

New Zealand Land Regulations

Acts of the Province of Wellington Session I 1853 to Session XI 1864 (Wellington 1865)

PROCLAMATION

By His Excellency Sir George Grey, a Knight Commander of the most Honourable Order of the Bath, Governor-in-Chief, and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same, &c., &c., &c.

Whereas, by an Act of Parliament, 15 and 16 Vict., cap. lxxii., intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," power is given to Her Majesty, subject to certain provisions therein contained, to regulate the Sale, Disposal, and Occupation of the Waste Lands in New Zealand: And Her Majesty is further enabled, by Instructions signified through one of Her Majesty's Principal Secretaries of State, to delegate to the Governor of New Zealand any of the powers thereinbefore given to Her Majesty with respect to the said Regulation of the Sale, Letting, Disposal, and Occupation of such Waste Lands as aforesaid:

And whereas such power has been delegated to the Governor by Instructions received through Her Majesty's Principal Secretary of State for the Colonies:

Now, therefore I, the Governor of New Zealand, do hereby make and establish the following Regulations for the Sale and Disposal of the Waste Lands of the Crown in New Zealand:

General Land Regulations

Analysis

Section I Town and Suburban Allotments

- [1] Town and Suburban Lands to be sold by Auction.
- [2] Regulations not to prevent sales of allotments now open for purchase.

Section II Lands Within the Limits of Hundreds

- [3] Lands inside Hundred to be sold by Auction unless in Hundreds exempted from this role.
- [4] In which case the regulations of next session to apply to exempted lands.
- [5] Preceding rules not to prevent sales of land now open for purchase.
- [6] Right of Pasturage in Hundreds confined to occupants under Grants, &c.

Section III Proclaimed Lands Outside Hundreds

- [7] Rural Lands outside Hundreds to be sold at fixed price of 10s per acre.
- [8] But where land is so unavailable that the Commissioner shall certify it is not worth 10s per acre, lands so certified shall be surveyed and put up to auction at 5s per acre.
- [9] Mineral sections, or other sections for which there may be several competitors, may at any time be put up to auction.
- [10] Rural allotments to be generally of a rectangular form, and extend at least forty chains in depth from roads, rivers, &c.
- [11] But in any cultivated localities allotments of irregular shape and small extent may be laid out.

[12] In districts where the lines of road are not laid out, a right of road reserved, and allowance made in land from three to five per cent.

[13] Right of pre-emption of homesteads granted to runholders at a fixed price of either 10s or 5s per acre; the runholder, however, may be called upon to exercise this right.

[14] Lands applied for which form part of a sufficiently stocked run will, provided they be certified as unavailable for agriculture, be put up to auction at 5s per acre after three months' notice of sale shall have been given to the runholder.

Section IV Unproclaimed Lands

[15] Applicants for lands in unproclaimed districts to make their own surveys if a Government Surveyor cannot be sent.

[16] In which case an allowance of five acres per cent will be made.

[17] If such land be sold at Auction, and the original applicant be outbid, the original applicant will be repaid, as the cost of such survey, a sum not exceeding one shilling per acre.

[18] Allotments in unproclaimed districts not to be less than eighty acres in extent.

[19] Certain rules for lands in proclaimed districts to be also applicable in unproclaimed land.

Section V Sales by Auction

[20] Lands sold by Auction to be first surveyed and marked on plans.

[21] Public notice of sale to be given not more than three months nor less than one month.

[22] Lands put up to Auction, and not sold, may be purchased at the upset price within three years, unless again put up to Auction.

[23] Ten per cent of the purchase money to be deposited at the sale, and the remainder paid within one month, or deposit forfeited.

[24] Lands on which such deposit shall have been so forfeited may be purchased within three years at the price bid for them, deducting any deposit paid, unless again put up to Auction.

Section VI Government Scrip

[25] Scrip to be taken as cash in the purchase of Town and Suburban Lots.

