

New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ .

No. 59.

AN ACT to amend the Laws relating to the Title.
sale and disposition of Waste Lands in
the Province of Auckland.

[10th October 1867.]

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

1. The Short Title of this Act shall be “The Auckland Waste Lands Act 1867.” Short Title.

2. The Acts specified in the first Schedule to this Act annexed and all proclamations relating thereto respectively are hereby repealed Repeal. 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 or leases and the right of the holders thereof and the Waste Lands held thereunder shall be and continue to be during the terms and currency of such licenses and leases except as aforesaid 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.

3. Nothing in this Act contained shall be construed to repeal alter or in any way affect the provisions of “The Crown Lands Act 1862.” Saving “The Crown Lands Act 1862.”

4. In the construction of this Act the term “Waste Lands” shall mean all such lands within the Province of Auckland as are already or hereafter may be subject to the disposal of the Government thereof. Meaning of the term “Waste Lands.”

5. All Waste Lands shall from and after the day on which this Act shall come into operation be sold let and disposed of as in this Act provided and not otherwise Provided always that nothing in this Act contained shall be held to repeal or interfere with the provisions of “The Bay of Islands Settlement Act 1858.” Lands to be sold &c. as provided by this Act.

6. For the purpose of carrying out the provisions of this Act there shall be a Waste Lands Commissioner (hereinafter called “the Commissioner”) who shall be appointed and be removable by the Superintendent with the advice and consent of his Executive Council. Commissioner to be appointed.

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Superintendent may appoint Deputy Commissioner.

7. It shall be lawful for the Superintendent from time to time to appoint one or more fit and proper persons to act as deputy for the Commissioner at any place within the Province and the person so appointed shall have the same powers and authority as the Commissioner and all acts done by such deputy shall be as valid as if done by the Commissioner.

Superintendent shall divide land into classes.

8. The Superintendent shall from time to time divide such portions of the Waste Lands as are about to be offered for sale into the following or such of the said classes as he shall think fit viz.—

- (1.) Town lands
- (2.) Suburban lands
- (3.) General country lands
- (4.) Land for special settlement

and may from time to time vary alter and annul such division and make a new division thereof.

Town and suburban land to be surveyed.

9. No town or suburban land shall be offered for sale or disposed of by auction or otherwise until it shall have been properly surveyed and marked off on the ground and a map thereof deposited as a record in the office (hereinafter called "the Land Office") of the Commissioner.

Reserves and roads to be surveyed.

10. All reserves streets roads sections and allotments and other divisions of town and suburban land shall be so marked off on the ground and distinguished on the map thereof by numbers or otherwise as to be easily identified.

RESERVES TO BE MADE FOR PUBLIC PURPOSES.

Reserves for public purposes.

11. Reserves for the uses of the Provincial Government and for other public purposes may upon the 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 an Act of the General Assembly intituled "The Public Reserves Act 1854" 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 Government *Gazette* of the Province and set forth on the authenticated 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 next session of such Council.

RESERVES OF BRIDLEPATHS FOOTPATHS ETC. TO BE MADE.

Reserves for highways &c.

12. Reserves for public highways bridlepaths and footpaths shall be made by the Superintendent and shall be set forth on the authenticated maps of the Land Office The Superintendent and the Provincial Council may by Ordinance alter the line of any such highways bridlepaths and footpaths and dispose of the land theretofore used for the same.

Land to be reserved for religious purposes.

13. In every town or village set apart there shall be at least ten allotments containing as nearly as may be one half of an acre each reserved in the most eligible situation as sites for places of worship and as soon as any allotments in such town or village have been declared open for sale the Superintendent shall by notification in the Provincial Government *Gazette* invite the representatives of the several religious bodies recognized as having officiating Ministers residing within the Province coming within the provisions of "The Marriage Act" who may wish to obtain sites for places of worship to make to the Commissioner on or before a day to be named written application for one of such allotments and at noon of the Monday following the day

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appointed for such application the priority of the right of selection shall be decided by lot by the Commissioner in the presence of the parties applying or their representatives if any shall attend. Provided always that such application shall be made within six months from the date of reservation and that if no such application be made the reserve shall be dealt with as if no reserve had been made.

