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O T A G O.

LAND REGULATIONS.

Presented by Mr. Allison, and ordered by the House to be printed,
12 December, 1856.



LAND REGULATIONS

FOR THE PROVINCE OF OTAGO, NEW ZEALAND.

I. GENERAL REGULATIONS.

1. ALL regulations now in force for the sale, letting, disposal, and occupation of the Waste Lands of the Crown within the Province of Otago shall be, and are hereby, repealed.

2. All such Waste Lands shall, from and after the day on which these Regulations shall come into force, be sold, let, disposed of, and occupied according to the terms of these Regulations, and not otherwise.

3. The Waste Lands of the Crown shall be, and are hereby, divided into two classes, as follows; viz.—

1. *Town Land*—being the sites heretofore reserved, or which shall be hereafter reserved, for towns and villages.
2. *Rural Land*—being Waste Lands of the Crown, and not lands reserved for towns or villages or other public purposes.

4. It shall be lawful for the Waste Land Board (hereinafter constituted) with consent of the Superintendent and his Executive Council, at any time, and from time to time, to declare by notice in the *Provincial Government Gazette* that any land which may belong to either of the said classes shall thenceforth cease to belong to such class.

II. TOWN LAND.

5. All town land shall be sold by auction according to the Regulations hereinafter prescribed for auction. The upset price of allotments of such land shall be fixed by the Waste Land Board, subject to the approval of the Superintendent and his Executive Council.

III. RURAL LAND.

6. All rural land shall be sold at a uniform price of 10s. per acre, subject to the conditions hereinafter contained.

7. Every applicant for the purchase of rural land shall, except as hereinafter provided by Clause No. 13, on payment of 10s. per acre for the land specified in his application, or for such part thereof as shall be granted to him by the Waste Land Board, receive from the said Board a certificate entitling him to take possession of the land therein specified, under an obligation, as a condition of purchase, to lay out upon the said land, within four years from the date of such certificate, in money or labour, for all improvements including buildings and fences, a sum equal to 40s. per acre.

8. Every holder of a certificate as aforesaid shall be entitled to demand and receive a Crown Grant in fee of the land specified in such certificate, so soon as he shall have proved to the satisfaction of the Waste Land Board that he has fulfilled the conditions of purchase hereinbefore provided by clause 7.

9. No holder of a certificate as aforesaid shall be entitled to assign the land specified therein until he shall have obtained the consent of the Waste Land Board; and on such consent being given, the person to whom such land shall be assigned shall, on payment of a fee of 20s., be registered by the said Board as the proper occupier of such land, and shall be entitled to a Crown Grant as aforesaid, so soon as all the conditions and obligations incumbent on the original grantee shall have been fulfilled.

10. Every application for the purchase of rural land shall be made to the Waste Land Board, in a form to be by it prescribed; and its decision on such application shall be given on such day as it shall appoint, at which time the applicant shall deposit 10s. per acre for the land applied for by him.

11. In the event of two or more persons having made application for the same land on the same day, such land, if the Board shall decide that it should be sold, shall be put up for sale by auction at an upset price of 10s. per acre, the said applicants alone being allowed to bid for the same.

12. No application for a less quantity than 10 acres of rural land shall, except as hereinafter provided by clause 19, be granted by the Waste Land Board; and the land specified in 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, when fronting a river, lake, road, or coast, be of a depth not less than twice the length of the frontage: Provided always, that under special circumstances the Waste Land Board may deviate from such rule, and may also permit proprietors to complete their properties by the purchase of adjoining lands of irregular shape and of small extent, provided such purchase shall not unduly interfere with the advantageous division of the adjoining land into convenient allotments.

13. The Waste Land Board at the time of any application for unsurveyed land being granted, or as soon as conveniently may be thereafter, shall inform the applicant that the land applied for by him will be surveyed at the expense of the Government; or, that the applicant must have the land surveyed at his own expense by a Surveyor to be authorised by the said Board; and every survey made by such Surveyor shall be approved by the said Board before the applicant shall receive a certificate entitling him to take possession of the land specified in his application.

14. In every case when an applicant shall have had land surveyed at his own expense as aforesaid, he shall be entitled to receive an allowance at the rate of 10 acres for every 100 acres so surveyed, as compensation for the cost of survey.