[26] Value at which scrip shall be received in the purchase of rural land of various denominations.

[27] Scrip not available in the purchase of Crown land in certain localities.

Section VII Military Settlers

[28] Military and Naval Officers to be entitled throughout Crown Lands in New Zealand to privileges of Regulations of May, 1851 but the remission money subject to Regulations 25 and 26 as to scrip.

Section VIII Appropriation of the Land Fund

[29] After defraying the charges created by Parliament, the land Fund to be applied to Public Works and Immigration until otherwise directed by General Assembly or Provincial Legislatures.

Section IX Fees on Crown Grants

[30] The fees on the issue of any Crown Grant to be 20s only.

Section X Commencement of Regulations

[31] Regulations to come into force, except as regards Lands reserved to the Canterbury and Otago Associations, fifteen days after the receipt in each Province of a copy thereof by the proper officer.

[32] Proclamation to take effect from date.

Section I Town Allotment and Suburban Allotments

[1] Town and Suburban Lands to be sold by Auction

All lands reserved as Town and Suburban allotments will be sold by Auction according to the Regulations hereinafter prescribed for Auction sales, and at such prices as may be fixed by Government in the Public Notice or Proclamation in which the intended sale of such allotments is notified.

[2] Regulations not to prevent sales of Land already open for purchase

The foregoing rule will not prevent the sale of such Town and Suburban allotments as are now open for purchase under former Regulations.

Section II Lands within the Limits of Hundreds

[3] Lands inside Hundreds to be sold by Auction, unless in Hundreds exempted from this rule

Lands within the limits of Hundreds (except in those Hundreds which may, upon petition of the inhabitants thereof or otherwise, be declared as not falling within this rule), will be sold by Auction, in accordance with the Regulations hereinafter prescribed for Auction sales, and at such prices and in allotments of such extent as may be fixed by Government in the public Notice or Proclamation in which the intended sale of such lands is notified.

[4] In which case the Regulations of the next section to apply to such exempted lands

In those Hundreds or parts of Hundreds which may be declared not to fall within the preceding rule, all the regulations contained in the next section, relating to "Proclaimed Lands Outside Hundreds," shall apply to the lands so exempted.

[5] Preceding rules not to prevent sale of Lands within Hundreds already offered for sale

The preceding rules will not prevent the sale of such lands within Hundreds as are now open for purchase under former regulations.

[6] Right of Pasturage in Hundreds is confined to occupants of land under Grant from the Crown

The right of pasturage on Waste Lands of the Crown within any Hundred is enjoyed exclusively by occupants of land held under Grant from the Crown, Pensioners enrolled for service in New Zealand, or persons of the native or half-caste races, occupying land within the Hundred with the permission of Government.

Section III Proclaimed Lands Outside Hundreds

[7] Rural Lands outside Hundreds to be sold at the fixed price of 10s per acre

In districts outside Hundreds which may be proclaimed or notified as open for sale, the intending purchaser must pay to the Commissioner of Crown Lands (or other officer appointed in that behalf,) in cash or scrip, the price of any section or sections of land (generally not to be less than forty acres in extent) which he may desire to select: the price for all lands so selected being at the rate of ten shillings per acre. A surveyor will then be sent who will lay off the section or sections which may have been chosen and will put the purchaser in possession of the same.

[8] But where Land is so unavailable that the Commissioner shall certify it is not worth 10s per acre, Lands so certified shall be surveyed and put up to Auction at 5s per acre.

