



# The New Zealand Gazette.

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## PROCLAMATION.

By His Excellency Colonel THOMAS GORE BROWNE, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.,

WHEREAS by an Act of the General Assembly of New Zealand, intituled "The Waste Lands Act, 1854," it is provided that if the Superintendent and Provincial Council of any Province shall recommend to the Governor any Regulations for the sale, letting, disposal, and occupation of the Waste Lands of the Crown within such Province, it shall be lawful for such Governor, if he shall think fit, with the advice of his Executive Council, by Proclamation in the *New Zealand Government Gazette* to issue and put in force such Regulations within such Province, on a day to be named in the Gazette in which the same shall be published, not being less than one calendar month from the publication thereof.

And whereas the Superintendent and the Provincial Council of the Province of Auckland have recommended to me the following Regulations for the sale, letting, disposal, and occupation of the Waste Lands of the Crown within the said Province,

Now, therefore, I, the Governor, pursuant to the authority vested in me in that

behalf by the said recited Act, do hereby with the advice of the Executive Council, proclaim and issue the following Regulations; And I do hereby declare that the same shall come into force on the first day of October, One thousand eight hundred and fifty-nine.

Given under my hand, and issued under the Public Seal of the Colony, at Government House, at Auckland, this twenty-sixth day of August, in the year of our Lord, one thousand eight hundred and fifty-nine.

THOMAS GORE BROWNE.

By His Excellency's command,

FRED. WHITAKER.

GOD SAVE THE QUEEN!

## LAND REGULATIONS

OF THE

PROVINCE OF AUCKLAND, NEW ZEALAND.

I.

### General Regulations.

1. In the construction of these Regulations the term "Waste Lands" shall mean such lands within the Province of Auckland as are already subject to the disposal of the Provincial Government thereof, and all other lands over which his Excellency the Governor shall hereafter notify, by proclamation in the "*New Zealand Gazette*," that the Native title has been extinguished.

2. All Waste Lands shall, from and after the day on which these Regulations shall come into operation be sold, let, and disposed of as in these Regulations provided, and not otherwise.

2. Whenever the title to any Native land shall have been extinguished, it shall be lawful for the Governor, within one month thereafter, to permit the Native sellers to purchase, at the rate of ten shillings an acre, any portion of such land; and the same, when surveyed, may be conveyed by Crown Grant accordingly.

4. It shall also be lawful for the Governor, if he shall think fit, within three months after the extinguishment of the Native title in any land, to sell and dispose of the same, or any part thereof, to the person or persons at whose instance such extinguishment shall have been effected, for a sum not less than after the rate of ten shillings an acre, with the addition of the price paid to the Natives for the release of their rights in the land sold, and the cost of surveying thereof.

5. For the purpose of carrying out the provisions of these Regulations, there shall be a Waste Land Commissioner (hereinafter called "the Commissioner"), who shall be appointed and be removable by the Superintendent, with the advice and consent of his Executive Council.

6. It shall be lawful for the Superintendent, from time to time, to appoint a fit and proper person 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.

7. 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. Credit lands,
5. Land for special settlement;

and may from time to time vary, alter, and annul such division, and make a new division thereof. Provided always, that the total quantity of land which shall be notified as open for sale as Credit Land shall not exceed two hundred thousand acres (200,000) in the whole.

8. No 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, and no larger quantity of land than 320 acres shall be put up for sale by auction in any one lot.

9. Every allotment of Country Land shall have a frontage to a road; and the Commissioner shall use all due diligence in causing to be selected the most available lines for Roads, with reference to their practical utility as means of communication, and not as mere boundary lines of allotments; he shall also, as far as practicable, lay off the allotments in such manner as to give to each, in proportion to its extent, equal advantages, as nearly as may be, in respect to practicable roads and to wood and water.

10. All Reserves, Streets, Roads, Sections, and Allotments, and other divisions of the Land, shall be so marked off on the ground, and distinguished on the Map thereof, by numbers, or otherwise, as to be easily identified.

11. Corrections shall from time to time be made in every such Map, so as to clearly exhibit, at all times, the lands sold, those about to be offered for sale, and those which are open for selection as hereinafter provided, and also any alterations that may at any time be made in the division of the land thereon delineated.

12. Every such map on which shall be delineated any land about to be offered for sale, and any land open for sale, or an authentic copy of such map, shall be kept in the Land Office or some other convenient place, open for public inspection at all times during office hours.