15. Every survey to be performed at the expense of an applicant shall be completed and delivered at the Waste Land Office within six months after the day on which his application was granted; and in default thereof it shall be lawful for the Waste Land Board either to have the land surveyed and charge the expense to the applicant, who shall repay the same before he shall be entitled to receive a certificate as aforesaid, or it shall be lawful for the said Board to dispose of the said land to any other applicant; and in such latter case the money deposited by the first applicant shall be returned to him on demand after deducting one tenth part thereof as a forfeiture for his default; or, in case the first applicant shall refuse to accept the said land after it shall have been surveyed, the money deposited shall be returned to him on demand, after deducting one tenth part thereof as a forfeiture for his default, and such further sum as may be necessary to cover the expense of such survey.

16. It shall be lawful for the Superintendent, with the advice and consent of the Provincial Council, to reserve from sale and set aside for public uses any land within the Province of Otago, and such reserves shall be dealt with by Ordinance of the Superintendent and Provincial Council.

17. It shall at any time be lawful for the Waste Land Board, with consent of the Superintendent and Executive Council, to offer for sale by auction, or to dispose of by lease, as hereinafter provided, any land which shall be deemed to possess special value as containing minerals.

18. It shall be lawful for the Waste Land Board, with the consent of the Superintendent and his Executive Council, to refuse to grant the application of any person for any land if it shall appear to the said Board that the sale of such land would be injurious to the public interests: Provided also that it shall be lawful for the said Board, with the like consent, to receive and grant applications from any person for the purchase of any

rural land upon which timber shall be standing in such quantities as the said Board shall see fit; and at the same price per acre as is hereinbefore fixed for the sale of other rural land.

IV. MINERAL LAND LEASES.

19. It shall be lawful for the Waste Land Board, with the consent of the Superintendent and his Executive Council, to grant upon the following terms and conditions, and upon such other terms and conditions as they shall deem necessary, to any person applying for the same a lease of land containing, or supposed to contain, minerals :—

1. That the lease shall comprise so much land, not being less than five or more than eighty acres, as shall in the opinion of the Waste Land Board be necessary for the efficient working of the minerals.
2. That the term to be granted shall be any number of years not exceeding twenty-one, at the option of the lessee.
3. That there shall be reserved a royalty or rent of one-fifteenth of the minerals to be raised, except on coal, in respect of which the royalty or rent shall be nominal, provided the object of such lease shall be to have coal brought to market in abundance, and at the lowest price.
4. That the lease shall contain the usual clauses introduced into mining leases—
 1. For securing payment of the royalty or rent.
 2. For enabling some person on the part of the lessor from time to time to enter and examine the mine.
 3. For securing the regular, proper, and efficient winning and working of the minerals.
 4. For making void the lease on breach by the lessee of the covenants therein contained.
 5. For delivering up the property at the termination of the lease in good tenantable repair.
 6. 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.

20. Every application for a lease shall be sent in by the applicant, and dealt with by the Waste Land Board, as hereafter provided by clause No. 36; and in the event of an auction taking place, the upset price for any lease not exceeding the term of twenty-one years shall be a royalty or rent (coal excepted, as hereinbefore mentioned) of one-fifteenth of the minerals to be raised.

21. The land comprised in any mining lease may, at the request of the lessee, at any time after an occupation of three years, be put up for sale by auction, subject to the lease thereof already granted, at an upset price to be fixed by the Waste Land Board, with the concurrence of the Superintendent and his Executive Council.

22. Every applicant for a mining lease shall furnish to the Waste Land Board, within a time to be fixed by the said Board after the application shall have been agreed to, a plan and description of the land to be leased, which plan and description shall be made and prepared by a Surveyor to be approved of by the said Board.

V. AUCTIONS.

23. The Waste Land Board shall give notice of the time and place at which any auction (except auctions in order to decide between two or more applicants for the same land as hereinbefore provided) 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 Government Gazette or a local newspaper not more than three months nor less than one month before such auction shall take place.

24. No land 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 Land Office for public inspection during usual office hours.

25. The land shall be offered for sale by auction by some person to be appointed for that purpose by the Waste Land Board.

26. Immediate payment of one-tenth part of the purchase-money shall be a condition of every sale by Auction (excepting Auctions to decide between two or more applicants as aforesaid), 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 one-tenth 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.

VI. FEES FOR CROWN GRANTS.

27. Fees on Crown Grants shall be payable before the delivery of every Crown Grant, and shall not exceed 20s. in each case.

28. Every person who, at the date when these Regulations shall come into operation, shall be in the occupation of any land, and who shall have had the consent of the Commissioner of Crown Lands and the Superintendent of the Province for such occupation, shall, in the event of such person being willing to conform to these Regulations, be entitled to purchase such land in terms of these Regulations, and such lands shall not be sold to any other person until they shall have been first offered to such occupant.

