation for improvements.

87. It shall be lawful for the Board, on the expiration of any mineral lease, to cause all buildings and machinery necessary for the proper working of the mine, then on the land held under such lease, to be assessed, and the amount of valuation shall be paid by the incoming tenant to the Board before such incoming tenant shall be let into possession of the land to be comprised in the lease, and the Board shall pay over to the person who at the expiration of the old lease was the lessee or transferee and holder of such lease the amount received for such valuation: Provided always that no lessee shall have any claim for valuation or compensation for or on account of any improvements either against the Crown or the Board; but when and as soon as any sum of money shall be received by the Board from any new lessee in payment of improvements, such sum shall be paid over by the Board to the person who at the expiration of the old lease was holder thereof.

Application dealt with.

88. Every application for a lease shall be sent in by the applicant to the Land Office in Dunedin, in a form to be prescribed by the Board, and it shall be lawful for the Board either to grant or refuse the lease,

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or to put the lease of the land up to auction at a rent to be fixed by the Board.

89. The land comprised in any lease may at the request of the lessee, at any time after an occupation of three years, be put up to sale by auction subject to the lease thereof already granted, at an upset price to be fixed by the Board with the concurrence of the Superintendent.

Leased land may be submitted to auction.

90. Every applicant for any such lease shall furnish to the Board, within a time to be fixed by the Board, after the application shall have been agreed to and before a lease shall be granted, a description of the land to be leased, with a plan which shall be made and prepared by a surveyor, to be approved of by the Board, at the expense of the applicant.

Applicants to furnish plans before lease granted.

OCCUPATION LICENSES FOR CUTTING TIMBER AND OTHER PURPOSES.

91. It shall be lawful for the Board to issue licenses, in forms to be by the Board prescribed, authorizing the holders to occupy for any period not exceeding seven years from the granting thereof, so much of the Waste Lands of the Crown as shall be specified therein, for any of the under-mentioned purposes, namely:—

Occupation licenses may be granted.

Cutting and removing flax.

Cutting and felling of timber.

Raising of lignite or coal.

Removal of clay for bricks or pottery.

Removal of sand gravel or stone.

Working of quarries.

Sites for saw-mills flour-mills.

Sites for tanneries fellmongers' yards.

Sites for slaughter-yards brick kilns.

Sites for potteries ferries jetties.

Sites in thinly inhabited districts for inns and accommodation-houses.

Provided that the licenses hereby authorized to be granted shall not, in the case of inns and accommodation-houses, authorize the sale of fermented or spirituous liquors. For such purposes, the law in force regulating the sale of fermented or spirituous liquors shall not be affected hereby.

92. The Board shall determine the extent of land to which such license shall give a right of occupancy, and the licenses shall have effect only within the district specified in them.

Occupancy defined.

93. Any unlicensed person occupying or using any Waste Lands for any of the before-named purposes shall, on conviction thereof, be liable to a penalty not exceeding twenty pounds, to be recovered in a summary way.

Penalty of unlicensed persons.

94. No such license shall preclude the Board from selling or reserving, or the Governor from including within a hundred or reserving, or shall in any way affect the rights of the Crown to the land occupied in virtue of such license. All disputes between holders of such licenses shall be heard and decided by the Board.

Disputes how decided.

95. A fee of two pounds shall be paid for each lease and one pound for each license, which may be transferred from one person to another, with the consent of the Board, on payment of a fee to be fixed by the Board.

Transfer of licenses.

PROCLAMATION OF HUNDREDS AND COMPENSATION.

96. It shall be lawful for the Governor, if he shall think fit, on the recommendation of the Superintendent and Provincial Council,

Governor may proclaim hundreds.

Otago Waste Lands.

from time to time, by Proclamation published in the *New Zealand Gazette*, to constitute into a hundred any portion of the Waste Lands not forming part of any hundred previously proclaimed, notwithstanding that such lands or any part thereof shall be comprised within any pastoral lease or license heretofore or hereafter to be granted by the Crown under any law regulating the occupation or disposal of Waste Lands, and whether or not the same shall have been included within the boundaries of any proclaimed gold field.

Governor to proclaim hundreds in certain cases upon petition of inhabitants.

97. Whenever it shall appear upon petition of the inhabitants of any district in which settlement by means of sale or license and lease shall have taken place, that within a circle of five miles in diameter a population of not fewer than fifty adults has settled thereon, having leased or purchased and occupying an area of not less than five thousand acres, that such settlers have made improvements such as houses fences and cultivations of a value not less than one thousand pounds, and that the conditions on which such land has been occupied have been duly fulfilled, the Governor shall, upon the recommendation of the Superintendent and Provincial Council, proclaim a hundred of such extent as may appear expedient, but not exceeding six times the area of the block in which such settlement has taken place, and such hundred shall include the land occupied by the petitioners.

Hundreds not to be constituted consisting of land unfit for agriculture.

97A. No hundreds shall be constituted which shall consist wholly of land unsuitable for agriculture and adapted for pastoral purposes only; and before any hundred shall be constituted, it shall be the duty of the Commissioner of Crown Lands and Chief Surveyor to certify to the Governor, that in their opinion not less than one-third part of the area of such hundred is land available for agriculture.

Lessee entitled to compensation for determination of lease.

98. Every person holding a lease of any pastoral lands comprised within any district proclaimed a hundred or block of land, shall be entitled to compensation for the determination of his lease, and for the then value of all fences then existing upon the said lands: Provided that in no case shall the total amount of such compensation for such determination of such lease over such portion of the run so to be proclaimed a hundred or block as aforesaid exceed two shillings and sixpence per acre: Provided also that the holder of such lease shall be entitled to such compensation only in respect of fences erected, and at the time of the determination of the lease standing on the land so proclaimed a hundred or block of land as aforesaid, the amount of such compensation to be determined as hereinafter provided, except that the amount awarded as compensation for fencing shall be payable (in one sum) within six months after the award has been published.

If amount agreed upon, when paid.

99. If the holder of such lease can agree with the Board as to the amount of such compensation, such amount shall be paid to him by the Governor out of the Land Revenue of the Province in one sum or by three equal instalments, the last whereof shall be paid not later than the end of twelve months from the date of ascertaining the amount of such compensation.

Lessee may enter into agreement with Superintendent to give up run without claiming compensation.

99A. If the holder of a pastoral lease can agree with the Superintendent to give up part of the run held under such lease for purposes of settlement without claiming any compensation for the determination of such lease, it shall be lawful for the Superintendent to enter into an agreement with such holder, upon such terms and conditions, not being repugnant to the general provisions of this Act regulating the disposal of rural land, and with such provisions for granting pasturage rights (if any) to settlers occupying the land comprised in such agreement, as the Superintendent may think best suited to promote the settlement of people on the land.

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ARBITRATION.

100. In case the amount of such compensation shall not be fixed by agreement within one month after the publication of the proclamation of such hundred, then such amount shall be settled by arbitration in manner hereinafter provided, and such compensation, when ascertained, shall be paid as provided in the last preceding section of this Act.

Where no agreement, compensation fixed by arbitration.

101. For the purpose of any arbitration under this Act, one arbitrator shall be appointed by the licensee or lessee or owner, his executors or administrators, and another arbitrator shall be appointed by the Board, who, together with an umpire to be appointed by such arbitrators, shall be arbitrators; and such three arbitrators, or any two of them, shall make their valuation or award in writing within four months after the date of their appointment, and every such valuation or award shall be in the form contained in the Twelfth Schedule to this Act or to the like effect, and shall be transmitted by the arbitrators to and be deposited in the office of the Board.

Appointment of arbitrators.

Twelfth Schedule.