13. The Superintendent may from time to time as to him it shall seem meet, reserve portions of the said lands for public roads, or other internal communications, or for the sites of future towns or villages, or for the sites of places of worship, or public buildings, or of common schools in which shall be taught reading, and writing in English, arithmetic, and English grammar, or as endowments for the maintenance of such common schools, or for charitable purposes, or as places for the interment of the dead, or for the recreation and amusement of the inhabitants of any town or village, or as the sites of public quays or landing places on the sea coast, or on shores of navigable streams, or for any other purpose of public utility, convenience, health, or enjoyment.

14. 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 recognised 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 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.

15. 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.

16. Any person who, for a period of five years prior to the ninth day of March, 1858, had resided on land, over which the Native Title had not been extinguished, shall at any time within three months after such title shall be extinguished, be entitled to select an allotment of land of such form as the Commissioner shall prescribe, containing any number of acres not exceeding three hundred, including and adjacent to the site on which such person shall have resided.

17. Such allotment shall be sold to the person so selecting the same as aforesaid upon the same terms and conditions as are hereinafter prescribed in respect of Credit Land, and any improvements at any time made on the land so selected before the selection thereof, shall be deemed and taken as part of the improvements required to be made in respect of Credit Land under these Regulations.

18. Any person who may have been put in possession of and *bona fide* occupied land under the Special Occupation clauses of the Auckland Land Regulations, dated February, 1855, shall be entitled to purchase the same at the price of 10s. an acre, at any time before the termination of his lease, and upon payment of the price thereof as

aforesaid, and of all rent due up to the date of payment, he shall be entitled to receive a Crown Grant for the same, and shall be relieved from all liabilities entailed upon him by the Special Occupation clauses of the Regulations aforesaid.

## II.

*Town Lands and Suburban Lands.*

19. Town lands and Suburban lands, excepting such as shall be reserved for public purposes, or for any purpose in these Regulations 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.

20. 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 two calendar months shall have elapsed after the first publication of such notification.

21. 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.

22. 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.

23. 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.

24. 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.

25. Provided always that it shall be lawful for the Superintendent, instead of permitting any land to be purchased, as authorised 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.

## III.

*Country Lands.*

26. The Superintendent shall, from time to time, notify a certain day on and after which any Country Land will be open for sale. On and after that day, any person desirous of purchasing any of the same shall send in a written application, during office hours, under a sealed cover, directed to the Commissioner, or to his Deputy, at such place as shall be stated in such notification.

27. Every such application shall state the name of the intending purchaser, the area and situation of the allotment, and the number of the same on

the map deposited as aforesaid in the office of the Commissioner, and shall have legibly endorsed thereon the words "Application for Land," together with the name of the intending purchaser, and the number of acres he proposes to purchase.

28. The purchase money, after the rate of ten shillings per 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 receipts shall be annexed to the application.

29. The Commissioner or his Deputy shall, on receipt of any such application (and in the presence of the intending purchaser or his agent, if such purchaser or agent should desire the same), enter in a Minute Book, to be kept for that purpose, a minute of the receipt of such application and of the endorsement thereon.

30. The minutes to be so 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.

31. Such book shall be open to the public for inspection at all times, during office hours, during which time any person may take a copy of, or extract from, any minute entered therein.

32. The applications so received shall not be opened until noon of the first day appointed in manner aforesaid by the Superintendent for the sale of such country land; on which day no further applications shall be receivable.

33. The Commissioner, or his Deputy, together with a Receiver of Land Revenue, 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.

34. Where it shall appear, on opening the said applications, that but one person has in manner aforesaid given notice of his intention to purchase any one allotment, and that he has duly paid the purchase money thereof, such person shall be deemed the purchaser of such allotment.

35. But if it should at any time appear that two or more intending purchasers have made applications for the same allotment, and that each of them has duly paid the purchase money thereof, the said allotment shall forthwith be put up by the Commissioner, or his Deputy, for sale by auction at the upset price of ten shillings an acre, at which sale only the applicants, in person, or by their agents, shall be allowed to bid.

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

*Subsequent Applications.*

37. After the day fixed for opening the applications sent in as aforesaid, all the unsold portions of such Country Lands shall be open for sale to the first applicant for the same.