VII. WASTE LAND BOARD.

29. There shall be established a Board of Commissioners, to be called the Waste Land Board, which shall consist of a Chief Commissioner and of at least two other Commissioners, all of whom shall be appointed and be removable by the Superintendent with the advice and consent of his Executive Council. The Chief Commissioner shall also hold the office of Commissioner of Crown Lands under the Crown Lands Ordinance.

30. There shall be a Treasurer to the Waste Lands Board, who shall be appointed, and be removable, by the Governor.

31. The salaries of officers who shall be appointed by the Governor shall be paid by the General Government, and the salaries of officers who shall be appointed by the Superintendent or by the Waste Land Board shall be paid by the Provincial Government.

32. All business connected with the sale, letting, disposal, and occupation of the Waste Lands of the Crown shall be transacted by the Waste Land Board.

33. There shall be at the office of the Waste Land Board a room open to the public, and the particulars of every application for the sale, letting, disposal, or occupation of any of the Waste Lands of the Crown shall be posted in some conspicuous part of such room for not less than ten days before such application shall be decided on.

34. Before any application shall be decided on, any person may give notice in writing to the Waste Land Board that he intends to dispute the granting of such application; and if such person shall at the same time deposit with the said Board the sum of £5, no such application shall be decided on except at a meeting of the said Board, after an opportunity shall have been given for a full hearing of all parties. The £5 so deposited, or any part thereof, may be appropriated in payment of costs of either party, or returned to the person depositing the same, at the discretion of the said Board.

35. Every application in reference to which no such notice shall have been given shall be disposed of, and all the routine business of the Waste Land Office shall be transacted, by the Chief Commissioner, subject nevertheless to reconsideration and revision by the said Board.

36. Every application in reference to which any such notice as aforesaid shall have been given, and every dispute and difference relating or incident to the sale, letting, disposal, and occupation of the Waste Lands of the Crown, or to any act done under these Regulations, or to the interpretation or meaning thereof, shall be heard and determined at meetings of the said Board.

37. Every meeting of the Waste Land Board shall be attended by at least three Commissioners, and shall be open to the public.

38. Notice of every such meeting shall be posted in some conspicuous place in the office of the Waste Land Board, for not less than three days previous to such meeting.

39. The decision of the Waste Land Board on all matters to be by it heard and determined shall be final and conclusive: Provided always, that the said 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 reverse, alter, or modify any previous decision in the same case.

40. The Waste Land Board shall keep a record of its proceedings, in which record 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: which record shall be open to the inspection of any person at all reasonable hours, on payment of a fee of 2s. 6d. for each inspection.

41. There shall also be kept in the office of the Waste Land Board, in a convenient form for reference, every letter, report, and communication received, and a copy of every letter written and order made by the said Board, and by the Chief Commissioner thereof, 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 2s. 6d. for each inspection.

VIII. PASTURAGE REGULATIONS.

42. It shall be lawful for the Waste Land Board to grant licences for the occupation of the Waste Lands of the Crown outside of the boundaries of proclaimed Hundreds for the purpose of depasturing stock, and to require every person applying for such licence to deposit with the Waste Land Board the sum of 20*l.*, which, so soon as the run applied for shall be stocked to its satisfaction, shall be returned to the applicant; but in the event of the applicant neglecting so to stock the said run within the space of six calendar months from the date of his application, or within such further time as the Waste Land Board may at the expiration thereof (if it shall see necessary) appoint, the sum so deposited shall be forfeited to the Waste Land Board.

43. In case any person shall unlawfully intrude upon, occupy, or take possession of any Crown Lands within the Province of Otago, and shall refuse or neglect to deliver up and quit possession of the same for the space of ten days after personal service upon him, or his agent or overseer, of a notice to quit the same, signed by any Commissioner of the Waste Land Board, it shall be lawful for such Waste Land Board to enter upon the said lands with such assistance as may be necessary, and to take possession of the same on behalf of the Crown, together with any houses or other improvements which may have been made thereon, and to deal with the same as it shall deem most expedient for the purpose of expelling such persons therefrom, and also to expel and remove all persons found trespassing thereon.