In Districts beyond the limits of Hundreds which may be proclaimed or notified as open for sale, and which may appear to be from their hilly and broken character or otherwise, so unavailable for agricultural purposes, that the Commissioner of Crown Lands shall, upon the application of an intending purchaser, certify to the Government that the lands applied for (or any parts thereof as the case may be) are not worth ten shillings per acre, the applicant must state the number of acres so certified as not being worth ten shillings per acre which he desires to purchase; and deposit with the Commissioner (or other officer appointed in that behalf) ten per cent of the upset price next mentioned, in cash or scrip. Such lands will then be laid off by the Surveyor in rectangular blocks of not less than 80 acres nor more than 640 acres in extent each, and these blocks will be offered for sale at auction at an upset price of five shillings per acre, according to the Regulations hereinafter prescribed for conduction auction sales. If some other person than the original applicant become the purchaser of such lands, then the deposit of cash or scrip made by such original applicant will be returned to him; but if no other purchaser comes forward and the original applicant does not complete the purchase himself the deposit of ten per cent will be forfeited.

[9] Mineral sections, or other sections for which there may be several competitors, may at any time be put up to Auction.

Nothing contained in the foregoing Regulations shall be construed to prevent the Government from offering any Mineral section for sale by auction, if it should be found to possess peculiar value, or any Rural section, if from the amount of population in the vicinity thereof, there may be several competitors who may appear to have equal claims to it.

[10] Rural allotments to be generally of a rectangular form, and extend at least forty chains in depth from roads, rivers, &c.

Every allotment of rural land must, so far as circumstances and the natural features of the country will admit, be selected of a rectangular form, and, where fronting upon a river, road, lake, or coast, be of a depth from the front of at least half a mile. No such allotment must be selected so as to monopolise the wood or water in any particular locality.

[11] But in any cultivated localities allotments of irregular shape and small extent may be laid out

But in those neighbourhoods where there may be a considerable extent of cultivated land, and persons may desire to complete their properties by the purchase of adjoining lands in blocks of irregular shape and small extent, the Government will afford every proper facility for their doing so. And in such localities small blocks of land will be laid out, in as far as possible to meet the views of intending purchasers.

[12] In Districts where the lines of road are not laid out, a right of road reserved and allowance made in land from three to five per cent.

Where lands shall be purchased in Districts in which all future lines of road have not been determined and laid out, a right of road will be reserved in the grant, an allowance being made to the purchaser for such reserve according to the annexed scale:-

Purchasers of 500 acres or less will receive an allowance of 5 acres per cent

Purchasers between 500 and 1000 acres will receive an allowance of 4 acres per cent

Purchasers of more than 1000 acres will receive 3 acres per cent

[13] Right of pre-emption of homesteads granted to runholders at a fixed price of either 10s or 5s per acre; the runholder, however, may be called upon to exercise this right.

No person will be allowed to purchase the Homestead of any occupant of a run held with the permission of Government, until the offer of purchasing such homestead shall have been made to the occupant of the run at the price of either ten shillings per acre, or five shillings per acre according to the quality of the land, as the same shall be certified by the Commissioner of Crown Lands. The occupant of the run will in such case be allowed to exercise the right of purchasing his homestead at such fixed price over an extent of land varying from ten to eighty acres, at his discretion. But the Government reserves to itself the power of requiring the occupant to exercise this right at any time after one month's notice, although no person should have applied to purchase the land.

[14] Lands applied for, which form part of a sufficiently stocked run, will, provided they be certified as unavailable for agriculture, be put up to auction at 5s per acre, after three months notice of sale shall have been given to the runholder.

If any intending purchaser, other than the holder of the run, shall apply to the Commissioner to purchase land forming a run or portion of a run which is with the sanction of Government in the bona fide possession of such holder; which shall in the opinion of such Commissioner be sufficiently stocked; and which upon the application of the holder of the run to such Commissioner shall be certified by him to be, from its hilly and broken character, or from some other cause, unavailable for agricultural purposes; such run or portion of a run shall in that case be disposed of by public auction at the upset price of five shillings per acre, and in accordance with the regulations hereinafter prescribed for auction sales; but such sale shall not take place until three months' notice of the application to the Commissioner to purchase such land has been left at some station on the run.

Section IV Unproclaimed Lands

[15] Applicants for lands in unproclaimed districts to make their own surveys if a Government Surveyor cannot be sent.