38. Every application must be made in writing to the Commissioner, or his Deputy, during office hours, and must state the area and situation of the allotment, and the number of the same on the map deposited in the Land Office as aforesaid; and no such application shall be entertained unless it be accompanied by a receipt for the pur-

cash money signed by a Receiver of Land Revenue.

39. 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 the same, 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 and the area, situation, and number of the allotment, and the amount paid as the purchase money of the same.

40. As soon as such entry shall have been so made, the land to which the same shall refer shall be deemed to be sold, and the purchaser thereof entitled to a Crown Grant.

#### IV.

##### *Credit Land.*

41. No land, after the 1st day of August, 1860, shall be sold upon Credit, except such as it may be lawful to set apart for Special Settlement by immigrants expected to arrive.

42. Before any Credit Land shall be sold, the Superintendent shall declare by notification in the *Provincial Government Gazette*, and in such newspapers in the Colony of New Zealand and elsewhere as he may think fit, that the same will be open for sale at a place, and on and after a day, to be fixed in the notification; which day shall be at least two calendar months after the first publication of such notification.

43. All Credit Land shall be open for sale at the price of ten shillings an acre, and shall be disposed of only to persons willing to purchase the same subject to the conditions hereinafter contained, for the occupation and improvement thereof.

44. Any person upwards of sixteen years of age desirous of making a selection of Credit Land shall, on application to the Commissioner or his Deputy in Auckland, or to such other person in the Colony of New Zealand as shall be appointed by the Superintendent to receive the same, be entitled, upon payment of a sum after the rate of one shilling an acre by way of deposit, to receive a Land Order in a form to be, from time to time, prescribed by the Superintendent: Provided always that no person shall be entitled to any such land order for more than eighty or less than forty acres of land.

45. Every such land order shall authorise the person entitled to the same, or his agent constituted in writing, to make a selection out of any Credit Land which shall be open for selection at the time such person shall desire to make the same: Provided always that the land so selected shall be either in one allotment or in contiguous allotments.

46. Every right of selection must be exercised within two calendar months from the date of the land order, if such land order has been issued in the Province of Auckland, but if such order has been issued elsewhere, within six months from the date thereof; and the selection under any such land order shall be deemed to be complete whenever the person making the same shall have delivered such order during office hours at the Waste Land Office, together with a description in writing (under a sealed cover, with the words "Description of Credit Land" legibly written thereon), sufficient for the purpose of identifying the land selected.

47. All such sealed covers shall be opened at noon on the next Monday (not being a holiday) by the Commissioner or his Deputy in the presence of a Receiver of Land Revenue, or such other officer of the Provincial Government as the Superintendent may from time to time appoint

for that purpose, and in the presence of any applicants, if they shall attend; and if there be more than one application for the same allotment, the Commissioner or his Deputy and such Receiver or other Officer shall at once put up the same for sale by auction at the upset price of ten shillings an acre, at which sale those only who applied for the allotment shall be allowed to bid, and the highest bidder amongst them shall be declared the purchaser thereof, and the amount bid shall be deemed to be the price of the said allotment. Provided always that when the person so receiving a land order does not make a selection within two months or six months respectively after the date thereof, it shall be lawful for such person to return to the Waste Land Office such land order and to receive back the amount paid for the same: Provided also that if any such order be not returned within seven days from the time within which the selection in respect of the same should have been made, such order shall be held to have lapsed, and the amount paid for the same forfeited.

48. Any person whose application shall be granted shall be entitled to have immediate occupation of the land selected, and shall be entitled to a lease of the same for five years, in a form to be, from time to time, prescribed by the Superintendent, at a yearly rent, after the rate of sixpence an acre, payable yearly; and the payment hereinbefore required by the way of deposit, shall be deemed to be in payment of the first two years' rent.

49. After five years' *bona fide* occupation, and the payment of the rent reserved by the lease, the lessee shall be entitled to a Grant from the Crown in fee simple of the land contained in such lease, on payment of the price thereof, as aforesaid: Provided always that if the purchase money and all the rent due be not paid within six calendar months after the expiration of the lease, the land therein comprised, together with all improvements thereon, shall be sold by auction, by order of the Superintendent, after two months' notice given in the *Provincial Government Gazette*, and in two of the newspapers published in Auckland; and the proceeds, after deducting all sums due in respect of the said land and all expenses incident to the sale thereof, shall be paid over to the lessee forfeiting the claim, or to his appointee or representative: Provided that in default of such sale by direction of the Superintendent within twelve calendar months after the expiration of the lease, the Governor may direct the sale of such land upon not less than two months' notice, given in such wise as he may think fit.