102. Upon any valuation or settlement by arbitration under this Act, the Board, on the request of the licensee or lessee or owner his executors or administrators, shall appoint an arbitrator, by delivering to the licensee or lessee or owner his executors or administrators, or by leaving the same at his residence on the allotment, an appointment of such arbitrator by the Board; and the licensee or lessee or owner his executors and administrators, on the request of the Board, shall appoint an arbitrator by delivering at the office of the Board an appointment of such arbitrator under the hand of the said licensee or lessee or owner his executors or administrators. If for fourteen days after the delivery of any such appointment by either the Board or the other party, the party to whom such appointment has been delivered fail to appoint an arbitrator, the arbitrator appointed by the party delivering the notice shall be deemed to be appointed by and shall act alone on behalf of both parties, and shall make his valuation in writing within such time and in such form as hereinbefore provided in respect of valuations or awards to be made by two arbitrators; and the valuation of any arbitrator or arbitrators so appointed shall be binding final and conclusive upon the Board, and the licensee or lessee or owner his executors and administrators, to all intents and purposes whatsoever.

Arbitrators, how appointed.

Proceedings, where arbitrator not appointed.

103. If before the making of such valuation as aforesaid any arbitrator die or refuse or become incapable to act, the party by whom such arbitrator was appointed shall appoint in like manner another in his stead; and if either party fail so to do for the space of fourteen days after notice from the other party in that behalf, the arbitrator appointed by the party giving the notice may proceed alone *ex parte*; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made.

In event of death of arbitrator.

103A. Every holder of a pastoral lease, the lands comprised in which lease shall not be included within the boundaries of the Otago Gold Fields, shall have the right in respect to every such lease so held by him to acquire by purchase, at the rate of twenty shillings per acre, subject to the conditions of purchase contained in "The Otago Waste Lands Act, 1872," six hundred and forty acres in one block of the land comprised in his lease, which block shall, in the event of the same being selected by such holder so as in any way actually to adjoin the lands selected by him as his homestead pre-emptive right, include and comprise the lands forming such homestead pre-emptive right: Provided always that upon the purchase by any such holder of any block as aforesaid, which shall comprise his homestead, all further homestead

Holder of pastoral lease not comprised in Gold Field to have pre-emptive right to 640 acres, including homestead.

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right in respect of the same lease shall cease, and no portion of the land comprised within any pastoral lease shall be sold until the offer of purchase of such block, not exceeding six hundred and forty acres, including or not including, at the option of the holder of the pastoral lease, his homestead pre-emptive right, shall have been made to such holder who shall exercise his right of purchase within twelve months after the date of the offer so made to him; and in the event of the non-payment of the purchase money within such period of twelve months, the holder of the pastoral lease shall be deemed to have declined to purchase.

Holder of pastoral lease in Gold Field may obtain agricultural lease of 640 acres.

103B. Every holder of a pastoral lease the land comprised in which lease is or hereafter shall be included within the boundaries of the Otago Gold Fields, shall have the priority of right to apply in respect of every lease held by him for and obtain a lease for agricultural purposes of a block not exceeding six hundred and forty acres in extent of the land comprised in his lease, which shall not be actually known to be auriferous. And it shall be lawful for the Governor or his delegate, in case the block applied for shall not in his judgment be auriferous, in the name and on behalf of Her Majesty, to demise to the holder of such pastoral lease for agricultural purposes the whole or any part of the block so applied for, under and subject to the provisions for the then time being in force for regulating the granting of leases of land on Gold Fields for agricultural purposes; and if at any time after the expiration of three years the lessee shall prove to the satisfaction of the Governor or his delegate that the area included in such lease or any part thereof is not auriferous, and does not contain any metal or mineral of sufficient value to render it inexpedient so to do on grounds of public policy, the Governor or his delegate shall certify the same in writing under his hand to the Waste Lands Board of the Province of Otago, and the holder of such lease shall thereupon, or at any time within six months thereafter, be entitled to purchase the said area, or such part thereof as shall be specified in the certificate of the Governor or his delegate, at the price or sum of twenty shillings per acre:

Provided always that the provisions of this section and of the section immediately preceding shall not apply to any holder of a pastoral lease within the lands comprised in which a similar block has already been purchased under the provisions of sections six and seven of "The Otago Hundreds Regulation Act 1869 Amendment Act, 1870."

Holder of pastoral lease who has obtained agricultural lease not entitled to purchase under sixth section, except to make up deficiency.

103c. No holder of a pastoral lease who shall have obtained an agricultural lease under the provisions of the last preceding section shall be entitled to purchase any greater area under the sixth section of this Act than shall be sufficient, together with the area purchased under the provisions of the last preceding section, to increase the entire area purchased by him within the boundaries of the pastoral lease, as held at the time of the passing of this Act, to six hundred and forty acres.

Waste Lands Board may by notice require pastoral lessee to exercise his right to apply for agricultural lease.

103D. It shall be lawful for the Waste Lands Board of the Province of Otago, by notice, to require any holder of a pastoral lease to exercise his right to apply for an agricultural lease under the provisions of section seven of this Act; and if the holder of any such pastoral lease shall fail or neglect to make application for an agricultural lease within three months from and after the date of the service of a notice requiring him so to do, the holder of such pastoral lease shall be deemed to have declined to exercise his right to obtain an agricultural lease under the provisions of this Act.

Notice, how served.

103E. Every notice under this Act may be served personally or

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by leaving the same with some adult inmate at the usual or last known residence in the Province of Otago of the person to whom the same shall be addressed, or if such person shall be absent from the Colony of New Zealand, then by delivering the same to or leaving the same at the residence of his known agent in the same manner; and if there shall be no such agent resident in the Province of Otago, then it shall be sufficient to insert such notice at least three consecutive times in the Government *Gazette* of the said Province.

MANAGEMENT OF CROWN LANDS WITHIN HUNDREDS AND BLOCKS.

104. The Waste Lands within hundreds already proclaimed or which may hereafter be proclaimed shall be managed and regulated solely under and in accordance with the provisions herein contained; and subject to such provisions, the rights of pasturage on Waste Lands in any such hundred, and the apportionment of the same, shall be exercised and enjoyed exclusively by the persons who shall take out a depasturing license as hereinafter provided, being owners or occupiers of land within the hundred.

Regulation of hundreds.

105. A depasturing license shall be granted to every such owner or occupier who shall apply for the same to the Board on or before the first day of December in each year, provided that he shall furnish to the Board a return in the form and to the effect of the Thirteenth Schedule to this Act, showing the description and area of land owned or occupied by him, and the number of acres (if any) unenclosed or available for pasture, and the number description and brands of all cattle depastured or intended to be depastured by him within the hundred; and any person depasturing cattle upon a hundred failing to make such return as aforesaid or making a false return, shall be liable to a penalty of not exceeding twenty pounds.

Depasturing licenses.

Thirteenth Schedule.

106. Each license holder shall be at liberty to depasture, free of assessment, one head of great cattle or five sheep for every ten acres of unenclosed land owned or occupied by him within the boundaries within which cattle may be depastured in the hundred, provided that such license holder shall prove to the satisfaction of the Board that such freehold land is within such boundaries, and is open to all cattle depastured on the hundred.

Licensee to depasture some cattle free.

107. Each license holder who is the holder of a miner's right, having a claim within a hundred or block, or who is the holder of a business license issued under any Gold Fields Act, occupying land by virtue of license within a hundred or block, shall be entitled to run two head of great cattle within such hundred or block free of charge.

Holders of miners' rights &c. may run two head of great cattle free.

108. No diseased cattle shall be depastured upon nor shall any pigs or goats be allowed at large within any hundred; and any person or persons who shall turn out or depasture any diseased cattle or suffer any pig or goat to be at large within any hundred, shall be liable to a penalty of not exceeding twenty pounds.

Depasturing diseased cattle prohibited.