44. It shall be lawful for the Waste Land Board, for the purpose of carrying out these Regulations, to give any notice, make any claim or demand, and to make any entry, or to authorise any person to make any entry which may be requisite or expedient to be given or made by or on behalf of Her Majesty, her heirs or successors, for the purpose of compelling any occupier of any part of the Crown Lands within the Province of Otago to quit or deliver up the possession thereof, or to compel the performance of any contract in relation thereto, or to recover the possession or non-performance of any contract, or to compel the payment of any sum of money which ought to be paid in respect thereof, and to do any other act, matter, or thing which may be expedient on behalf of Her Majesty, her heirs and successors, touching any of the said lands of the Crown; and every act, matter, or thing done or authorised to be done by the said Board shall be deemed and taken to be done on behalf of Her Majesty, her heirs and successors, any law, custom, or usage to the contrary notwithstanding.

45. It shall also be lawful for the Waste Land Board, or for any person whom it shall for that purpose depute, to make distress for any rent which shall be due, in arrear or unpaid, from any lessee, tenant, or occupier of any of the said Crown Lands, and the goods, chattels, and effects distrained to impound, sell, and dispose of as in ordinary cases of rent in arrear.

46. It shall also be lawful for the Waste Land Board at its discretion to charge and receive for the decision of any disputed question which it is authorised to determine by the provisions of these Regulations a fee not exceeding five pounds, to be paid by the party against whom its decision shall be made, to be recovered in a summary way.

47. All fees and sums of money, except as hereinafter provided, received by the Waste Land Board under the provisions of these Regulations shall be accounted for and paid over quarterly to the Treasurer of the Waste Land Board.

IX. ASSESSMENT ON STOCK DEPASTURED ON CROWN LANDS NOT BEING WITHIN THE LIMITS OF A HUNDRED.

48. No person shall depasture cattle on or otherwise occupy any Waste Lands of the Crown without a licence for that purpose in such form and subject to such conditions as

the Superintendent, by and with the advice and consent of the Provincial Council of the Province of Otago, shall from time to time prescribe.

49. Any person depasturing cattle on any of the Waste Lands of the Crown not being within the limits of a Hundred, shall make or cause to be made to and deposited with the Waste Land Board in the month of September in every year a Return, according to the form contained in the Schedule hereto annexed marked A, of all such cattle in his possession on the first day of the said month of September. And if any such person shall fail to make or cause to be made such return at the time so appointed, or shall omit to deposit the same with the Waste Land Board in manner hereby required, he shall forfeit and pay for every such offence any sum not less than forty shillings nor more than twenty pounds, to be recovered in a summary way. And if any person shall knowingly make any false statement in any such Return, he shall forfeit and pay for every such offence any sum not less than fifty pounds nor more than one hundred pounds, to be recovered by action in the Supreme Court at the suit of the said Board.

50. There shall be levied and paid in advance in each and every year, for and in respect of all cattle depastured and kept upon any such Waste Lands of the Crown, the assessment following; that is to say,—

For every head of great Cattle	6d.
For every head of small Cattle	1d.

Which assessment shall be paid by the person depasturing such cattle to the Treasurer of the Waste Land Board, on or before the first day of December in every year.

51. The Waste Land Board shall, on the first day of October in every year, make an assessment of the cattle depastured as aforesaid, and shall make a yearly report thereof to the Superintendent, and also to the Treasurer of the Waste Land Board, in the form and containing the several particulars set forth in the Schedule to these Regulations annexed marked B.; according to which report such yearly assessment as aforesaid shall be paid at the time and in the manner aforesaid.

52. On or before the first day of November in every year, the Waste Land Board shall cause a notice, in the form set forth in Schedule C hereunto annexed, requiring payment of such assessment as aforesaid to be served upon the person liable for the payment of the same, or to be left at his usual place of abode, or with the overseer or person having the charge of the cattle in respect of which such assessment shall be made.

53. In case the sum demanded shall appear to the person who shall be required to pay the same to be an overcharge, it shall be lawful for such person to appeal against such assessment to the Waste Land Board: Provided, that notice in writing of appeal, and the grounds thereof, shall be given to the said Board by the person appealing within fifteen days after notice of such assessment shall have been served as aforesaid; and the said Board is hereby authorised and required to hear and determine the matter of such appeal, and to make such order therein as to him may seem meet.

54. In case any person liable for payment of such assessment, of which due notice shall have been served as aforesaid, shall refuse or neglect to pay the amount due within the time prescribed by these Regulations, it shall be lawful for the Waste Land Board to issue a Warrant directed to a Constable to levy the amount so due, with interest at the rate of eight pounds per centum per annum, by distress and sale of a sufficient part of the cattle, or other goods and chattels of the party liable, in like manner as in case of rent in arrear between landlord and tenant.