14. All such reserved lands with the exception of such as shall be reserved as sites of towns and villages may upon the request of the Superintendent be granted by the Governor to any body corporate or to any person or persons gratuitously to be held in trust for the public uses for which the same were reserved and no other.

Such lands may be granted to bodies corporate.

TOWN LANDS AND SUBURBAN LANDS.

15. Town lands and suburban lands excepting such as shall be reserved for public purposes or for any purpose in this Act specified shall be offered for sale by public auction at an upset price to be fixed by the said Superintendent with the advice and consent of the Executive Council.

Town and suburban lands to be sold by auction.

16. The Superintendent shall from time to time notify in the Government *Gazette* of the Province of Auckland and in such newspapers in the Colony of New Zealand or elsewhere as to him shall seem meet what lands are to be sold at such public sales and the upset prices thereof respectively and such lands shall not be so offered for sale until at least one calendar month shall have elapsed after the first publication of each notification.

Superintendent to give notice of said sales at least two months prior to sale.

17. Such public sales shall be held and conducted by such person at such times and in such places within the said Province as the Superintendent shall by notification in the Government *Gazette* for the Province of Auckland from time to time nominate and appoint.

Superintendent to appoint person to sell and time and place of sale.

18. The purchase money of each allotment of land sold at such sale shall be paid by the purchaser thereof or his agent to a Receiver of Land Revenue as follows namely one-fourth of the price thereof at the time of sale by way of deposit and the remaining three-fourths at any time within one calendar month after the sale. In the event of the second payment not being made to such Receiver within the said period of one calendar month the sale shall be void and the deposit forfeited.

Mode of payment.

19. It shall be lawful for any person within twelve calendar months after any such auction to purchase any land in respect of which the deposit shall have been forfeited as aforesaid by paying for the same in cash the sum for which such land was knocked down at the auction.

Land in respect of which deposit has been forfeited may be purchased within twelve months.

20. It shall be lawful for any person within twelve calendar months after any auction to become the purchaser by private contract of any land so put up for sale as aforesaid and not knocked down to any bidder on paying for the same in cash the upset price at which the same was put up for sale. Provided always that it shall be lawful for the Superintendent instead of permitting any land to be purchased as authorized by the last two clauses to cause any lands which shall not have been already applied for under the said clauses to be put up again to auction giving such notice thereof as is hereinbefore provided in respect of land to be offered at auction.

Any person may purchase at upset price land not sold at auction.

IMMIGRATION.

21. As it is expedient that persons emigrating at their own cost from the United Kingdom and elsewhere for the purpose of settling on land in the Province of Auckland should be permitted to acquire land free of cost on account of their expenditure on emigration it shall be lawful for the Superintendent from time to time to appoint emigra-

Superintendent may appoint emigration agents who shall be authorized to grant land orders.

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tion agents in the United Kingdom or elsewhere with authority to grant land orders to persons intending to emigrate and settle on land in the Province of Auckland and any such agent at any time to remove. Provided always that no person shall be entitled to demand any such land order as a right or be entitled to receive any land whatever free of cost in respect of any such expenditure unless he shall have obtained previously to his emigrating from some one of such agents of the said Province a land order as herein provided. Nothing herein contained shall authorize any such agent to issue a land order to any New Zealand settler who may be about to return to New Zealand from any place where land orders may be issued.

Land orders to be granted according to scale order for children to be granted to parent for servant to master.

22. Such land orders shall be granted according to the following scale namely for any person eighteen years of age and upwards forty acres and for any person upwards of five years and under eighteen years of age twenty acres. Provided always that in any case in which a child under eighteen years of age shall accompany a parent the order shall be granted to the parent and not to the child. And in case in which a servant shall be brought into the Province at the sole expense of a master the allowance shall be made to the master and not to the servant.

Land order not transferable except in case of death.

23. No such land order shall be transferable but in the event of the death before the expiration of the five years as hereinafter mentioned of any person to whom any land order shall have been granted in respect of his own emigration all his right and interest under such order shall vest in his appointee constituted in writing or in default of such an appointee in his legal representative who shall be at once entitled to a grant of the land in case all the terms and conditions to which such deceased person was subject have been fulfilled up to the time of his death.