109. In the event of scab breaking out in any flock of sheep which is being depastured within a hundred, the Board, in conjunction with the Government Sheep Inspector, shall take such steps as they may deem necessary to eradicate and prevent the spread of the disease, and for this purpose may appoint boundaries within which diseased sheep may be depastured.

Steps to be taken to check scab.

110. Every license shall commence and take effect on the first day of January, and shall continue in force one year, and for such license there shall be paid to the Board the sum of two shillings and sixpence.

Commencement of license.

111. As soon as conveniently may be after the first day of

Election of Wardens.

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December in each year, the Board shall publish in the Provincial Government *Gazette* a list of the persons to whom and the names of the hundreds in respect of which such licenses have been granted, and at the same time and in like manner the Board shall call a meeting of such persons in each hundred for the purpose of electing from amongst themselves, by a majority of votes, any number of persons to act as Wardens not being less than three, as the said Board shall in such notice direct and appoint; and such persons 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 then current year, or until some other regulation and apportionment thereof shall be lawfully made in that behalf: Provided that every occupier of twenty acres and not exceeding one hundred shall have one vote, and an additional vote for every one hundred additional acres.

Licensees paying assessment, exclusive rights.

Section 119.
Section 120.

112. The persons whose names shall be comprised in such lists or to whom licenses shall be issued, as provided in the one hundred and nineteenth section of this Act, and who shall have paid the assessment referred to in the one hundred and twentieth section of this Act, shall have the exclusive right of pasturage on the Waste Lands within the hundred in respect of which they shall hold such license.

President of meeting.

113. At every meeting to be held for the election of Wardens, a person appointed by the Board shall preside; and in case of an equality of votes at any such election, such person shall have a casting vote.

Vacancies, how filled up.

114. In the event of the death resignation or refusal to act of any of the persons so elected as aforesaid, the vacancy shall be filled up by an election to be conducted as nearly as may be in the manner provided in the one hundred and eleventh section of this Act.

Section 111.

Wardens to make regulations.

115. It shall be lawful for the Wardens, at any time within one calendar month after their election, in or by any regulations to be made by them, to compute the quantity of cattle capable of being depastured on the Waste Lands within the hundred, to apportion the number of great cattle and small cattle which may be depastured for the then current year by each person holding such license as aforesaid, and to determine the boundaries within which great cattle and small cattle respectively may be depastured; and the persons entitled to vote in the election of Wardens shall, if they think fit, at any general meeting called by the Board, on a requisition by any three license holders for the purpose, determine the description of cattle to be depastured within the hundreds during the current year, and such decision shall be made by the majority of votes of the persons entitled to the pasturage: Provided that every occupier of twenty acres and not exceeding one hundred shall have one vote, and an additional vote for every one hundred additional acres.

Regulations gazetted.

116. The regulations so to be made by the Wardens as aforesaid shall be agreed to by a majority of the Wardens, and a copy of the same under their hands shall, on or before the first day of February in each year, be furnished to the Board for publication in the Provincial Government *Gazette*. In case the Wardens shall neglect to make such regulations within the period aforesaid, all the powers hereinbefore given to such Wardens shall be held and exercised by the Board.

Wardens may make by-laws.

117. For the purpose of providing for the safety of the cattle to be depastured within any hundred, for improving the common lands, for preventing the intrusion and the depasturing thereon of cattle belonging to or under the charge of any unlicensed person, it shall be lawful for the Wardens, or a majority of them, from time to time to make such by-laws (not being repugnant hereto) as to them may seem meet, and by such by-laws to impose any fine not exceeding five pounds,

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to be recovered in a summary way, upon any person offending against the same; and such by-laws shall extend and be applicable not only to persons to whom such licenses as aforesaid may have been issued, but to persons to whom no such licenses shall have been issued, and to all unenclosed lands situated within the limits of the hundred, except as regards unenclosed lands the owners whereof have not agreed to leave their unenclosed lands open to all stock depasturing within the hundred, as provided in the one hundred and sixth section of this Act: Provided always that no such by-laws shall come into operation until they shall have received the assent of the Board, and have been published in the Provincial Government *Gazette*.

Section 106.

118. 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 as aforesaid situated within the limits of the hundred in respect of which such license may have been originally issued: Provided also that notice of such transfer shall have been given to the Board.

Transfer of license.

119. It shall also be lawful for the Board, after a return has been made as provided in the one hundred and fifth section of this Act, to issue such depasturing licenses as aforesaid, on payment of a fee of two shillings and sixpence, at any time, for the remaining portion of the then current year.

License for part of year.
Section 105.

120. The Wardens of the hundred shall levy and raise yearly for and in respect of all cattle depastured upon the Waste Lands within such hundred (except such as may be allowed to be depastured free under the one hundred and sixth section of this Act), an assessment as follows:—

Assessment.

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

For every head of small cattle, a sum of sevenpence; to be paid by the person depasturing such cattle; at a time and place and in manner to be appointed by notice under the hand of the Wardens; and the amount received for every such assessment in such hundred or such part thereof as may be situated in any Road District shall be paid to the Treasurer of the Road Board of the district in which such hundred or part thereof is situated, and if there be no such Road Board then to the Wardens of the hundred wherein such assessment accrued, to be by them expended in the construction and repair of roads and bridges in such road district or hundred, as the case may be: Provided that when three-fourths of the land within the hundred are sold or occupied the assessment shall cease.

Section 106.

To be paid to Road Boards or to Wardens where no Road Boards.

121. Within one calendar month after the election of the Wardens for any hundred, the Board shall pay over to any person such Wardens may appoint for that purpose, all moneys that it shall have received for licenses in such hundred, which sums shall be applicable, under the direction of the Wardens, to all or any of such purposes as may be necessary to give effect to this Act. The Wardens shall, in a book to be kept by them for that purpose, enter true accounts of all sums of money by them received and paid under the authority of this Act; and at the close of the year for which they shall have been elected, the said Wardens shall furnish a copy of such book to the Board for publication in the Provincial Government *Gazette*, and shall pay over to the Wardens for the ensuing year the balance of such moneys (if any) remaining in their hands, and shall conform to and observe all such rules and regulations as may from time to time be made by the Board, for securing the due application of the moneys received by them under the authority hereof.

Wardens to keep accounts.

Otago Waste Lands.

Arrears of
assessment.

122. In case any person liable for the payment of any such assessment shall neglect or refuse to pay within thirty days after notice the amount due in respect thereof, it shall be lawful for the Wardens of any hundred, or on their failing so to do, for the Commissioner of Crown Lands, without prejudice to any other remedy they or he may have at law, to issue a warrant under their or his hand directed to some constable to levy the amount so due by distress and sale of a sufficient part of the cattle and other goods and chattels of the party liable, in like manner as in the case of rent in arrear between landlord and tenant.

Limits appointed
for sheep.

123. Any license holder depasturing sheep upon hundreds shall do so within such limits as the Wardens may appoint; and in the event of such sheep being allowed to trespass beyond the boundaries so appointed, they may be impounded in any public pound, and shall be dealt with according to law, as if they had been found trespassing on fenced lands the private property of the Wardens: Provided always that nothing herein contained shall be held or construed to authorize the impounding of any sheep or cattle which are being depastured on any land, whether fenced or not, which is the property of or is lawfully occupied by the owner of such sheep or cattle.

Entire and vicious
animals prohibited.

124. No entire animal above six months of age, except horses, which may be twelve months, and rams when put to the ewe in season, and no animal of a vicious or otherwise objectionable character, shall be depastured or allowed to be at large on the unfenced lands in any hundred; and any person or persons who shall turn out or depasture any entire animal over the above specified ages, or any animal of a vicious character, shall be liable to a penalty of not exceeding twenty pounds.

Unbranded animals
impounded.