55. If at any time the amount payable by any party for any such assessment shall be in arrear and unpaid for three calendar months after the same shall become due, it shall be lawful for the Waste Land Board to declare by notice, to be published in the *Provincial Government Gazette*, that such person has forfeited his licence, and such person shall thereupon be liable to be proceeded against under the provisions of these Regulations as an unlicensed occupier of Crown Land: Provided, that such notice may at any time be revoked by the authority of the Waste Land Board; and thereupon such licence shall be deemed to be again in full force. Such revocation to take effect from such time as the said Board shall in that behalf provide in a notice to be published in the *Provincial Government Gazette*.

X. MANAGEMENT OF CROWN LANDS WITHIN THE LIMITS OF A HUNDRED.

56. Whenever the Governor shall, by Proclamation, have divided the Province or any part thereof into Hundreds, the rights of pasturage on Waste Lands of the Crown 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 Licence, as hereinafter provided; being pensioners enrolled for service in New Zealand, or persons of the native race, or half-castes, respectively, or others occupying land within the Hundred with the permission of the Government, or of the Waste Land Board.

57. A depasturing licence shall be granted to every such occupant who shall apply for the same to the Waste Land Board, on or before the first day of January in each year, provided that he shall have deposited with the said Board a return in the form of Schedule D hereunto annexed, of the number of acres occupied by him as aforesaid.

58. Every such licence shall commence and take effect on the first day of January, and shall continue in force for one year.

59. For every such licence there shall be paid to the Waste Land Board the sum of ten shillings.

60. As soon as conveniently may be after the first day of January in each year, the said Waste Land 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 licences shall have been granted, and at the same time and in like manner the said 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.

61. The persons whose names shall be comprised in such lists shall have the exclusive right of pasturage on the Waste Lands of the crown within the Hundred in respect of which they shall hold such licence.

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

63. 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 in manner hereinbefore provided.

64. It shall be lawful for the Wardens, at any time within two calendar months after their election, to compute the quantity of cattle capable of being depastured on the Waste Lands of the Crown within the Hundred, to determine the description of cattle to be depastured thereon; and to apportion the number of great cattle and small cattle which may be depastured for the then current year by each person holding such licence as aforesaid.

65. The regulations so to be made shall be agreed to by a majority of the Wardens, and a copy of the same under their hands shall, as soon as conveniently may be, be furnished to the Waste Land Board for publication in the *Provincial Government Gazette*.

66. 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 Waste Land Board.

67. For the purpose of providing for the safety of the cattle to be depastured within any Hundred, for improving the run, 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 bye-laws (not being repugnant hereto) as to them may seem meet, and by such bye-laws to impose any fine not exceeding five pounds, to be recovered in a summary way upon any person offending against the same, and such bye-laws shall extend, and be applicable not only to persons to whom such licences as aforesaid may have been issued, but to persons to whom no such licences shall have been issued, and to all unenclosed lands situated within the limits of the Hundred: Provided always that no such bye-laws shall come into operation until they shall have received the assent of the Waste Land Board.

68. It shall be lawful for the Wardens of any Hundred, or the majority of them, to authorise the transfer of any such licence 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 licence may have been originally issued: Provided also that the notice of such transfer shall be given to the Waste Land Board.

69. It shall also be lawful for the Waste Land Board to issue such Depasturing Licences as aforesaid, on payment of a fee of 10s. at any time for the remaining portion for the then current year.

70. For the purpose of providing the means for carrying into effect all or any of the powers hereby given to the Wardens of any such Hundred, and defraying the expenses incident thereto, in the erection and maintenance of Pounds, the appointment of Rangers or other officers, or otherwise, it shall be lawful for such Wardens, if they shall deem it expedient so to do, to levy and raise for the then current year, for and in respect of all cattle depastured on the Waste Lands of the Crown within the Hundred an assessment not exceeding

For every head of Great Cattle.....	5s.
For every head of Small Cattle	1s.

to be paid by the person depasturing such cattle, at the time and in the manner to be appointed by the Wardens imposing any such assessment.

71. In case any person liable for the payment of any such assessment shall refuse or neglect to pay the amount due in respect thereof, it shall be lawful for the Wardens, or any two of them, to issue a warrant under their hands, 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 case of rent in arrear between landlord and tenant.

72. Within one calendar month after the election of the Wardens for any Hundred, the Waste Land Board shall pay over to any person such Wardens may appoint for that purpose all monies that it shall have received for Licences in such Hundred, which sums shall be applicable under the direction of the Wardens to all or any of such purposes as the assessment they are authorised to levy may be applied.

73. 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 these Regulations; 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 Waste Land Board for publication in the *Provincial Government Gazette*, and shall pay over to the Wardens for the ensuing year the balance of such monies (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 Waste Land Board for securing the due application of the monies to be raised under the authority hereof.