50. Every person shall be deemed to have *bona fide* occupied any Credit Land under lease as aforesaid, who shall have erected a habitable dwelling-house thereon during the first year, and made improvements thereon, or any part thereof, after the rate of one acre in ten of open land, and one acre in twenty of forest land, for every year, after the first year, during such occupation. Such improvements to consist of tillage or clearing of forest or laying down to grass; and a residence during the whole term of five years by the lessee on any such land shall be deemed and taken to be equivalent to such improvements.

51. Any lessee of Credit Land who shall at any time during the term of his lease have completed all the improvements which he is by these Regulations required to make during the whole term of five years, and who shall pay the price thereof, and also all rent accrued due, shall be forthwith entitled to a grant of the land included in such lease.

52. If any lessee or any other person shall continue in possession of land which shall have become forfeited under the provisions of these Regulations (unless an appeal as hereinafter provided be pending) he shall be deemed to be in the unlawful occupation of Waste Lands of the Crown, and shall forfeit and pay for every day during which he shall so continue in possession the sum of 40s., to be recovered before any Justice of the Peace in a summary way.

53. Every lessee of Credit Land shall forward to the Commissioner on the last day of the second year, and on the last day of every subsequent year of the term of his lease, or within fifteen days after such days respectively, a return in writing in a form to be, from time to time, prescribed by the Superintendent, of the land improved by him during the preceding year, and the nature of such improvements, which return shall be certified by two householders, and all such returns shall forthwith be published in the *Provincial Government Gazette* for general information.

54. Any Lessee or his assign will be permitted to assign and transfer any Credit Land, subject to the terms and conditions prescribed in the original lease, and subject also to the approval of the Superintendent, on the recommendation of the Commissioner.

55. If any person holding under such lease as aforesaid shall not within six months enter into *bona fide* occupation of the land thereby leased, or if he shall not pay the yearly rent of sixpence per acre at the end of the second and every subsequent year, or if he shall cease to *bona fide* occupy, or if he shall omit for one month after notice to make the return in writing required as aforesaid, the Commissioner shall forthwith, by a notification to be published in the *Provincial Government Gazette*, declare that the right and interest of such lessee in such land has become forfeited; and the Superintendent may let or sell or otherwise dispose of it under these Regulations in the same manner as if the land had never been let to such lessee.

56. If any question shall at any time arise as to whether a forfeiture has been incurred or sufficient improvements made, as required by these Regulations, it shall be lawful for the lessee, within one month after such question shall have arisen, to prefer an appeal, in writing, to the Superintendent, which appeal shall be referred, at the expense of the party requiring the same, to two arbitrators and an umpire, to be appointed in the usual way, whose decision shall be final and conclusive.

57. If any lessee or any other person shall, after the time for appealing to the Superintendent against the decision of the Commissioner shall have elapsed, continue in possession of land which shall have become forfeited under the provisions of these Regulations, he shall be deemed to be in the unlawful occupation of Waste Lands of the Crown, and shall forfeit and pay for every day during which he shall so continue in possession the sum of forty shillings, to be recovered before any Justice of the Peace in a summary way.

## V.

### *Land for Special Settlement.*

58. 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 expected to arrive from the United Kingdom, or elsewhere, other than the Australian Colonies.

59. 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 and Credit Land, as the Superintendent may from time to time think fit.

60. 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.

## VI.

### *Mineral Lands.*

61. Any person applying for a Lease of Waste Land (other than Town or Suburban Land), whether surveyed or unsurveyed, for the purpose of winning and working the Minerals (other than Gold) therein contained, shall be entitled to the same upon the following terms and conditions:—

1. The Lease shall comprise so much Land as shall, in the opinion of the Commissioner, be necessary for the efficient working of the Minerals, not being less than 20 or more than 80 acres.
2. The term to be granted shall be any number of years, at the option of the Lessee, not exceeding 21.
3. There shall be reserved a Royalty or rent of one-fifteenth of the Minerals to be raised.
4. The Lease shall contain clauses in the usual form introduced into Mining Leases, —1. For securing the 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 of the stipulations, on the part of the Lessee, 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 surrender the Lease.