Any person desirous of purchasing Crown Lands in districts not proclaimed or notified as about to be surveyed for sale, must, after selecting the locality and determining the number of acres he desires to purchase, give notice thereof to the Commissioner of Crown Lands; when he will be required, if the Government has no surveyor available for that purpose, to have such lands surveyed at his own expense by a surveyor authorised by Government in that behalf, whose survey must be duly approved before the applicant is allowed to complete the purchase.

[16] In which case an allowance of five acres per cent will be made.

In such case an allowance of land will be made to the applicant at the rate of five acres for every hundred acres so surveyed.

[17] If such land be sold at auction and the original applicant be outbid, the original applicant will be repaid, as the cost of such survey, a sum not exceeding one shilling per acre.

If the land so surveyed should fall under the regulations for land to be sold by auction, and the original applicant should not become the purchaser thereof, then the purchaser of the land, in addition to the amount he bid for the same, will be required to pay to the original applicant as the cost of surveying such land, such amount, not exceeding one shilling per acre, as may be assessed by the Commissioner of Crown Lands, after taking such evidence respecting the cost of the survey as he may consider necessary.

[18] Allotments in unproclaimed districts not to be less than eighty acres in extent.

No allotment of less than eighty acres in extent will be disposed of in any unproclaimed district.

[19] Certain rules for lands in proclaimed districts to be also applicable in unproclaimed.

The rules in regard to proclaimed lands which relate to the prices of various kinds of land; to their sale at fixed price or by auction; to the shape of allotments; to the reservation for roads; to the right of pre-emption of homesteads on runs; and to the notice to be given to occupants of runs before land is sold by auction; will equally apply to lands in unproclaimed districts. But where the applicant makes the survey at his own cost the deposit of ten per cent referred to in Rule 8 will not be required.

Section V Sales by Auction

[20] Lands sold by auction to be first surveyed and marked on plans

No lands shall be included in a Proclamation or notice as about to be sold by auction, unless the same shall have been previously surveyed, and have been distinguished by an appropriate mark upon a chart exhibited in the office of the Commissioner of Crown Lands.

[21] Public notice of sale to be given, not more than three months nor less than one.

Notice of the time and place at which any intended auction shall be held, as also of the allotments of land which will be then offered for sale, shall be given by Proclamation or public notice, not more than three months nor less than one month before the same shall take place.

[22] Lands put up to auction and not sold may be purchased at the upset price within three years unless again put up to auction.

It shall be competent to any person within three years next after any auction, to become without any further auction the purchaser of any lands so put up for sale as aforesaid and not then sold, by offering and paying for the same the upset price at which the same may have been put up for sale. Provided always that it shall be competent to the Government instead of permitting such lands to be purchased as aforesaid, to cause the same to be again put up to auction, giving such notice thereof as is hereinbefore provided.

[23] Ten per cent of the purchase money to be deposited at the sale and the remainder paid within one month, or deposit forfeited.

Immediate payment in cash of one-tenth of the purchase money shall be the condition of any such sale by auction and the remaining nine-tenths of the purchase money must be paid by the purchaser within one calendar month next after the time of such sale by auction, or the one-tenth of the purchase money which has been deposited will be forfeited, and the original contract for the sale of the land will thenceforward be null and void.

[24] Lands on which such deposit shall have been so forfeited may be purchased within three years at the price bid for them, deducting any deposit paid, unless again put up to Auction.

In the case of lands thus forfeited by the non-completion of the contract for their purchase, it shall be competent for any person within the next three years after the auction at which the bidding for such lands was made, to purchase such lands for the amount that was bid for them, after deducting the amount of any deposit that shall have been paid thereon. But this regulation will not prevent the Government from causing the same lands to be put up to auction again if it shall appear necessary to do so.

Section VI Government Scrip

[25] Scrip to be taken as cash in the purchase of town and suburban lots.

The Scrip to be issued in satisfaction of claims under land orders of the New Zealand Company shall be taken in payment for town and suburban land at the nominal value of such Scrip in pounds sterling.