125. All unbranded cattle above six months of age depasturing on the Crown lands within a hundred shall be liable to be impounded in manner provided by the one hundred and twenty-third section of this Act.

Section 123.

Cattle not to be
removed without
authority.

126. No person shall remove cattle from beyond the boundary of any hundred other than those belonging to him, or for the removal of which he shall have authority from the Chairman of the Wardens or the Waste Lands Board, under a penalty of not exceeding twenty pounds.

Penalty for shooting
cattle.

127. Any person shooting cattle on any hundred, without the consent in writing of the Chairman of the Board of Wardens previously obtained, shall be liable to a penalty of not exceeding twenty pounds.

Penalty for setting
fire to herbage.

128. Any person who shall set fire to any herbage or grass upon the Crown lands within any hundred, without the consent in writing of the Chairman of the Board of Wardens previously obtained, shall be liable to a penalty of not exceeding twenty pounds; but such consent will not protect any person from the consequences of any loss or damage which may be sustained by any person, by reason of the carelessness with which such burning of the hundred may be performed.

Rangers appointed.

129. The Waste Lands Board may appoint one or more Rangers for each hundred, whose duty shall be to see that the provisions of this Act are carried into effect, and to report any neglect or breach thereof to the Waste Lands Board.

Licensee to make
returns.

130. Any license holder may be required by the Wardens or Ranger of the hundred, at any time to make a return in the form provided in the Fourteenth Schedule of this Act; and any person who shall fail to make such return for a period of forty-eight hours after being required so to do, or who shall make a false return, shall be liable to a penalty not exceeding fifty pounds.

Fourteenth Schedule.

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131. If any person not being licensed as aforesaid shall depasture any cattle on the common Waste Lands within any hundred, or being so licensed shall depasture on such Waste Lands as aforesaid a greater number of cattle than shall have been apportioned to him, every such person shall be liable to a penalty of not exceeding fifty pounds.

Penalty for unauthorized depasturing.

132. Every act hereinbefore authorized to be done by the Wardens of any hundred may, in any case where no Warden shall be elected, or where the persons elected as Wardens, or the majority of them, shall refuse or decline or neglect to act, be done executed or performed by the Board, or by such person resident in the hundred as it may appoint to act in that behalf: And when any person shall feel aggrieved with any act or decision of the Wardens, or of any general meeting, as provided in the one hundred and fifteenth section of this Act, it shall be lawful for him to appeal to the Board, and the Board shall hear and determine such appeal in such manner as the Board shall think fit, and their decision shall be final.

Where no Wardens, Board may act.

Section 115.

133. As soon as conveniently may be after the proclamation of any hundred, the Board shall compute the quantity of cattle capable of being depastured on the Waste Lands within such hundred, and by regulations to be issued by the Board apportion the number of great cattle and small cattle which may be depastured for the then current year by each person holding such license as aforesaid, and fix and determine the boundaries within which great cattle and small cattle may be respectively depastured: Provided always that all regulations made by the Board shall be approved by the Superintendent: Provided further that should the Board fail to make such regulations it shall be lawful for the Board, and it is hereby required, to call a meeting of the license holders in such newly proclaimed hundred, in order that the license holders may appoint Wardens in manner provided in the one hundred and eleventh section of this Act.

Board to make regulations after proclamation of hundreds.

Section 111.

134. The right of pasturage over all lands proclaimed or to be proclaimed after the passing of this Act, which at the time of such proclamation were or shall be held under lease or license for depasturing purposes, shall remain with the lease holder or license holder until regulations affecting such lands shall be made under the provisions of this Act, and no longer.

Pasturage to belong to lessee till regulations made.

135. In the event of a hundred being proclaimed which shall surround or include lands forming any homestead pre-emptive right acquired by any pastoral lessee under this or any existing Act or any of the Acts hereby repealed, or any other lands previously purchased or held under license or lease, the owner or occupier of such lands shall be entitled to the rights and privileges of pasture which may be possessed or enjoyed by the purchasers of land within such hundred.

Holder of pre-emptive right entitled to privilege within hundred.

LEASES OF PASTORAL LANDS.

136. Every lessee of lands under a pastoral lease shall, in the month of September in every year, make or cause to be made to and deposited with the Board a return in accordance with the form contained in the Fifteenth Schedule hereto of all the cattle, specifying the number of great cattle and small cattle respectively owned by him or under his charge, and which were actually depasturing on the lands comprised in his lease on the first day of the said month of September, and shall append to such return a declaration in the form or to the effect in the Sixteenth Schedule hereto, that such return is true to the best of his knowledge and belief; and every such lessee who shall neglect to make and deposit such return and declaration at the time hereby appointed, or who shall make a false return or declaration, shall

Lessees to make returns.

Fifteenth Schedule.

Declaration.

Sixteenth Schedule.

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forfeit and pay for every such offence a sum of fifty pounds, to be recovered by action at the suit of the Board in any Court of competent jurisdiction in the Province.

Penalty for removing
cattle.

137. Every such lessee who shall, for the purpose or with the intent of showing in his return a smaller number of great or small cattle than that usually depastured on the lands so held by him, remove or cause to be removed from off such lands any great or small cattle owned by him or under his charge, and which are usually depastured on such lands, shall forfeit and pay for every head of great cattle or small cattle so removed the sum of one pound, to be recovered by action at the suit of the Board in any Court of competent jurisdiction in the Province.

Assessment to be
paid on 1st of
October.

138. Every such lessee shall on the first day of October in every year pay or cause to be paid in advance to the Receiver of Land Revenue, as and by way of rental of the lands comprised in his lease, an assessment or sum of sevenpence for every head of small cattle and three shillings and sixpence for every head of great cattle which shall, in the return furnished by him as hereinbefore provided, be shown to have been actually depasturing on such lands on the first day of the preceding month of September; and in case any such lessee shall neglect or fail to pay the amount so payable by him for such assessment at the rate aforesaid, or any part thereof, for the space of fourteen days after the first day of October in any year, it shall be lawful for the Board to issue a warrant, directed to any constable or bailiff, to levy the amount of such assessment, or such part thereof as shall remain unpaid, by distress and sale of a sufficient number of the cattle depastured on the lands comprised in such lease, in like manner as in case of rent in arrear between landlord and tenant.

Assessment, how
made if land
understocked.

139. If during the currency of the last ten years of any pastoral lease it shall appear to the Board, either from the returns furnished by the lessee or otherwise, that the lands comprised in such lease have been understocked for a period of twelve months, the Board may direct the carrying capacity of such lands to be ascertained by Assessors, to be appointed in manner hereinafter mentioned, and may fix the amount of assessment payable by the lessee as and by way of rental as aforesaid, during the residue of the term of the lease, upon the number of great cattle and small cattle respectively which the said lands shall be estimated by the said Assessors to be capable of carrying, and shall cause a notice requiring payment of such assessment to be served upon such lessee, or to be left at his last or last-known place of abode, or with some person resident upon the lands comprised in such lease; and in case the amount of such last-mentioned assessment shall not be paid to the Receiver of Land Revenue within twenty-one days after the service or leaving as aforesaid of such notice, the same may be levied by distress and sale in manner hereinbefore provided in case of non-payment of assessment payable on returns furnished by lessee under pastoral leases.

Provision for
forfeiture of lease.

140. In case any lessee, the carrying capacity of whose run shall have been assessed in manner lastly hereinbefore provided, shall object to continue to occupy the lands comprised in his lease subject to the payment of the amount at which the carrying capacity of such lands has been assessed, and provided that such assessment is not greater than would have been charged on the average number of cattle or sheep which have been depastured on the run during the preceding three years, it shall be lawful for such lessee to give notice in writing of such objection to the Board, and at the expiration of twelve months from the time of the giving of such notice the lease shall be deemed to be forfeited; and it shall thereupon, or at any time thereafter, be

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lawful for the Board to declare, by notice to be published in the Provincial Government *Gazette*, that such lessee has forfeited his lease; and if such lessee shall, after the publication of any such notice as last aforesaid, continue to occupy the lands comprised in the lease so declared to be forfeited, or any part thereof, such lessee shall be liable to be proceeded against as an unlicensed occupier of Crown lands.