Order to be presented within three months.

24. Every such land order shall be null and void unless the person in respect of whom the same shall have been granted shall present the same in person to the Commissioner or his deputy within the said Province within three calendar months from the date of his arrival in the Province.

On presentation Commissioner to make note.

25. On presentation thereof to the Commissioner or his deputy such officer on being satisfied that the person presenting the same is the person in respect of whom the land order was granted and also of the true date of his arrival shall make a note thereon stating the fact of such presentation and of the day of the arrival in the Province of the person presenting the same and shall date and sign such note.

When so noted holder entitled to selection.

26. Every such land order when so signed shall authorize the person entitled to the same to select the number of acres mentioned therein out of the special settlement land if any specified in such order or out of any general country land that may at the time be open for selection.

Land order to be in force for six months.

27. Every such land order when so signed as aforesaid shall be in force for six months from the day of the arrival stated in such note as aforesaid and if no selection be made within that time such land order shall be null and void.

Survey to be made at expense of holder.

28. The land selected by virtue of any such land order or land scrip as aforesaid must be surveyed at the expense of the holder thereof by a surveyor to be approved of in writing by the Provincial surveyor. Provided that the holder of such land order or land scrip shall be entitled to an allowance for the cost of such survey according to a scale to be from time to time fixed by the Provincial surveyor for the cost thereof not exceeding in any case after the rate of one shilling an acre.

Time when holder of order entitled to grant.

29. At the expiration of three years from the day of arrival stated in such note as aforesaid the person entitled to any land selected

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under any such order or land scrip shall be entitled to a Crown Grant thereof on proving to the satisfaction of the Superintendent that he has *bona fide* occupied the land selected by virtue of such land order or land scrip as aforesaid for a period of two years at least. Provided nevertheless that if at any time within the period of three years as aforesaid the holder of any such land order or land scrip as aforesaid shall upon purchasing the said land at a price of ten shillings per acre and the receipt of such money being certified by the Receiver of Land Revenue be entitled to a Crown Grant for the same.

30. It shall be lawful for the Superintendent to entertain such claims arising out of land orders as shall by the Provincial Council be referred to him and to give effect to the same in like manner as if such claims were founded on purchase.

Claims to be entertained by Superintendent.

I.—GENERAL COUNTRY LAND.

31. The Superintendent may from time to time reserve such general country land as he may think fit for sale by auction and the same shall be sold in like manner as is prescribed for the sale of town and suburban land. Provided always that the Superintendent may withdraw at any time such land from sale or selection it shall be lawful for the Commissioner to sell at the rate of ten shillings an acre to the grantee or owner of any contiguous land any small piece of country land lying next to such granted property and between it and any block line creek river run or road the piece of land so to be sold not to exceed eighty acres.

Superintendent may reserve certain general country lands to be sold by auction.

32. The Superintendent shall from time to time notify a certain day on and after which any general country land shall be open for selection and sale and previous to that day any person desirous of selecting or purchasing any of the same shall send in a written application during office hours under a sealed cover directed to the Commissioner or his deputy at such place as shall be stated in such notification. Every such application shall have legibly written thereon the words "Application for land" and the name of the applicant and the number of acres he proposes to select or purchase.

Superintendent to notify when general country land will be open for sale.

33. Every such application shall state the number of acres the applicant is desirous of purchasing or selecting and shall describe the same as accurately as may be so that the same may be identified and marked on a plan of the district to be provided by the Commissioner.

Form of application.

34. The purchase money after the rate of ten shillings an acre for the quantity of land applied for shall be paid to a Receiver of Land Revenue who shall give a receipt in duplicate and no application shall be entertained unless one of such duplicate receipts shall be annexed to the application.

Purchase money to be deposited.

35. The Commissioner or his deputy shall on receipt of such application (and in the presence of the intending purchaser or his agent if such purchaser or agent should desire the same) enter into a minute book to be kept for that purpose a minute of the receipt of such application.

Application to be entered in Minute Book.