[26] Value at which Scrip shall be received in the purchase of rural lands of various denominations.

In the purchase of rural land the Scrip shall be taken at such a value that one pound in Scrip shall represent the upset price or fixed price as the case may be, of one acre of rural land at the date when the Scrip may be tendered at the Treasury; and for the protection of the Scrip holders this rule shall equally prevail if the general price of country land throughout the colony shall at any time be raised: Provided always that in the purchase of all rural lands within the limits of Hundreds, and of such rural lands outside the limits of Hundreds as may be put up to auction or sold at a fixed price under clauses 9 and 11 of these Regulations, one pound in Scrip shall represent its nominal value of one pound sterling, except where such fixed or upset price is lower than £1 per acre, in which case it shall represent such lower price only.

[27] Scrip not available in the purchase of Crown Land in certain localities.

The Scrip will not be available in the purchase of Crown Land within the limits of any Hundred which shall have been proclaimed before the 2nd day of August 1851, nor within the Town site of New Plymouth.

Section VII Military Settlers

[28] Military and Naval Officers to be entitled throughout Crown Lands in New Zealand to privileges of Regulations of May 1851: but the remission money subject to Regulations 25 and 26 as to Scrip.

Military and Naval Officers will be allowed in all parts of New Zealand where there are Waste Lands of the Crown, the privileges accorded to them by the Regulations of May 1851. But the remission money given to them in the terms of those regulations will be subject to the rules 25 and 26 hereinbefore prescribed relative to Government Scrip.

Section VIII Appropriation of the Land Fund

[29] After defraying the charges created by Parliament, &c., the Land Fund to be applied to Public Works and Immigration, until otherwise directed by General Assembly or Provincial Legislatures.

After the charges made upon the Land Fund by the Act of Parliament 15 and 16 Vict., cap.72, have been defrayed in the manner prescribed by law, the remaining portion of the Land Fund will, until the General Assembly or the Provincial Legislatures may otherwise direct, be devoted to roads and public works, or to bringing out to New Zealand the friends and relatives of those persons who may undertake to defray, within twelve months after the arrival in the Colony of the immigrants so brought out, one-half of the cost of their passage to this country, according to the following scale, namely:- For Adults £16 per head; Children between 7 and 14 years old £10 10s per head; Children between 1 and 7 years of age £6 per head.

In districts where a Land Fund may not have been created by the sale of land, the Government will receive applications from persons desirous of having their relations or friends sent out, and willing to enter into an agreement, guaranteed by some responsible person, for the repayment of the passage money within twelve months after their arrival in the Colony.

Section IX Fees on Crown Grants

[30] The Fees on the issue of any Crown Grant to be 20s only.

By the Local Ordinance, Session VII., No. XI., it is enacted that, before the delivery of any Crown Grant, the sum of twenty shillings shall be paid by the person duly authorised to receive such Grant; and no other fees for or in respect of the preparation of any such Grant shall be payable thereon.

Section X Commencement of Regulations

[31] Regulations to come into force, except as regards lands reserved to the Canterbury and Otago Associations, fifteen days after the receipt in each Province of a copy thereof by the proper Officer.

These Regulations shall come into force in relation to all Demesne Lands of the Crown in New Zealand which are not reserved to the Canterbury Association or Otago Association, in the several provinces, fifteen days after the receipt of a copy hereof in each Province by the Surveyor-General, Commissioner of Crown Lands, or Resident Magistrate; who shall by public notice make known to the inhabitants of the Province the day upon which he may receive such copy.

[32] Proclamation to take effect from date.

This Proclamation shall take effect from the day of the date hereof.

Given under my hand, and issued under the Public Seal of the Islands of New Zealand, at Government House, at Wellington, the Province of Wellington, in the Islands aforesaid, this fourth day of March, in the year of our Lord one thousand eight hundred and fifty three. G. Grey, Governor-in-Chief.