141. Any lessee whose lease shall be declared to be forfeited under the provisions of the preceding section shall be entitled to receive and shall be paid compensation for improvements in manner hereinafter provided, as nearly as the circumstances will admit.

Compensation for improvements.

142. The Superintendent shall at any time, and from time to time, appoint such and so many properly qualified persons to be Assessors of Pastoral Lands as he shall think fit, and shall fix and determine the salaries or remuneration to be paid to such persons, and it shall be lawful for the Superintendent at any time to remove such persons and appoint others in their place, and such persons shall hold their office during the pleasure of the Superintendent: Provided that no appointment of an Assessor made by the Superintendent, and no act by the Superintendent done under the powers conferred by this section, shall have any force or validity until confirmed by the Provincial Council.

Assessors.

143. Whenever any lease has expired, the lessee shall be entitled to compensation for improvements, assessed in manner following; that is to say, the Board shall cause one of the said Assessors to value all improvements, consisting of necessary buildings and of plantations fences, and ditches for draining, made and being on the lands held under such lease, and the amount of such valuation (which shall in no case exceed three times the amount of the average annual rent paid under the expiring lease during the term thereof) shall be paid by the incoming tenant to the Board before such incoming tenant shall be let into possession of the lands to be comprised in his lease, and the Board shall pay over to the person who at the expiration of the old lease was the lessee or transferree and holder of such lease, the amount received for such valuation. And if there be no sale by auction of a new lease of the lands on which such valued improvements are, and if after the expiration of the old lease any person shall apply for and obtain a lease of the lands on which the improvements are, such person, before being let into possession thereof, shall pay as valuation for such improvements to the Board, and the Board shall pay over to the person who at the expiration of the old lease was the holder thereof, such sum of money (not exceeding three times the amount of the average annual rent as aforesaid) as the Assessor appointed to make such valuation shall decide to be the value thereof: Provided always that no lessee shall have any claim for valuation or compensation for or on account of any improvements either against the Crown or the Board, but when and as soon as any sum of money shall be received from the Board from any new lessee in payment for improvements, such sum shall be paid over by the Board to the person who at the expiration of the old lease was the holder thereof.

Valuation of improvements at expiration of lease not to exceed three years' rental.

144. Should any license or lease for depasturing purposes lapse or be forfeited, the Board shall, with the approval of the Superintendent, cause a lease or leases of such lands, or such part thereof as the Board shall determine, to be offered for sale by public auction, subject to such conditions for payment of deposit and purchase money and otherwise, for such term not exceeding ten years, and at such annual rental or rentals as the Board shall determine, and such lease shall be sold to the highest bidder: Provided always that the assessment of sevenpence a head for small cattle, and three shillings and sixpence a head for great

Lapsed licenses and leases to be sold.

Otago Waste Lands.

Section 138.

cattle, be paid on all stock depastured on such run, in terms of section one hundred and thirty-eight of this Act.

Board to determine whether land will be again let for depasturing purposes.

145. Before the expiration of any license or lease for depasturing purposes, the Board shall, with the approval of the Superintendent, determine whether it is expedient to lease again for depasturing purposes the whole or any part of the lands held under such license or lease; and if it be resolved that a lease of the whole or any part of such lands be not granted, it shall be lawful for the Board, at any time not later than twelve months before the expiration of the license or lease, to cause a notice of such resolution to be served on the licensee or lessee, or to be left at his last or last-known place of abode, or with some person resident upon the lands comprised in such license or lease. In the event of it being resolved that a lease of the whole or any part of such lands be granted, such lease shall, subject to the provisions relating to leases of pastoral lands contained herein, be sold by auction at least twelve months before the expiration of the then existing license or lease.

Rents payable annually.

Deposit on leases.

146. The rents payable under all leases of pastoral lands so sold by auction as last aforesaid shall be payable annually and in advance; and in every sale by auction of a lease of pastoral lands, a deposit of ten pounds per centum of the annual rent and of the premium shall be paid immediately by the person declared to be the purchaser; and if the purchaser shall not, on the day appointed by the Board for the purpose, pay the balance of the first year's rent and the premium, if any, at which the lease was sold, the deposit shall be absolutely forfeited, and it shall be lawful for the Board again to put up for sale by auction the lands comprised in such lease, either on the same or other conditions, as the Board shall determine, and either for the same term of years as originally offered or any greater or less term, not exceeding ten years, as the Board may think fit.

Lease may be transferred.

147. The beneficial interest in any lease of pastoral lands granted hereunder may at any time after the grant of such lease be transferred by the lessee or the transferee thereof: Provided always that no such transfer shall be valid unless all the conditions upon which the lease was granted shall have been complied with, as to payment of rent or otherwise, and until notice shall have been given to the Board of such transfer having been made, and such transfer shall have been sanctioned by the Board and recorded. And whenever any such transfer shall extend to the whole of the lands comprised in the lease, the Board may cancel the lease and grant a new lease to the transferee; and whenever any such transfer shall extend to a part only of such lands, the Board may cancel the lease and grant new leases respectively, to the original lessee for the part retained by him, and to the transferee for the part transferred, and every such new lease shall be for the residue of the term unexpired at the date of the transfer, and be subject in all respects to the same conditions as the original lease; and for every such new lease a fee of two pounds shall be paid by the party to whom the same shall be issued.

Forfeiture on non-payment of rent.

148. If at any time during the currency of any pastoral lease granted hereunder, the annual rent payable in respect thereof shall not have been paid, or the covenants or conditions therein contained or implied, or the provisions of this Act, shall not have been performed or observed by the holder of such lease, then and in that case the said lease shall cease and determine, and the Board shall thereupon be empowered to notify in the *Provincial Gazette* the forfeiture of such lease, and to let the land comprised in such lease by public auction to the highest bidder for the residue of the term, subject to the provisions contained in the one hundred and forty-fourth to the one hundred and forty-sixth

Sections 144 to 146.

Otago Waste Lands.

sections of this Act: Provided always that nothing herein contained shall be held to repeal the provisions of section nine of "The Waste Lands Board Appeal Act, 1867."

149. If at any time during the currency of any lease of pastoral lands granted under the provisions of this or any previous Act or Acts, the lands comprised in such lease or any part thereof shall be included within the boundaries of any hundred to be hereafter proclaimed by the Governor, such lease shall cease and determine as to so much of the lands as shall be included within such boundaries, from and after the date of the Proclamation by which such hundred shall be constituted: Provided that no portion of the land as to which such lease shall have so ceased, and on which a homestead shall have been erected or improvements made, shall be exposed for sale until the offer of purchasing such land shall have been made to the holder of the lease at the upset price of one pound per acre, but such leaseholder shall not be entitled under this provision to purchase a larger block than eighty acres containing his homestead, except as herein otherwise provided.

Leases to determine on proclamation of hundreds.