36. The minutes to be entered in such book shall be consecutively numbered from one upwards and shall set forth the date of the reception of every such application the name of the intending purchaser the number of acres which he proposes to purchase and the amount which he shall have so paid as the purchase money thereof.

Minutes to be numbered consecutively.

37. Such book shall be open to the public for inspection at all times in office hours during which time any person may take a copy of or extract from any minute entered therein on payment of a fee of one shilling.

Minute Book to be open for inspection.

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Applications not to be opened till day appointed.

38. The applications so received shall not be opened until noon of the first day appointed in the manner aforesaid by the Superintendent for the sale of such general rural land on which day no further application shall be received.

Applications to be opened on day appointed.

39. The Commissioner or his deputy shall on the day so appointed and in presence of such of the intending purchasers or their agents as may attend for that purpose proceed to open all such applications so received.

If only one application applicant to be purchaser.

40. When it shall appear on opening the said applications that but one person has in manner aforesaid applied to purchase any land and that he has duly paid the purchase money thereof such person shall be deemed the purchaser of such land.

If two or more applicants land to be put up to auction.

41. If it should at any time appear before the decision of the Commissioner that two or more intending purchasers have made application for the same land and that each of them has duly paid the purchase money thereof such land shall be put up to auction among such applicants in such blocks as the Commissioner may determine at an upset price of ten shillings an acre on a day to be decided by the Commissioner or his deputy.

Money to be paid to unsuccessful persons.

42. The Commissioner or his deputy shall immediately after such auction give to each of the unsuccessful persons or his agent an order on the Receiver of Land Revenue for the purchase money so paid by him in respect of such allotment and such Receiver shall pay the same on demand accordingly.

After day fixed unsold land to be open for sale.

43. After the day fixed for opening the applications sent in as aforesaid all the unsold portions of such general rural lands shall be open for sale to the first applicant for the same.

Form of application for unsold land.

44. Every such subsequent application must be made in writing to the Commissioner or his deputy during office hours and must state the quantity and situation of the land and describe the same as accurately as may be so that the same may be identified and marked on a plan of the district to be provided by the Commissioner and no such application shall be entertained unless it be accompanied by a receipt for the purchase money signed by a Receiver of Land Revenue or by some person authorized by him.

Commissioner to make minute of application.

45. The Commissioner or his deputy immediately on receipt of such application shall in the presence of the intending purchaser or his agent if such purchaser or agent desire it to be done enter in the minute book to be kept for that purpose the day and hour of the receipt of the application the name of the purchaser the quantity situation and description of the land and the amount paid as the purchase money of the same.

When minute made land to be deemed sold.

46. As soon as such entry shall have been so made in conformity with these regulations the land to which the same shall refer shall be deemed to be sold and the purchaser thereof entitled to a Crown Grant.

What application shall comprise.

47. Provided always that every application for general country land shall comprise not less than forty acres and shall so far as the features of the country will permit be of a rectangular form and when fronting on a road river lane or coast be of a depth when practicable not less than three times the length of the frontage and no application which does not comply with these requirements shall be granted but it shall be competent for any applicant with the consent of the Commissioner to amend his application so that any such alteration in no way interferes with any other application duly made at the time.

Commissioner to inform applicant by whom survey to be made.

48. The Commissioner at the time of any application being granted or as soon as conveniently may be thereafter shall inform the applicant that the land selected will be surveyed by and at the expense of the Government or that the applicant must have the same surveyed

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at his own expense by a surveyor to be approved of in writing by the Provincial Surveyor.

49. When land is surveyed by the applicant at his own expense he shall be entitled to an allowance according to a scale to be from time to time fixed by the Commissioner for the cost thereof not exceeding in any case after the rate of one shilling an acre. Allowance for survey.

50. Every survey to be made at the expense of the applicant must be completed to the satisfaction of the Commissioner and the plans thereof delivered to him with as little delay as possible and within a time to be fixed by him which shall in no case exceed six calendar months and in default thereof it shall be lawful for the Commissioner either to have the land surveyed at the applicant's cost which shall be repaid by him within one month of the completion of the survey or it shall be lawful for the Commissioner to sell the land to some other person and in such latter case the purchase money paid by the first applicant shall be returned to him on demand after deducting therefrom one-fifth part as a forfeiture for the default. When survey to be completed.