By His Excellency's command, Alfred Domett, Civil Secretary.
God Save The Queen.

ADDITIONAL LAND REGULATIONS

For the Amendment and Extension of the Regulations of 4th March 1853 as adopted by the Council, for the Province of Wellington, on Thursday, February the 15th, 1855.

GENERAL

[1] The Superintendent shall from time to time, by proclamation in the *Government Gazette*, notify all new districts which shall be open to general purchase, with the boundaries and contents thereof, as nearly as the same can be ascertained.

RESERVES

[2] All reserves for the sites of townships, or town and suburban land, for the sites of agricultural and small farm settlements, or for any other purpose of public advantage, safety, convenience, health, or enjoyment, shall be determined by the Superintendent, who shall notify the same by Proclamation, wherein the objects shall be specified for which every reserve may be made.

[3] In every district, ample reserves for the sites of agricultural and small farm settlements shall be made before the lands in such districts shall be thrown open to general purchase.

[4] Whenever any Association shall be formed for promoting the settlement and occupation of any reserve set apart for the site of small farms, and shall propose to the Superintendent a plan containing special rules for encouraging such settlement and occupation, it shall be lawful for the Superintendent, on being satisfied of the probable ability of such Association, to effect the speedy settlement of such reserve, by Proclamation, to vest the administration of the land within such reserve, according to such special rules in Commissioners appointed by such Association, for a period not exceeding three years: Provided always that the land shall be sold by such Association at the fixed price of ten shillings per acre, payable in cash to the Commissioner from time to time, immediately on the sale of every allotment.

[5] Whenever any reserve shall have been so made for the site of a small farm settlement, a block of the adjacent land, as nearly as may be in extent one-third of the reserve, shall by Proclamation be annexed to the reserve, as common land, upon which, as well as upon all unsold lands within the reserve, every resident occupier of land in the reserve shall have a right of pasturage for a period of three years from the date of such Proclamation, the proportionate commonage of each occupier to be fixed by the Association; and during such term none of the said common land so annexed outside the reserve block shall be sold, nor any license for a run issued therein. At the expiration of such term, it shall be lawful for the Superintendent either to renew the same for a further period of three years, or to open the land for sale after public notice thereof for not less than three months.

[6] In every block which shall be set apart for the site of a township, or agricultural or small farm settlement, a reserve shall be made of bush land not less than one twentieth of the whole extent of bush land within the limits of such block; or if there be no bush land thereon, then a sufficient reserve shall be made from the bush land outside such block, and most convenient thereto; the timber in which reserve shall be exclusively used in common by the resident occupiers of the land in the block for consumption thereon, but not for sale to any persons not occupiers; and any other persons felling or removing timber from such reserve shall be proceeded against as is by law provided in respect to trespassers on Crown Land.

[7] It shall be the duty of the Superintendent to make in every district a reserve not exceeding one-thirtieth part of the public lands for the purposes of education; such lands to be vested in a Board of Commissioners for educational purposes, and the proceeds thereof, as sold, to be applied to such special educational projects as may be prescribed by Acts of the Provincial Legislature.

[8] It shall be the duty of the Superintendent to make reserves where the public advantages may require it, along the banks of navigable rivers, or along an available coastline, or otherwise, so as to prevent the undue monopoly of timber, or of road or water frontage.

[9] In all blocks reserved as townships and agricultural settlements (except always the special small farm reserves) no land shall be sold until it has been accurately surveyed allotted and mapped, and each allotment distinguished by appropriate marks on the ground; nor shall any allotment exceed three hundred and twenty acres in extent.

APPLICATIONS

[10] The general register of applications for land, and the local registers where such shall exist, shall be open to the inspection of the public daily during office hours; and any one may take a copy of any application from such register, or of any other entry therein.

[11] All applications made upon the same day shall, for the purpose of the following rule, be deemed simultaneous applications.