150. During the currency or term of any lease of pastoral lands situate outside the boundaries of any hundred granted under this or any previous Act or Acts, if the terms and conditions of such lease and the provisions herein contained be and continue to be duly performed and complied with, and if no hundred or block be proclaimed including such lands, the lands comprised in such lease shall not be liable to be sold without the consent of the lessee: Provided that any rural lands which shall be reported by the Chief Commissioner of Crown Lands and the Chief Surveyor as being of a hilly or mountainous character, of an altitude above the level of the sea of not less than twelve hundred feet, unsuitable for agriculture and adapted for pastoral purposes only, may from time to time, upon recommendation of the Superintendent and Provincial Council, be offered by the Board for sale by public auction at an upset price of ten shillings per acre, in the manner and under the conditions prescribed in the eighty-first, eighty-second, eighty-third, and eighty-fourth sections of this Act: Provided always that where such lands are held under lease, they shall not be offered for sale until the lessee has given his consent by a surrender of his lease of the same: Provided further that it shall be lawful for the Board, with the consent of the Superintendent, notwithstanding any lease, to reserve any part of such lands comprised in any such lease under the provisions of section one hundred and sixty of this Act; and upon the making of any such reserve, the lease as to such reserve shall cease and determine, and the rent be reduced proportionately to the amount of such reduction to be determined by the Board: Provided also that no such reserve amounting in the aggregate to more than one thousand acres shall be made on any one run without the consent of the lessee.

Land not open for sale unless included in hundreds.

Sections 81, 82, 83, and 84.

Section 160.

151. It shall be lawful for the Board, with the consent of the Superintendent, to refuse to grant leases for pastoral purposes of any Waste Lands which they may deem it inexpedient to lease, or of any Waste Lands within any district the boundaries of which the Superintendent shall by Proclamation in the Provincial Government *Gazette* at any time and from time to time determine.

Leases may be refused.

152. All leases of pastoral lands granted under the provisions of this Act shall be in the form or to the effect of that contained in the Seventeenth Schedule to this Act, and shall be executed on behalf of Her Majesty by the Commissioner of Crown Lands; and for every such lease there shall be paid upon the delivery thereof a fee of two pounds, and a fee of one pound on any notice of transfer of any lease

Form of and fees for leases.

Seventeenth Schedule.

Otago Waste Lands.

being given to the Board, failing which such notice of transfer shall not be received by the Board or recorded. No such lease shall be held to preclude miners from prospecting for gold over any of the land comprised therein, although the same may not be within the limits of a proclaimed gold field.

Leases of land
outside hundreds
of which no lease
granted or existing.

153. It shall be lawful for the Board in their discretion to grant leases for the purposes of depasturing cattle on Waste Lands situate outside the boundaries of proclaimed hundreds of which no lease has been granted or sold under the provisions hereinbefore contained, or of which no license or lease shall exist at the time of the coming into operation of this Act. Such leases shall be for such term as the Board shall in each case determine, not exceeding a term of ten years, and shall be granted at such annual rent and subject to such terms and conditions as are hereinafter mentioned.

Application for lease
of last-mentioned
lands.

Eighteenth Schedule.

154. Any person requiring a lease of any such last-mentioned Waste Lands shall lodge with the Board a description of the lands of which he requires a lease as near as may be in the form contained in the Eighteenth Schedule hereto annexed, showing the acreage or supposed acreage of such lands, together with the tracing of the lands applied for; and the applicant shall, at the time of lodging such description, pay to the Board a cash deposit according to the following scale, namely:—

Five pounds for a lease of lands described as under three thousand acres.

Ten pounds for a lease of lands described as under six thousand acres.

Fifteen pounds for a lease of lands described as under ten thousand acres.

Thirty pounds for a lease of lands described as under twenty thousand acres.

Fifty pounds for a lease of lands described as under thirty thousand acres.

Seventy pounds for a lease of lands described as under forty thousand acres.

And in the event of the application for the lease not being granted by the Board, such deposit shall be returned to the applicant.

Estimate to be made
of carrying capacity.

155. If the Board shall decide to take into consideration the application for a lease of any such last-mentioned Waste Lands, the Board shall cause an estimate to be made by one of the said Assessors of the carrying capacity of the lands applied for, and shall, within three months from the receipt of such application, inform the applicant of the estimate so made by such Assessor, and of the term for and during which the Board will be willing to grant a lease of the lands so applied for, and shall also notify in the Provincial Government *Gazette* that a lease of the Waste Lands specified in the application has been applied for, and the Board shall at the same time publish in the Provincial Government *Gazette*, and in such manner as the Board shall think fit, a description of the lands applied for, and the name of the person applying for such lease.

Objections to lease.

156. Any person desiring to object to the grant of any such lease may do so by lodging with the Board, within three months after the first publication in the Provincial Government *Gazette* of the said application, a statement in writing of the grounds of his objection, and no objection made after the said period of three months shall be entertained by the Board.

Hearing of
objections.

157. The Board shall appoint a day for the hearing and determining of any objections duly made within the prescribed time, and shall give notice to the parties objecting and to the applicant of such

Otago Waste Lands.

appointment by publication in the *Provincial Gazette*, and in such other manner as the Board shall determine.

158. If the Board, notwithstanding any such objection, or after hearing the same, shall determine to grant to the applicant a lease of the lands applied for by him, the Board shall, as soon as practicable after it shall have come to such determination, grant to the applicant a lease of the lands applied for by him, or of such part thereof as the Board shall have determined to grant subject to the following rent term and conditions :—

(1.) The term shall be for such period as the Board shall determine, not exceeding ten years, and subject to being determined at any time on twelve months' notice being given by either party. Period.

(2.) A rent for the lands comprised in every such lease shall be payable by the lessee annually in advance, calculated at the rate of sevenpence for every head of small cattle and three shillings and sixpence for every head of great cattle which the lands comprised in the lease shall be assessed by the Assessors appointed under the provision contained in the one hundred and forty-second section of this Act to be capable of carrying, or at such other increased rent as may be prescribed. Rent.
Section 142.

159. Notwithstanding an application may have been made under the provisions hereinbefore contained for a lease of any such last-mentioned Waste Lands and no objection has been made to the grant thereof, it shall be lawful for the Board to refuse the application if it shall appear to the Board expedient to do so, and either decline to lease the lands applied for or to put up for sale by public auction open to all bidders a lease of the land applied for; and every such lease so put up for sale shall be for the term and subject to the conditions contained in the one hundred and forty-fourth and one hundred and forty-sixth sections of this Act. Applications may
be refused.
Sections 144 and 146.

RESERVES FOR PUBLIC PURPOSES.

160. Reserves for the uses of Provincial Government and for other public purposes of a specific character may upon recommendation of the Provincial Council be made by the Superintendent, and shall not be alienated from the specific purposes to which they shall have been severally dedicated except under the provisions of "The Public Reserves Act, 1854," or of "The Public Reserves Act Amendment Act, 1862;" and 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 *Provincial Gazette* and set forth on the maps in the Land Office: Provided that the Superintendent may, if the Provincial Council be not then sitting, temporarily reserve land for such purposes until the end of the next Session of the Provincial Council. Public reserves
may be made.

161. The Board may cause a license to occupy or lease to be issued of any reserve or part of any reserve not required for immediate or early use for the purposes for which it may have been reserved: Provided always that every such license or lease shall be surrendered to the Board upon demand at any time after notice of not less than one month, without any right to compensation on any account whatever accruing to the lessee or licensee. Public reserves
may be leased.

162. No lease shall be granted until a survey has been made of the land applied for to the satisfaction of the Board, who may require Survey of leased
land to be made.

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the applicant for a lease to have such survey made at his own expense, the cost of such survey as shall be fixed by the Board to be repaid to the person having it made out of the first rent received for the land so surveyed.

Land leased may be taken for roads.

163. Nothing in any such lease contained shall affect the right of the Superintendent to take any part of the lands leased for the construction of roads railways or tramroads through the said land to an extent not exceeding one-twentieth part of such land, and such right may be exercised by the Superintendent at any time during the currency of the lease, and the lessee shall have no claim for compensation except a reduction in his rent in proportion to the extent of land taken.

UNLAWFUL OCCUPATION OF CROWN LANDS.

Penalty for unlawful occupation.