51. When general country land shall be purchased in a district in which lines of road shall not be determined on and laid out a right of laying out roads over the said land shall be reserved in the grant but not more than five per centum of the land shall be taken for such purpose without payment of compensation for the excess to be fixed by arbitration in the usual way. Provided that if such right be not exercised within five years from the date when the block within which such land is situate was first offered for sale under this Act then and in such case compensation for the whole area taken shall be given to be fixed by arbitration in the usual way. Right to make road to be reserved.

52. It shall be at any time competent for the Superintendent with the advice and consent of the Executive Council to offer for sale by auction any general country land which shall be deemed to possess especial value as containing minerals and the regulations hereinbefore contained relating to auction sales shall apply thereto. General country land of especial value may be sold by auction.

53. It shall be lawful for the Superintendent if any lands open for selection shall not be disposed of within the period of three months from the date of their being thrown open for selection upon a recommendation from the Provincial Council to that effect to offer such lands for sale by auction at a price not less than two shillings and sixpence per acre. After period fixed for selection unsold lands to be put up to auction.

II.—LAND FOR SPECIAL SETTLEMENT.

54. It shall be lawful for the Superintendent from time to time to declare by proclamation that a certain block of land therein described shall be set apart and reserved for certain immigrants not being fewer than fifty above eighteen years of age expected to arrive or who shall have arrived and desire to settle within the Province of Auckland. Superintendent may set apart land for special settlement.

55. Such land so set apart and reserved shall be sold exclusively to such immigrants upon the terms and conditions hereinbefore prescribed respectively in reference to town and suburban land and to general country land as the Superintendent may from time to time think fit. Terms upon which such land to be sold.

56. It shall be lawful for the Superintendent at any time to revoke any such proclamation and the land therein comprised shall thereafter be open to be classified and dealt with as though the same had not been set apart and reserved as aforesaid. Provided always that the validity of any act which shall have been done under such proclamation before the revocation thereof shall not be affected by such revocation. Superintendent may revoke proclamation.

III.—PUBLIC WORKS.

57. If any person shall be desirous of making building or construct- Applications may be

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made for a grant of land by any person desirous of constructing a public work.

Superintendent if satisfied shall grant authority.

If work satisfactorily completed Superintendent may grant authority to give land scrip.

Commissioner to grant land scrip accordingly.

Superintendent may issue land scrip to extent of value of public works.

Land scrip in payment for lands under "The Compulsory Lands Taking Act 1866."

Limitation of amount of grant.

Grants to Naval and Military Settlers.

Rules in Schedule to remain in force.

ing any road bridge or other work of public utility and of being allowed a grant of land in respect of the cost of the same he shall make application in writing to the Superintendent for authority for that purpose.

58. If the Superintendent shall be satisfied after proper investigation and inquiry that it is desirable that the proposed road bridge or other work of public utility should be made built or constructed and the plans and specifications should be approved of by a competent person to be named by the Superintendent the Superintendent shall grant authority for the said work to be completed.

59. When the said work is completed it shall be examined by a competent person to be appointed by the Superintendent and if such person shall report that the same is constructed in accordance with the plans and specifications and with proper materials and proper workmanship the Superintendent shall give authority to the Commissioner to grant to such person land scrip to the extent of one-half of the value of the work performed such value to be fixed by some competent person to be appointed by the Superintendent in that behalf.

60. The Commissioner shall grant land scrip accordingly and such land scrip shall be available as cash at any time within three months for the purchase according to the provisions of this Act of any town suburban or general country land which may be open for sale.

61. It shall also be lawful for the Superintendent to authorize land scrip to be issued to the extent of the value of public works performed according to the foregoing conditions under the direction of trustees appointed under the provisions of "The Highways Act 1867" Provided that one moiety of the lands acquired by the exercise of such scrip as aforesaid shall be reserved and set apart as endowments for the construction and maintenance of roads within such district.