74. If any person not being so 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 the same penalties and proceedings as are hereinafter provided for the unlawful occupation of Crown Lands.

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

XI. UNLAWFUL OCCUPATION OF CROWN LANDS.

76. If any person shall occupy any Waste Lands of the Crown, either by residing or by 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 licence for such purpose respectively, every such person shall, on conviction for any of the offences 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 Waste Land Board, or of some person by it duly authorised in that behalf.

77. If any person so convicted as aforesaid shall, for the space of one calendar month, continue in possession or occupation of such land, or otherwise persist in the unlawful act for which he shall have been so convicted, every such person shall, upon conviction of any such further offence, 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.

78. Nothing herein contained shall be construed to prevent any 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, stock-yards, or other conveniences, for the enjoyment of the said lands, unless such timber be reserved by the Superintendent for public purposes, and the licensed occupier shall have been warned of such reservation.

79. No possession or occupation of any Crown Land had or taken by virtue of any licence as aforesaid, or by depasturing under the provisions of these Regulations 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.

80. If any cattle shall be found unlawfully trespassing upon any Crown Lands, whether the same shall be fenced or not, it shall be lawful for the Waste Land Board or for any person by it authorised in that behalf, either generally or in the particular case, to impound the cattle so trespassing in any public pound, to be dealt with according to law: provided that the Waste Land Board shall not, nor shall any person acting under its authority be authorised 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 said Board with respect to such land.

81. In any action, suit, or proceeding against any person for or in respect of any alleged unlawful occupation, trespass, or use of, or upon any Crown Lands, the proof that the occupation or use in question was authorised by the provisions of these Regulations, or of any Order or Regulation made in the pursuance thereof, shall lie on the Defendant. And the averment that any lands in question are Crown Lands shall be sufficient without proof of such fact, unless the Defendant prove the contrary. And all maps, plans, licences, certificates, and office copies, certified as true under the hand of the Government Surveyor, or of the proper officer of his Department, or of any member of the Waste Land Board, shall, in all matters relating to the said respective offices, be sufficient evidence of their contents without production of original record, and without the personal attendance of such officers, or proof of their signatures.

82. Every licensed occupier of a run shall have a pre-emptive right to acquire by purchase at the rate of 10s. per acre; subject to the conditions of purchase hereinbefore contained, 80 acres of land at one of the Stations and 10 acres of land at each of the other Stations erected upon the said Run; and such land shall not be sold to any other applicant until the offer of purchase shall have been made to such licensed Runholder, who shall be required to exercise his right of purchase within one month after the date of the offer so made to him; and in the event of the non-payment of the purchase-money within the period aforesaid the Runholder shall be deemed to have declined to purchase, and the said land may be sold to any applicant. And it shall be lawful for the Waste Land Board to require such Runholder to exercise any such pre-emptive right at any time after one month's notice although no person shall have applied to purchase the said land.

83. Whenever any portion of land comprised in any Pasture or Timber licence shall be purchased by any other than the holder of such licence, it shall be lawful for the Waste Land Board to delay giving possession of the said land for any time not exceeding 3 months, in order to afford such licence-holder a reasonable time for the removal of his property.

84. Every act, matter, or thing done by the Chief Commissioner under the authority of these Regulations shall be subject to revision by the Waste Land Board.

85. It shall be lawful for the Governor to pay or cause to be paid out of the Public Treasury, or for the Superintendent to pay or cause to be paid out of the Provincial

Treasury, the cost or charges of any suit, action, or other proceeding which shall be brought by or against any Commissioner, Warden, Justice of the Peace, Constable, or other person acting under the authority and in the execution of these Regulations.

86. In the construction of these Regulations the word Governor shall be taken to include the Officer administering the Government of New Zealand; and the word "Great Cattle" shall be construed to mean horned cattle, horses, mules, and asses, male and female, with their offspring above six months of age; and the words "Small Cattle" shall be construed to mean sheep, goats, and swine, male and female, with their weaned offspring; and the word "Cattle" shall be construed to mean the whole of the aforesaid animals. For the purposes of these Regulations every word importing the masculine gender shall extend and be applied to a female as well as a male, except where the context excludes such construction.

XII. RULES AND REGULATIONS FOR THE ISSUE OF PASTURE AND TIMBER LICENCES FOR THE OCCUPATION OF WASTE LANDS OF THE CROWN OUTSIDE HUNDREDS — ISSUE OF DEPASTURING LICENCE OUTSIDE THE BOUNDARIES OF PROCLAIMED HUNDREDS.