164. If any persons shall occupy any Waste Lands, either by residing or erecting any hut or building thereon, or by clearing enclosing or cultivating any part thereof, or shall fell remove or sell the timber growing or being on any such land, or otherwise unlawfully occupy the same, without having a lease or license for such purpose respectively, every such person shall, on conviction of any of the acts hereinbefore mentioned, forfeit and pay any sum not exceeding fifty pounds to be recovered in a summary way: Provided that no person shall be convicted of any of the offences aforesaid except on the information or complaint of the Commissioner of Crown Lands, or of some person by him duly authorized in that behalf.

Penalty for continuing such.

165. 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 such 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.

Timber for domestic purposes.

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

Her Majesty's title not affected.

167. No possession or occupation of any Crown land had or taken by virtue of any lease or license as aforesaid, or by depasturing under the provisions of this Act or otherwise, shall be construed to give any title whatever against the Crown, or to alter or affect in any respect the rights of Her Majesty her heirs and successors in respect of any such lands.

Cattle trespassing may be impounded.

168. 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 the 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.

Otago Waste Lands.

MISCELLANEOUS.

169. It shall be lawful for the Waste Lands Board to grant a license to occupy an allotment to any person who may be willing to plant the same with forest trees and to fence the land planted, under such conditions and regulations as may be prescribed by the Superintendent from time to time in that behalf by Proclamation in the *Provincial Gazette*. And the licensee shall, on proof that the land taken up by him has been properly planted, and all the conditions and regulations prescribed duly fulfilled, be entitled to receive a Crown grant for such land without payment of any annual fees or rents for the same.

Land granted for planting with forest trees.

170. It shall be lawful for the Board to grant, for such rent and on such terms and conditions as they shall think fit, way-leaves over in or through Crown lands for the construction maintenance and working of tramroads or railways, to and in favour of any owner lessee or licensee of adjacent land, subject always to the way-leave being determined at any time on twelve months' notice being given: Provided that the exercise of any way-leave so granted shall not affect prejudicially any public right of way or other right enjoyed or possessed by the public.

Way-leaves for tramroads.

171. All leases which may be issued after the commencement of this Act shall bear date on the day when the persons named therein as lessees respectively first became entitled to such leases, and shall be of the same force and validity as if they had been sealed on the day on which the same bear date, and shall be issued in the name of the person or persons who became originally entitled, though such person or persons may in the meantime have died or transferred their interest.

Date of leases.

172. 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.

Fines and penalties, how recovered.

173. All the powers and authorities by "The Waste Lands Act, 1858," vested in the Governor, shall continue to be vested in the Governor in like manner as if this Act was included in the Schedule of the said Waste Lands Act of 1858.

Powers vested in Governor to be continued.

174. Every miner's right license and lease issued prior to the passing of this Act shall continue in force, and confer the same rights and privileges and entail the same obligations and penalties, as if this Act had not been passed. And all lawful rules and regulations existing at the time of the commencement of this Act shall, until annulled or revoked, be deemed to be and shall continue in force as rules and regulations under this Act; and nothing herein contained shall in any manner affect any right title interest obligation or penalty lawfully obtained or incurred under or by any Act rule or regulation in force at or previously to the time of the commencement of this Act.

Licenses &c. in force prior to passing of this Act, to continue in force.

Otago Waste Lands.

Schedules.

SCHEDULES.

Section 4.

FIRST SCHEDULE.

“The Otago Waste Lands Act, 1866.”
 “The Otago Hundreds Regulation Act, 1869.”
 “The Otago Waste Lands Act 1866 Amendment Act, 1869.”
 “The Otago Hundreds Regulation Act Amendment Act, 1870.”

Section 41.

SECOND SCHEDULE.

LICENSE TO OCCUPY RURAL LAND.

Province of Otago.
 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 delineated on the plan or sketch drawn in the margin hereof and therein coloured red, and hath this day duly paid the sum of pounds shillings and pence:

Now know all men and these presents witness, that in pursuance of the powers vested in me as Commissioner of Crown Lands, I hereby authorize and empower the said his heirs or assigns, at any time after the date hereof, to enter upon all that section numbered Block, District, delineated as aforesaid, and to hold and to enjoy the same for his and their absolute use and benefit, subject nevertheless to the regulations now in force for the sale letting disposal and occupation of the Waste Lands of the Crown within the Province of Otago.

Waste Lands Board Office.

A.B.,
Commissioner of Crown Lands.Section 50.
Subsection 3.

THIRD SCHEDULE.

CERTIFICATE OF APPLICATION FOR LICENSE GRANTED.

Province of Otago.
 WHEREAS of has made application under “The Otago Waste Lands Act, 1872,” for a license to occupy the allotment of Waste Lands hereinafter described, and the said application having been granted in the meantime, and the fee for one half-year’s occupation having been paid, I hereby certify that the said is entitled to the occupation of the said allotment in terms of the said Act, subject to the right of the Waste Lands Board of said Province to refuse to grant a license to occupy said allotment within thirty days from the date hereof.

Dated at , the day of , 18 .

C.D.,
District Officer.*Description of Allotment as granted.*

[Here take in description.]

Section 52B.
Subsection 5.

FOURTH SCHEDULE.

NOTICE TO APPLICANT OF LICENSE BEING GRANTED.

Otago, } To , of , in the Province of Otago, Colony of New
 New Zealand. } Zealand.

TAKE notice, that your application for a license to occupy the lands specified in the certificate in your favour dated the day of , 18 , having been granted and finally approved, I have to direct you to attend at the District Land Office at

Otago Waste Lands.

in the said Province, within thirty days of the date of the service of this notice, and execute the said license, otherwise you shall be deemed to have relinquished your claim to the land and the said certificate shall be void.

Dated at _____, the _____ day of _____, 18 .

C.D.,
District Officer.

FIFTH SCHEDULE.
FORM OF INFORMATION AGAINST UNAUTHORIZED OCCUPATION OF CROWN LANDS. Section 57.

Otago, } THE information of A.B., on behalf of and authorized by the
New Zealand, } Crown Lands Commissioner of the Province of Otago, taken this
to wit: } day of _____, in the year of our Lord one thousand eight
hundred and _____, before the undersigned, one of Her Majesty's Justices of the
Peace _____, who saith that C.D., of _____, is in unauthorized occupation of certain
Crown lands situate at _____, which were held by him under a license bearing date
the _____ day of _____, one thousand eight hundred and _____, which said license
has expired [*or become void or forfeited*] [*or been revoked*] under the provisions of
"The Otago Waste Lands Act, 1872," and possession of which Crown lands he refuses
or neglects to deliver up.

A.B.

Sworn before me, this day and year first above
mentioned, at _____

J.P.

SIXTH SCHEDULE.
FORM OF SUMMONS TO DISPOSSESS UNAUTHORIZED OCCUPANT. Section 57.

Otago, } To _____, of _____, in the Province of Otago, Colony of New
New Zealand, } Zealand.
You are hereby summoned to appear before _____, at the Court to be holden at _____,
on the _____ day of _____, at _____ o'clock in the forenoon, then and there
to answer to an information authorized by the Commissioner of Crown Lands of Otago
for that you are in the unauthorized and illegal occupation of certain Crown lands, to wit
_____, possession of which you neglect or refuse to deliver up.

Given under _____ hand and seal, this _____ day of _____, in the year of
our Lord one thousand eight hundred and _____

(L.S.) J.P.

Note.—In case you fail to attend this summons, upon proof of reasonable notice to you of the same, the complaint will be heard in your absence, and such order made as to the Magistrate or Justices present shall seem fit.

SEVENTH SCHEDULE.
FORM OF WARRANT TO DISPOSSESS UNAUTHORIZED OCCUPANT. Section 57.