62. It shall also be lawful for the Superintendent and the Provincial Council of the Province aforesaid to authorize land scrip to be issued in payment for land taken under "The Compulsory Lands Taking Act 1866" for the purposes of roads or public works Provided always that nothing herein contained shall render it obligatory on the owner of the land so taken to accept such land scrip in lieu of money in payment for the same.

63. Provided always 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 two 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.

64. It shall be lawful for land to the extent set forth in the clauses relating to naval and military settlers in "The Auckland Waste Lands Act 1858" to be granted to any naval and military settler who may have *bonâ fide* within twelve months prior to the first day of March one thousand eight hundred and sixty-seven retired from Her Majesty's service with a view to settling in New Zealand notwithstanding that such settler may not have applied for a land order prior to the said date Provided that nothing herein contained shall entitle military officers coming over to New Zealand on duty to obtain land orders for themselves or families.

IV.—OCCUPATION OF WASTE LANDS.

65. The rules and regulations set forth in the Schedule hereunto annexed shall remain and be in force for regulating the issue of pasture and timber licenses for the occupation of Waste Lands of the Crown outside hundreds.

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66. Any Commissioner appointed under this Act shall have exercise and perform all the rights powers and duties which the Commissioner of Crown Lands mentioned in the said rules and regulations had or could exercise and perform under the said rules and regulations.

Commissioner under this Act to have powers of Commissioner of Crown Lands.

67. 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 to the said "Waste Lands Act 1858."

Powers to vest in Governor.

68. In respect to any act to be done wherever the word "Superintendent" shall occur in this Act it shall be understood to mean the "Superintendent with the advice and consent of the Executive Council."

Interpretation.

69. Whereas by an Ordinance of the Legislative Council of New Zealand Session X. No. 1 intituled "An Ordinance to regulate the Occupation of Waste Lands of the Crown within the Province of New Ulster" and by an Ordinance of the said Council Session XI. No. 10 intituled "An Ordinance to amend the Crown Lands Ordinance No. 1 of Session X. and to extend the operation thereof to the Islands of New Zealand" provision is made for the election of wardens for the management of Crown Lands within the limits of hundreds created under the said Ordinances and for conferring certain powers on such wardens Be it enacted that the provisions of the said Ordinances for the aforesaid purposes shall cease to be of any effect with respect to any such hundreds which have been or hereafter may be comprised within any highway district or districts established under any Act or Acts of the Superintendent and Provincial Council of the Province of Auckland from the date of the passing of this Act or within any district established for similar purposes under any Act of the General Assembly of New Zealand and all the powers given and duties imposed by the aforesaid Ordinances to or upon the Commissioner of Crown Lands or wardens aforesaid in relation to the management of Crown Lands within the limits of a hundred may from and after the date of the establishment of any such district as aforesaid be delegated by the Commissioner of Crown Lands to and in case of such delegation shall be exercised performed or fulfilled with respect to any hundred so comprised therein by the Road Board constituted under the aforesaid Acts of the Superintendent and Provincial Council or any similar body constituted under any such Act of the General Assembly as aforesaid Provided always that nothing herein contained shall alter or affect the powers given by the aforesaid Ordinances or by any existing law to the Governor or to the Commissioner of Crown Lands except so far as relates to the management of Crown Lands within the limits of a hundred and therein only to the extent aforesaid Provided further that nothing herein contained shall affect any existing license.

Commissioner of Crown Lands may delegate powers to Road Board.

SCHEDULE I.

OCCUPATION OF CROWN LANDS.

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

2. If no objection exists to the applicant being allowed to occupy such run the Commissioner shall thereupon publicly notify that it has been applied for as a run and shall at the same time publish in the Government *Gazette* the name of the person claiming the run and the description thereof.

3. After the expiration of three months from the date of the said publication the applicant shall be required to pay an annual license fee for the run at the rate and in the manner after mentioned viz. :—The annual license fee for any run estimated to be of capacity to depasture not more than six hundred sheep or one hundred head of large cattle shall be five pounds and for every run of greater depasturing capacity the license

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fee shall be the sum of five pounds and in respect of every six hundred head of sheep or one hundred head of cattle in excess of the above number which it may be estimated to be capable of depasturing the sum of five pounds.