[12] In such cases where simultaneous applications shall be made for a piece of land, an auction shall be held as between the applicants, the land named in the applications being put up at the upset price of ten shillings per acre, and the application shall be registered in the name of the person who shall bid and pay the highest price; Provided that either or all of the conflicting applications may be withdrawn.

[13] A return of every application received and registered distinguishing the name of the applicant, extent of land purchased, payments made, and any other particulars necessary for the full information of the public, shall be made monthly by the Commissioner, and published in the *Provincial Government Gazette*.

AUCTION SALES

[14] No sales by auction, excepting sales provided for by clause 12, shall take place unless the same shall have been notified by Proclamation of the Superintendent in the *Government Gazette* specifying the several allotments to be offered for sale, with the contents of each; provided always, that no allotment shall be offered for sale, unless the same shall have been first staked out upon the ground and distinguished by an appropriate number or mark upon a plan open to public inspection; and provided also that no allotment, the upset price whereof shall be five shillings per acre, shall exceed 640 acres in extent.

REGULATIONS

For the Licensed occupation of the Public Pasture Lands of the Province of Wellington.

- [1] All persons requiring occupation licenses for unoccupied portions of the Public Pasture Lands of the Province of Wellington, or for portions of the same now in their occupation, shall lodge with the Land Commissioner of the district in which such run is situated, a description thereof, in the form or to the effect of Schedule A.
- [2] Every applicant shall, at the time of lodging such description, pay to the Commissioner a cash deposit according to the following scale, viz.: £25 for runs described as under 10,000 acres; £50 for run described as over 10,000 acres.
- [3] All applications which shall have been regularly made, and in respect of which the required deposit shall have been paid, shall be immediately filed and registered in the Commissioner's office: and the register of all such applications shall be open to public inspection within office hours.
- [4] The Commissioner shall publish, without delay, in the *Government Gazette* for the Province of Wellington, the description of every run thus applied for together with the name of the applicant and the amount paid in deposit.
- [5] The Commissioner shall have power to hear and decide on all applications, and also all objections thereto, as well as all disputes in respect of conflicting applications.
- [6] All objections must be brought before the Commissioner within three months after the date of the publication above referred to, and the ground of objection must be stated in writing; and no objection shall be entertained unless laid before him prior to the lapse of this period.
- [7] In the event of any objection being duly laid before the Commissioner within the prescribed time, it shall be his duty to appoint by publication in the said *Gazette*, as early a day for hearing and determining the claims of the respective parties as shall be compatible with a sufficient notice.
- [8] It shall be the duty of the Commissioner to hear and determine all such objections and conflicting applications, and also all disputes between holders of pasture occupation licenses, regarding the boundaries of their respective runs in open Court, to be held in the districts where the runs in dispute are situated.
- [9] All applications made upon the same day shall be deemed to be simultaneous applications, and the priority thereof shall be decided by lot.
- [10] The Commissioner may at any time require the holder of a license to distinguish the boundaries of his run by marked trees or posts or otherwise, when they are not distinctly marked by nature.

[11] So soon as practicable after the decision in favour of any application for a run shall have been given, an occupation license in the form of Schedule B to depasture stock thereon for 14 years shall be issued to the applicant, who shall pay for such license the sum of five pounds sterling, and shall be entitled to receive credit on account of rent reserved as under, to the extent of the deposit lodged by him, subject always to the following reservations and conditions:-

1st. No license whatever shall be issued until the approximate accuracy of the computation of the acreage of the run be certified to the satisfaction of the Commissioner, and endorsed on a plan thereof which plan shall exhibit, as nearly as may be, the boundaries of the run, and shall be attached to the license. The applicant is bound to obtain such certificate and plan at his expense.

2nd. If at any time during the currency of such occupation license, the land comprised therein, or any part thereof shall become included within the boundaries of any agricultural or small farm, or other reserve, then the said occupation 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 reserves shall be declared open for use and occupation.