62. All applications for Leases shall be sent in by the applicant, and dealt with in the same manner as applications for General Country Land.

63. Every applicant for a Mineral Lease shall furnish to the Commissioner, within a time to be fixed by him after the application shall have been granted, 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 Commissioner.

64. The Land comprised in any Mining Lease shall, at the request of the Lessee, at any time after an occupation of three years, be put up to auction at an upset price of ten shillings an acre, subject to the Lease thereof already granted.

## VII.

### *Immigration.*

65. As it is expedient that persons emigrating at their own cost from the United Kingdom and elsewhere, other than the Australian Colonies

should be permitted to acquire land free of cost in proportion to their expenditure on Emigration, it shall be lawful for the Superintendent, from time to time, to appoint Emigration Agents in the United Kingdom, or elsewhere, with authority to grant Land Orders to persons intending to emigrate and settle 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.

66. 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 any 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.

67. 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.

68. In the event of the death, before the expiration of the period of five years as hereinafter mentioned, of any child or servant in respect of whom any Land Order shall have been granted to any parent or master, such parent or master shall, if all the terms and conditions in respect of such deceased child or servant shall have been fulfilled up to the time of his death, be entitled at once to a Crown Grant of the land which, in respect of such order, he may have selected or be entitled to select.

69. Every such 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 twelve calendar months from the date of the order being granted.

70. 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, 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.

71. Every such Land Order when so signed shall authorise the person entitled to the same, or his agent constituted in writing, 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, subject in all cases to the provisions of these Regulations in reference to the selection of Special Settlement Land and General Country Land respectively.

72. Provided always that it shall be lawful for the Commissioner, if he shall think fit, to divide any allotment for the purpose of enabling any person to obtain the exact number of acres to which any such Land Order may entitle him:

Provided also that the land selected by any one person shall either be one allotment or contiguous allotments.

73. Every such Land Order, when so signed as aforesaid, shall be in force for five years from the day of the arrival stated in such note, and if no selection be made within that time such Land Order shall be null and void.

74. When any person in respect of whom any such Land Order shall have been granted, shall within the said five years have been absent from the Province of Auckland more than twelve calendar months in the whole, such Land Order shall be null and void, and all right to land selected under the same shall cease and determine.

75. At the expiration of five years from the day of arrival stated in such note as aforesaid, the person entitled to any land selected under any such Order, shall be entitled to a Crown Grant thereof, on proving to the satisfaction of the Commissioner, or his Deputy, that the person in respect of whom such Land Order shall have been granted is then resident within the said Province, and has resided therein not less altogether than forty-eight calendar months out of the said five years.

### VIII.

#### *Naval and Military Settlers.*

76. Every Naval and Military Officer, whether on full or half pay, and every Non-commissioned Officer and Private, Marine and Seaman, whether belonging to Her Majesty's Service or to the Service of the East India Company, who may retire or obtain his discharge from the service to which he may belong, or who having retired or obtained his discharge for the purpose of settling in the Province of Auckland, has not selected Land under any former Law or Regulation enabling Naval and Military Settlers to select land free of cost, shall be entitled (in lieu of an allowance in respect of money expended in passages, as hereinbefore provided, in respect of Settlers emigrating from the United Kingdom and elsewhere) to receive from the Commissioner a Land Order enabling him to acquire Land free of cost after the following rate:—

Commissioned Officer 400 acres

Non-commissioned & Warrant Officer 80 acres.

Private Soldier, Marine, and Seaman 60 acres.

77. Provided always that any such Officer, Non-commissioned Officer and Private, and any Marine and Seaman, before he shall be entitled to receive any such Land Order, shall prove to the satisfaction of the Commissioner by certificate or otherwise, that he retired or obtained his discharge for the purpose of settling in the Province of Auckland; and any Non-commissioned Officer or Private, Marine, or Seaman shall, at the same time, produce to the Commissioner a certificate from the Officer under whom he may have served, of having during his period of service been of a good character: Provided also that any such Land Order shall be applied for within twelve calendar months next after such retirement or discharge as aforesaid, or shall have been applied for before the ninth day of June, 1858, by those who have retired or been discharged.

78. Every such Land Order shall be granted by the Commissioner, or his Deputy in New Zealand, and shall be to the same purport, and shall have the same effect, and shall entitle the person in whose favour the same is granted to the same rights and privileges as a Land Order granted by an Agent in England, to a person emigrating therefrom after such last-mentioned order shall have been presented to, and had a note made thereon by the Commissioner, or his Deputy as hereinbefore provided.