4. All runs that may hereafter be let shall first be inspected for the purpose of estimating their capacity to depasture stock and the amount of license fee shall be fixed in accordance with such estimate. And all runs held under existing licenses shall within six months of the time of this Act coming into operation be inspected as above and the rate of fees shall be by the Crown Lands Commissioner fixed accordingly any fee or rate that may have been fixed by any previous Act or regulation notwithstanding.

5. It shall be the duty of the respective district surveyor [or in his absence of such person as the Commissioner of Crown Lands may for such purpose appoint] to make such inspection and furnish such estimate of the depasturing capacity of runs to the said Commissioner.

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

7. All leases of runs shall be subject to the following conditions viz.—

(1.) If at any time during the currency of such license the land comprised therein or any part thereof shall be included within the boundaries of any hundred the said license shall cease and determine as to so much of the land as shall be included within such boundaries from and after the day of the date of the proclamation by which such hundred shall be constituted.

(2.) If at any time during the currency of such license the land comprised therein or any part thereof shall be sold or selected under land orders under the provisions of this Act then and in that case also the said license shall cease and determine as to so much of the land as shall be sold or selected under land orders as aforesaid from and after the day upon which such lands have been sold or selected.

(3.) If at any time during the currency of such license such annual license fees shall not be paid by the holder of it for the space of six months then and in that case the said license shall cease and determine and the Commissioner shall thereupon be empowered to notify publicly the forfeiture of such license and to let the run to which it relates by public auction to the highest bidder for a term of fourteen years subject to the conditions of this Act.

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

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

Issue of Timber Licenses.

10. Persons occupying Waste Lands of the Crown for the purpose of cutting timber will be required to pay a fee of five pounds yearly upon the issue of the license.

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

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

13. In the event of any occupant of a portion of forest upon which he may have expended any considerable sum in the formation of roads or improvements to facilitate the removal of timber wishing to resign his license he shall if in the consideration of the Commissioner he should be regarded as having established a claim to this indulgence be permitted to transfer his license and right of pre-occupancy to such person as he may select.

14. All applicants for timber licenses must address their applications to the Waste Lands Commissioner stating their names and residences in full.

15. When the application has been approved it shall be forwarded to the Receiver of Land Revenue by whom upon payment of the required fee the license shall be issued.

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

17. The form of timber licenses will be according to form C. hereunto annexed.

General.

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

19. Licenses applied for after the 1st of June in each year will only be chargeable with half the usual fee.

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

Auckland Waste Lands.

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

22. Licenses for depasturing purposes may be transferred from one person to another by the Commissioner with the approval of the Superintendent.

A.

FORM OF LICENSE.

WHEREAS of has made application for a license to depasture stock upon the Waste Lands of the Crown within the district [*boundaries*] and has this day paid into my hands the sum of £ s. d. I do hereby license the said to [*depasture stock*] upon the said land for the term of fourteen years from the date thereof subject nevertheless to be sooner determined pursuant to the provisions of "The Waste Lands Act 1867" under which this license is issued and to be cancelled as by law is provided.

Dated this day of
(Signed)

B.

DESCRIPTION of a run on the Waste Lands of the Crown

Applied for by
Situation
Boundaries
Estimated extent

(Signature)

C.

TIMBER license to at permission to cut saw split and remove timber on and from the Waste Crown Lands at within such limits.

SCHEDULE II.

Of Acts and REGULATIONS for the Sale Letting Disposal and Occupation of the Waste Lands of the Crown within the Province of Auckland referred to in this Act.

By what Legislature or other authority enacted or put in force.	Session and Number of Acts.	Title or Short Title.
Act of the Governor and Provincial Council of Auckland	Session VIII. No. 2	"Auckland Waste Lands Act 1858."
The General Assembly ...	No. 34 of 1862 ...	"The Auckland Waste Lands Act Amendment Act 1862."
The General Assembly ...	No. 38 of 1863 ...	"Auckland Waste Lands Acts Amendment Act 1863."
The General Assembly ...	No. 23 of 1866 ...	"The Auckland Waste Lands Act 1866."

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