3rd. If at any time during the currency of such occupation license, the land comprised therein, or any part thereof shall be sold by or on behalf of the Crown, then and in that case also the said license shall cease and determine, over so much of the land as shall have been sold from and after three months notice of such sale in the said *Government Gazette*.

4th. Rent for a run shall be computed upon the acreage according to the following uniform rates, viz:- For the first four years of occupation at the rate of one farthing per acre per annum; For the next five years of occupation at the rate one-half-penny per acre per annum; For the remaining five years of occupation at the rate of one penny per acre per annum.

5th. All rents shall become due and payable to the Land Commissioner of the district where the runs are situated annually during the month of January in each year of occupation up to the 31st of the preceding December, provided that, for licenses issued after the 30th of June in any given year, only half a year's rent shall be chargeable in the next ensuing month of January.

6th. When any arrears of rent shall remain unsettled for a period of three months, in that case the said license shall cease and determine, and the Land Commissioner for the district is thereupon required to notify in the said *Government Gazette* the forfeiture of such license, and to let the run to which it relates by public auction, whereof one month's notice shall be given to the highest bidder for a term of 14 years, subject to the conditions of these regulations.

Provided always that the period of three months above referred to may be extended to six months in case of the death of the run-holder.

7th. Within 12 months after the issue of a license, the holder thereof shall be required to place on the run at least one breeding ewe for every twenty acres; or one cow or more for every one hundred and twenty acres and he shall be required to keep up at least that number of breeding stock upon the run during the whole period of his occupancy.

Should the holder of a license not comply with this condition, his deposit shall be absolutely forfeited and the run shall be let according as is provided for in the foregoing clause.

[12] In the event of any deposit being made, and the run in respect of which such deposit has been made not being afterwards awarded to the depositor by the Commissioner, the amount so deposited shall be refunded to him immediately after the Commissioner's decision.

[13] The beneficial interest in any occupation license may be at any time transferred by the licensed holder. In order to render such transfer valid it shall be necessary

1st. That all the conditions upon which the original license was granted shall have been complied with, as to payment of rent and otherwise.

2nd. That notification shall be given to the Commissioner within one month of the transfer having been effected.

[14] The licensed occupier of any run shall have the right of pre-emption, during the currency of his lease of his homestead to the extent of 80 acres immediately surrounding it, but no more.

[15] A return of all occupation licenses issued during the past year, together with all transfers and decisions on disputed references, and a statement of all deposits and rents received during the same period, shall be published by the Commissioner in the said *Government Gazette* during the month of February in each year.

[16] These regulations shall come into force in this Province at the expiration of one month after notice in the said *Government Gazette* that they have received the Governor's sanction, from and after which date the Regulations of 1851 shall cease to be acted on.

All persons now entitled to licenses under the Regulations of 1851, may at their option expressed in writing to the Commissioner within six months after the publication of the sanction of these present Regulations, have licenses issued under the first-mentioned Regulations, to date from the time at which they were so entitled; or they may have licenses under these present Regulations to date from the period of their expressing such option.

SCHEDULE A

District, Boundaries, Estimated extent, Deposit £, Signature of Applicant

SCHEDULE B

Form of Pasture Occupation License.

Whereas A. B., of ____, has made application for a Pasture Occupation License in the district of ____, and has lodged with me the required description and deposit, and whereas the boundaries of the run thus applied for are set forth in a plan attached to this license and the acreage contents satisfactorily certified.

Now, therefore, I ____, do hereby license the said ____ to depasture stock upon the said land for the term of 14 years from the date hereof, subject nevertheless to be sooner determined pursuant to the Regulations under which this license is issued and to be cancelled as is in such Regulations provided. Dated (Signed) C. D., Commissioner.

See also Acts of General Assembly

No.75, 1858 "Waste Lands"

No.77, 1858 "Land Orders and Scrip"

No.17, 1862 "Crown Grants No.1"

No.18, 1862 "Crown Grants No.2"

No.23, 1862 "Crown Lands"