87. Any person requiring a Licence for a Run on unoccupied portions of the Crown Lands shall lodge with the Waste Land Board a description of such Run (as near as may be in the form of Schedule E hereunto annexed) together with a tracing of the land applied for.

88. If no objection exists to the applicant being allowed to occupy such Run, the Waste Land Board shall thereupon publicly notify that the Land specified in the application has been claimed as a Run; and the said Board shall at the same time publish in the *Provincial Government Gazette*, or in a local newspaper wherever it has the means of so doing, a description of the Run and the name of the person claiming the same.

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

90. From the date of the expiration of the above-named period of three months, the applicant shall be required to pay rent for the Run at the rate and in the manner hereinafter mentioned; and he shall be required to distinguish, by marked trees or posts, or in such manner as shall be satisfactory to the said Waste Land Board, such boundaries of the Run as are not distinctly defined by streams or other natural boundaries.

91. Any person who shall have a Run, or any considerable part thereof, unoccupied by the requisite amount of stock for a period of six months after he shall have claimed the same, shall be liable to be regarded as having abandoned such Run or part thereof; and it shall be lawful for the Waste Land Board publicly to notify that such Run or part thereof has been so abandoned, and the same may thereupon be given into the occupation of any other applicant.

92. In estimating the sufficiency of stock for any Run applied for, the Waste Land Board shall not allow for natural increase of stock upon the Run in any greater proportions than those set forth in the following scale:—

For any number of sheep up to 500, a Run may be granted calculated to depasture any number not exceeding 5000 sheep.	
For every additional hundred	
between 500 and 1000	for 500 additional sheep.
.. 1000 and 3000	for 400 ditto.
.. 3000 and 5000	for 200 ditto.
.. 5000 and 10,000	for 100 ditto.

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

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

94. So soon as the occupant of any Run shall in the opinion of the Waste Land Board have sufficiently stocked the same, he shall be entitled to a Licence to depasture stock upon it for fourteen years in the form of Schedule F. hereunto annexed, and subject to the following conditions:—

1. If, at any time during the currency of such Licence, the land comprised therein, or any part thereof, shall be included within the boundaries of any Hundred, the said Licence shall cease and determine as to so much of the land as shall be included within such boundaries from and after a day to be named in the Proclamation by which such Hundred shall be constituted.
2. If, at any time during the currency of such Licence, the land comprised therein, or any part thereof, shall be sold by or on behalf of the Crown, then and in that case also the said Licence shall cease and determine as to so much of the land as shall be so sold as aforesaid, from and after the date of the *Provincial Government Gazette* in which notice of such sale shall be published.
3. The Annual Licence fee shall be in all cases at least five pounds, and every occupier of a Run shall pay annually in addition a further Licence fee at the rate of one pound sterling for every thousand sheep above five thousand which the Run so occupied shall be estimated to be capable of containing, and in the same proportion for great cattle; six sheep being rated as one head of great cattle.
4. If at any time during the currency of such Licence such annual fees, and the annual assessment imposed by law shall not be paid by the holder of such Licence in the manner and at the time required by these Regulations; then and in that case the said Licence shall cease and determine, and the Waste Land Board shall thereupon be empowered to notify publicly the forfeiture of such Licence, and to let the Run to which it relates, by Public Auction, to the highest bidder for a term of fourteen years, subject to the conditions of these Regulations, and of any Law for the Regulation of pastoral pursuits.

95. No such Licence for fourteen years shall 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.

96. In the event of any dispute arising between two or more claimants regarding the boundaries of their respective Runs, it shall be lawful for the Waste Land Board to make such alterations in the boundaries of their Runs, or of any of them, as it may, upon enquiry, judge to be just and expedient.

XIII. ISSUE OF TIMBER LICENCES.

97. It shall be lawful for the Waste Land Board to grant a Licence to any person to cut timber on the Waste Lands of the Crown upon payment of a fee of not less than £1 for each such Licence.

98. The Waste Land Board shall determine the extent of land to which such Licence shall give a right of occupancy, and the Licences shall have effect only within the District specified in them.

99. Every Timber Licence shall be in the form set forth in Schedule G. hereunto annexed.

XIV. GENERAL.

100. All Licences shall be drawn so as to expire simultaneously on the last day of each year.

101. No Licence shall preclude the Waste Land Board from selling, or shall in any way affect the rights of the Crown to the Land occupied in virtue of such Licence.