Otago, }
New Zealand, } To _____, and all Constables and Peace Officers.
to wit: }

WHEREAS it has, on the _____ day of _____, been made to appear to me [*or to us*],
and I [*or we or they*] have adjudged that the said A.B. is in the unauthorized and illegal
occupation of certain Crown lands [*Here state description of lands*]:

These are therefore to require you, that without delay you cause the said Commis-
sioner of Crown Lands to have possession of the said premises with the appurtenances,
and to eject the said A.B. and all other persons therefrom, and for which this shall be a
sufficient warrant.

Given under my [*or our*] hand and seal [*by a Magistrate or two Justices*],
this _____ day of _____, 18 .

EIGHTH SCHEDULE.
FORM OF VALUATION UNDER SECTION 58. Section 58.

WE, A.B., of &c., C.D., of &c., and E.F., of &c., have valued the improvements of a
substantial and permanent nature made by _____ the licensee, his executors or
administrators, on allotment _____, in the district of _____, and we hereby certify that

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the improvements aforesaid are of the value of _____ for every acre and fractional part of an acre of the said allotment.

In witness whereof we have hereunto set our hands the _____ day of _____
A.B.
C.D.
E.F.

NINTH SCHEDULE.

Section 60.

LIST OF OCCUPANTS OF CROWN LANDS WHO HAVE NOT PAID RENTS RESERVED UPON LEASES OR LICENSE FEES DURING THE SIX MONTHS ENDING ON THE LAST DAY OF _____, 18____. PUBLISHED IN TERMS OF SECTION 61.

Occupants alphabetically.		Amount of Rent or License Fee.	When Due.	Date of Lease or License.
Surname.	Christian Name.			

TENTH SCHEDULE.

Section 65.
Subsection 1.

FORM OF NOTICE TO DISTRICT OFFICER, IN TERMS OF SECTION 66.

To the District Officer at _____ (District and date.)

I HEREBY give notice that I intend to construct a dam or reservoir [water race or sludge channel, *as the case may be*] for [*Here state purpose*] commencing at a point* _____, and terminating*

The length of such race [or channel] is _____ or thereabouts, and its intended course is*

The mean depth and breadth of such dam or reservoir [race or channel, *as the case may be*] is _____, and it is capable of carrying _____ sluice-heads of water [or containing _____ gallons of water].

(Signature and address in full of applicant.)

Any person objecting to the issue of a license to the above-named applicant must lodge his objection in writing at my office within thirty clear days from the date hereof.

A.B.,
District Officer.

* Insert precise localities.

Note.—The same notice may include a dam reservoir race and sludge channel, where they are to be used in conjunction by the same parties.

ELEVENTH SCHEDULE.

Section 65.
Subsection 1.

LICENSE TO CONSTRUCT AND USE A DAM RESERVOIR RACE OR SLUDGE CHANNEL.

Province of Otago. _____ (District and Date.)

[*Insert names*] _____ having applied for leave to construct a dam or reservoir water race [or sludge channel] _____ in length commencing* _____ and terminating* _____ and all statutory regulations and conditions having been complied with, I hereby grant to the said persons a license to construct and use the dam [reservoir race or sludge channel, *as the case may be*] in accordance with their application, and subject to the statutes and regulations in that behalf made and provided.

Commissioner of Crown Lands.

* Insert precise localities.

Note.—The same license may include a dam reservoir race and sludge channel, where they are to be used by the same persons.

Otago Waste Lands.

TWELFTH SCHEDULE.

FORM OF AWARD OF COMPENSATION UNDER SECTION 101.

Section 101.

WE, A.B., of &c., C.D., of &c., and E.F., of &c., have valued the fences now existing on the pastoral lands held in lease by _____, comprised within the proclaimed hundred [or block] situate at _____, and we find the said value to amount to _____, payable to the said _____. And we further find that the said _____ is entitled to the sum of _____ per acre as compensation in respect of the determination of the said lease, and we make our award accordingly.

In witness whereof we have hereunto set our hands the _____ day of _____
 A.B.
 C.D.
 E.F.

THIRTEENTH SCHEDULE.

RETURN UNDER SECTION 105.

Section 105.

Province of Otago.

RETURN of Acreage occupied [or owned] and of Stock depastured [or desired to be depastured] by _____ of _____ within the _____ Hundred.

Name of Occupier or Owner.	Number of Sections Block and Survey District.	Total Number of Acres occupied or owned.	Number of Acres unenclosed available for all Stock depastured on the Hundred.	Great Cattle.			Small Cattle.	Brands and Marks.
				Horned Cattle above six months old.	Horses Mules and Asses.	Total of Great Cattle.	Sheep above six months old.	

I, _____ of _____ do hereby solemnly declare, to the best of my knowledge and belief, that the above is a correct return of the acreage occupied [or owned], of the land unenclosed, and of the stock owned by me [or under my charge], and which were actually depasturing [or which I desire to depasture] on the _____ Hundred, on [or after] the _____ day of _____, 18 ____; and I make this solemn declaration conscientiously believing the same to be true in every respect.

Dated this _____ day of _____ 18 ____.

(Signature of owner or person in charge.)

To the Chief Commissioner of Crown Lands.

FOURTEENTH SCHEDULE.

Section 130.

RETURN BY LICENSE HOLDER UNDER SECTION 130.

_____ Hundred. Return by _____ of _____.

Number of cattle being depastured
 Description of said cattle
 Brands
 Area of land owned or occupied
 Number of section and block

(Signature and date.)

Otago Waste Lands.

FIFTEENTH SCHEDULE.

Section 136.

RETURNS TO BE MADE BY LESSEES OF PASTORAL LANDS UNDER SECTION 136.

Name of Lessee.	Name, Number, Acreage, and Description of Land held under Lease.	GREAT CATTLE.				SMALL CATTLE.			Brands or Marks.
		Horned Cattle.	Horses.	Mules.	Asses.	Sheep.	Goats.	Swine.	

SIXTEENTH SCHEDULE.

Section 136.

DECLARATION TO BE MADE BY SAID LESSEES UNDER SECTION 136.

I, A.B., of _____, declare that the return hereunto annexed (as above written) contains a true and correct account or statement of all great cattle or small cattle respectively owned by me or under my charge, and which were actually depasturing on the lands comprised in my lease [*Here denote the lands according to the description in the lease*] on the first day of the present month of September; and I further declare that the said return is, to the best of my knowledge and belief, true in every respect.

Dated this _____ day of September, 18 _____.

A.B.

SEVENTEENTH SCHEDULE.

Section 152.

FORM OF LEASE UNDER SECTION 152.

THIS DEED, made the _____ day of _____, A.D. 18 _____, between Her Majesty the Queen of the one part, and [*Name description and residence of lessee*], hereinafter called "the lessee," of the other part [*Recital if any*], witnesseth [*or Now this deed witnesseth*] that, in pursuance of "The Otago Waste Lands Act, 1872," Her Majesty the Queen doth hereby demise and lease unto the lessee, his executors administrators and assigns, all that &c. [*Here describe land*], to hold the same unto the lessee his executors administrators and assigns (subject to the terms and conditions by the said Act imposed, and other the terms and conditions implied in leases under or by virtue of any law or Ordinance of New Zealand) for the term of _____ years, to be computed from the _____ [*If the lease is granted under the _____ section, then say*] yielding and paying therefor during the said term the yearly sum of £ _____ in advance on the day of _____ in each and every year of the said term; all such annual payments to be made to the Receiver of Land Revenue for the Province of Otago aforesaid.

In witness whereof _____, Esquire, the Commissioner of Crown Lands for the Province of Otago, hath hereunto set his hand the day and year first aforesaid.

EIGHTEENTH SCHEDULE.

Section 154.

APPLICATION FOR PASTORAL LEASE UNDER SECTION 154.

District
Boundaries
Estimated extent
Deposit

(Signature of Applicant.)

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBUY, Government Printer.