## IX.

*School Teachers and Common Schools.*

79. For the purpose of encouraging persons qualified to teach in Common Schools to settle in the Province of Auckland, every such person who shall produce to the Superintendent a certificate signed by the Chairman of the Board of Education of the said Province, established under the provisions of the Education Act, 1857, that such person is qualified to teach Reading, Writing, Arithmetic, and English Grammar, such person shall be entitled to receive a Land Order for the selection of 80 acres of General Country Land.

80. No such Land Order shall be transferable, but the Teacher to whom the same shall be granted shall be entitled to a Crown Grant of the Land selected by him under such Land Order at the expiration of five years from the date of such Order, upon proof to the satisfaction of the Superintendent that such Teacher has been engaged during the whole period of such five years in teaching youth within the said Province in a Common School in connection with the said Board of Education.

81. Provided always that in the event of the death of any such Teacher at any time within the said term of five years, his appointee constituted in writing, or in default of such appointee his legal representative, shall be entitled at once to a Crown Grant of the Land selected or to be then selected under such Land Order.

## X.

*Occupation of Waste Lands.*

82. 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.

83. Any Commissioner appointed under these Regulations 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.

*Miscellaneous.*

84. It shall be lawful for the Commissioner, within three months after notice shall have been given in the "Government Gazette" for the Province of Auckland, to cause to be surveyed, at the applicant's cost, (which shall be paid by such applicant before the Crown Grant shall be issued) all lands remaining unsurveyed, which shall have been applied for, and the application granted, under any Regulations relating to unsurveyed Lands in force within the Province of Auckland, prior to the ninth day of March, 1858.

85. Any Commissioner appointed under these Regulations shall possess, exercise, and perform all the rights, powers, acts, and duties which the Waste Land Board, under the Waste Lands Regulations published in the "New Zealand Government Gazette," dated the ninth day of February, 1855, and the Waste Lands Commissioner under the Waste Land Regulations published in the "New Zealand Government Gazette," dated the fourteenth day of May, 1856, and also the Waste Land Commissioner appointed under the said "Auckland Waste Land Act, 1853," respectively possessed, or could exercise and perform, so far as may be necessary to complete, carry out, or compel the performance of any contract, agreement, or other matter whatsoever, which may have been lawfully made, entered into, or commenced, but not completed, under the said Waste Land Regulations and Act respectively, before the commencement of these Regulations.

86. Throughout these Regulations, in the construction thereof, the word "Governor" shall mean the person for the time being lawfully administering the Government of the Colony of New Zealand; and unless there be something in the subject or context repugnant to such construction, words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular, and words importing the masculine gender only shall include females.

87. These Regulations shall be deemed to have been in full force and effect on and after the ninth day of March, 1858, and all acts and things done or performed under authority of the Auckland Waste Land Act, 1858, shall be deemed and considered as having been done and performed under the authority of these Regulations, and all acts and things directed to be done or performed by the said Act shall be deemed and considered as directed to be done and performed by these Regulations, and all appointments made under the authority of the said Act shall be deemed and considered to have been made under these Regulations.

88. These regulations may be cited for all purposes as the "Auckland Waste Land Regulations, 1859."

## SCHEDULE.

## 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 claimed 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. No person shall be allowed to dispute the claim of another person to any Run applied for under these Regulations unless he shall do so within three months subsequently to the date of the publication above mentioned.

4. After the expiration of three months from the date of the said publication, the applicant shall be required to pay rent for the Run at the rate and in the manner after mentioned, and to distinguish by marked trees or posts or in such manner as shall be satisfactory to the Commissioner, such boundaries of the Run as are not distinctly defined by streams or natural boundaries.

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

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

For any number of sheep up to 500 inclusive, run to be granted for any number not exceeding 5000 sheep

For every additional 100 between		
500 and 1000.....	500	} additional sheep.
1000 and 4000.....	400	
4000 and 5000.....	200	
5000 and 10,000.....	100	

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

7. In case of any questions arising as to attempts to evade the foregoing 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.