102. All disputes between holders of Licences to cut timber or depasture stock shall be heard and decided by the Waste Land Board.

103. Licences for depasturing purposes may be transferred from one person to another with the consent of the Waste Land Board.

XV. DEFINITION OF WASTE LANDS OF THE CROWN.

104. The term "Waste Lands of the Crown" and "Waste Land" throughout these Regulations shall be deemed to include all such land within the Province of Otago as is declared by the 72nd Section of the Constitution Act to be Waste Lands of the Crown.

Dunedin, 19th January, 1856.

THE Superintendent and Provincial Council of the Province of Otago hereby recommend the foregoing Regulations to the Governor, that the same may be put in force within the said Province as provided for by Section 2 of the Waste Land Act, 1854.

W. CARGILL, Superintendent.

JAMES MACANDREW, Speaker.

ROBERT CHAPMAN, Clerk of Council.

SCHEDULES referred to in the foregoing Regulations.

SCHEDULE A.

RETURN of Stock depastured on Crown Lands on the

18

NAMES OF HOLDERS OF STOCK HEREIN RETURNED.	NAME OF OVERSEER OF STOCK.	GREAT CATTLE.				SMALL CATTLE.			BRANDS OR MARKS.
		Horned Cattle.	Horses.	Mules.	Asses.	Sheep.	Goats.	Swine.	

I hereby certify that the above is a true and correct Return.

A. B.

To the Waste Land Board.

SCHEDULE B.

First day of October, one thousand eight hundred and

YEARLY Report of the Persons liable to pay Assessment rendered in conformity with the Provisions of the Waste Land Regulations.

NO.	STATION OR RUN.	NAMES OF HOLDERS.	CATTLE ASSESSED.		ASSESSMENT DUE.	REMARKS.
			Great Cattle at Sixpence per Head.	Small Cattle at One Penny per Head.		
					£ s. d.	

A. B.

Chief Commissioner of the Waste Land Board.

To

SCHEDULE C.

Waste Land Board Office.

THE amount for which you are assessed for the year from the first day of January to the thirty-first day of December, 18 , under the provisions of the Waste Land Regulations on the under-mentioned Cattle depastured by you on Waste Lands of the Crown in the Province of Otago, is as follows, viz. :-

£ s. d.

Head of Great Cattle at 6d. per head

Head of Small Cattle at 1d. per head

£

Which sum of £ you are hereby required to pay to the Treasurer of the Waste Land Board on or before the 1st day of December next.

As witness my hand, at this day of one thousand eight hundred and A. B.,

Chief Commissioner of the Waste Land Board.

To Mr. C. D., of Stockowner.

I, C. D., of hereby declare that I served the above notice on the above-named E. F. by delivering a true copy thereof to him (or by leaving the same at his usual place of residence) on the day of one thousand eight hundred and and

SCHEDULE D.

I HEREBY declare that I occupy acres with the permission of the Government or Waste Land Board. To the Waste Land Board.

SCHEDULE E.

DESCRIPTION of a Run on the Waste Lands of the Crown claimed by

Situation— Boundaries— Estimated extent— Number and description of Stock to be put upon the Run—

A. B.

SCHEDULE F.

Form of Licence.

WHEREAS of has made application for a licence to depasture stock upon the Waste Lands of the Crown within the district of (boundaries) and has this day paid the sum of £ s. d. the said is hereby licensed to depasture stock upon the said Lands for the term of fourteen years from the date hereof; subject, nevertheless, to be sooner determined pursuant to the provisions of the Regulations under which this Licence is issued, and to be cancelled as by such Regulations is provided.

Dated this day of

A. B., Treasurer of the Waste Land Board.

SCHEDULE G.

Timber Licence to at

Permission to cut, saw, split, and remove timber on and from the Waste Lands of the Crown at within such limits as may at any time be assigned by the Waste Land Board, subject to the provisions under which this Licence is granted, and to the provisions of such rules as may be duly made by the Waste Land Board, is hereby granted to of

A.B., Treasurer of the Waste Land Board.

N.B.—If the holder of the above Licence shall contravene or violate any Order or Regulation of the Waste Land Board made with respect to any of the purposes for which this Licence is granted, the Waste Land Board reserves to itself the power of declaring the Licence of any such person so offending to be cancelled, and such Licence shall thereupon become null and void, and shall not be pleaded in justification of any offence committed against the provisions of any law or regulations relating thereto.

W. CARGILL, Superintendent.

JAMES MACANDREW, Speaker. ROBT. CHAPMAN, Clerk of the Peace.

OTAGO.
LAND REGULATIONS.

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