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

1. If at any time during the currency of such license the land comprised therein, or any part thereof, shall be included within the boundaries of any Hundred, the said license shall cease and determine as to so much of the land as shall be included within such boundaries from and after the day of the date of the Proclamation, by which such Hundred shall be constituted.
2. If at any time during the currency of such license, the land comprised therein, or any part thereof, shall be sold under the provisions of these Regulations, then and in that case also the said license shall cease and determine as to so much of the land as shall be sold as aforesaid from and after the day of the date of the *Provincial Government Gazette* in which notice of such sales shall be published.
3. The annual license fee shall be in all cases at least five pounds; and each person who occupies a Run shall pay annually in addition a further license fee at the rate of one pound sterling for every thousand sheep above five thousand, which the Run so occupied shall be estimated to be capable of containing, and in the same proportion for great cattle, six sheep being rated as one head of great cattle.
4. If at any time during the currency of such license such annual fees and the said annual assessment shall not be paid by the holder of it, in the manner and at the time required by these Regulations 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 these Regulations.

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

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

#### *Issue of Timber Licenses.*

11. Persons occupying Waste Land 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.

12. 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.

13. 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.

14. 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.

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

16. 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.

17. 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.

18. The form of Timber Licenses will be according to Form C. hereunto annexed.

#### *General.*

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

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

21. 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.

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

23. 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 of [boundaries], and has this day paid into my hands the sum of



£ s. d., I, do hereby license the said to [depasture stock] upon the said land for the term of fourteen years from the date hereof; subject, nevertheless, to be sooner determined, pursuant to the provisions of the "Waste Land Regulations, 1859," 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  
 Claimed by \_\_\_\_\_  
 Situation \_\_\_\_\_  
 Boundaries \_\_\_\_\_  
 Estimated extent \_\_\_\_\_  
 Number and description of stock left upon the run. \_\_\_\_\_

(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 as may at any time be assigned by the Commissioner, subject to the provisions of the "Waste Land Regulations 1859."

Receiver of Land Revenue.

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

Registrar-General's Office,

Auckland, August 26th, 1859.

PURSUANT to the provisions of an Act of the General Assembly of New Zealand, passed in the eighteenth year of the reign of Her Majesty Queen Victoria, and entitled "The Marriage Act, 1854," the following Name of an additional OFFICIATING MINISTER, within the meaning of the said Act, is published for general information:—

*United Church of England and Ireland.*

The Rev. HENRY NEWTON WOLLASTON,  
 (Taranaki.)

I, JOHN B. BENNETT, Registrar-General of Births, Deaths, and Marriages in New Zealand, do hereby certify that the foregoing NAME of an OFFICIATING MINISTER within the meaning of "The Marriage Act, 1854," has been sent in to me, in addition to the Names in Lists published respectively in the *New Zealand Gazette*, No. 5, of the 27th of January; No. 7, of the 19th of February, No. 10, of the 19th of March; No. 11, of the 5th April; No. 14, of the 29th April, No. 16, of the 31st of May, and No. 27, of the 8th of August in the present year.

Given under my hand, at Auckland, this twenty-sixth day of August, 1859.

JOHN B. BENNETT,  
 Registrar-General.

JOHN SHARP, Esquire, Receiver of Intestate Estates for the Province of NELSON, in account with the Estate of GEORGE BURNETT, deceased, intestate.

1858.	£	s.	d.	1858.	£	s.	d.
Sept. 21. To Cash found on person ..	12	14	2	Oct. 2. By Paid Rout, Funeral, &c. ..	5	0	0
Sept. 21. " Sale of Gold.. ..	0	14	3	Nov. 10. " Two Affidavits, filing and order ..	0	13	0
Dec. 1 " N. Edwards and Co., account sales ..	7	14	3	Nov. 30 " Letters of Administration ..	3	0	0
Dec. 1 " Ditto ditto ditto ..	2	4	2	Feb. 7. " C. & J. Elliott, advertising ..	9	8	7
1859.				March 16 " T. Gwillim, his account ..	2	16	8
Feb. 9 " N. Edwards and Co., two boats and timber.. ..	47	11	10	March 31 " Dr. Thebing, ditto.. ..	4	19	0
				July 7 " Commission ..	3	4	6
				July 7 " Advertising Balance Sheet ..	0	7	6
				July 7 " Balance due Estate ..	50	9	5
	70	18	8		70	18	8

I, John Sharp, do swear that, to the best of my knowledge and belief, the above is a just and true account of the Receipts and Disbursements on account of the above Estate of George Burnett, deceased, intestate.

JOHN SHARP.

Sworn at Nelson, the twelfth day of July, 1859, }  
 before me, }

ALEXANDER J. JOHNSTON,  
 Judge of the Supreme Court.

I certify that I have examined and allowed this account of the Official Administrator of the late George Burnett. Dated this twelfth day of July, 1859.

ALEXANDER J. JOHNSTON, Judge.

JOHN SHARP, Esquire, Receiver of Intestate Estates for the Province of NELSON, in account with the Estate of THOMAS ANDERSON deceased, intestate.

1858.	£	s.	d.	1858.	£	s.	d.
June 9 To Coates & Co. Gold at 74s	1	7	9	June 25 By Paid (Michana) search for body half expense	4	0	0
Aug 4 " McKenzie Sundries	1	5	2	25 " Halliday half expense to Pelorus	1	10	0
20 " Salmon do	1	6	0	July 19 " Joyce repairing watch for Sale	0	5	0
Oct 13 " A. O'Connell O'Connell	4	0	0	Aug 18 " Affidavits and Filing & Order	0	13	0
Nov 19 " Pickering do	3	0	0	Oct 7 " C. & J. Elliott Advancing	0	4	6
Dec 1 " Edwards & Co. Account Sales Timber	17	12	8	Nov 30 " Letters of Admin	3	0	0
" 4 " D. Bradshaw's Account	6	7	6	Dec 4 " Bradshaw's half of Acct	3	0	0
" 13 " J. Wilson do	0	13	6	" 9 " McMahon his Account	11	0	0
1859.				" 13 " Wilson half of Account	2	10	0
Feb 19 " Edwards & Co. Account Sales Sundries on Account	52	9	9	1859.			
May 26 " Balance	15	18	0	Jan 16 " Erera Account due	0	6	0
July 2 " T. B. Louison Account	1	18	6	" 22 " Jackson on Account	5	11	5
				McK 21 " balance due him	13	11	5
				July 7 " Commission	5	5	8
				" " Adv. Balance Sheet	0	7	6
				" " Balance due Estate	55	1	0
	£105	18	1		£105	18	1

I, John Sharp, do swear that to the best of my knowledge and belief the above is a just and true account of the Receipts and Disbursements on account of the above Estate of Thomas Anderson, deceased, intestate.

JOHN SHARP

Sworn at Nelson, this twelfth day of July, 1859, before me,

ALEXANDER J. JOHNSTON, Judge of the Supreme Court.

I certify that I have examined and allowed this account of the Official Administrator of the late Thomas Anderson, Dated this twelfth day of July, 1859.

ALEXANDER J. JOHNSTON, Judge.

JOHN SHARP, Esquire, Receiver of Intestate Estates for the Province of NELSON, in account with the Estate of RICHARD GILL, deceased, intestate.

1858.	£	s.	d.	1858.	£	s.	d.
June 25 To Cash from Halliday found in house	11	7	2	June 25 By Paid (Michana) half expense search for body	4	0	0
July 20 " McKenzie for purchase of land being last instalment	28	17	6	June 25 " Halliday half expense to Pelorus	1	10	0
Nov 30 " Edwards & Co. Account Sales Sundries	15	2	0	Aug 18 " Affidavits, Filing & Order	0	13	0
" 30 " do do Timber	33	10	1	Oct 7 " C. & J. Elliott Advancing	0	4	6
Dec 4 " J. Stanger for Bradshaw	1	15	6	Nov 30 " Letters of Administration	3	0	0
1859.				Dec 4 " Bradshaw his account, half	3	0	0
May 17 " Edwards & Co. Account Sales Consignment	23	5	1	Dec 13 " Wilson do	2	10	0
				1859.			
				July 7 " Commission	5	8	6
				" " Balance Sheet	0	7	6
				" " Balance due Estate	99	9	8
	£114	8	2		£114	8	2

I, John Sharp, do swear that to the best of my knowledge and belief the above is a just and true account of the Receipts and Disbursements on account of the above Estate of Richard Gill, deceased, intestate.

JOHN SHARP.

Sworn at Nelson, this twelfth day of July, 1859, before me,

ALEXANDER J. JOHNSTON, Judge of the Supreme Court.

I certify that I have examined and allowed this account of the Official Administrator of the late Richard Gill, Dated this twelfth day of July, 1859.

ALEXANDER J. JOHNSTON, Judge.