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[No. 51.]

NOTICE TO HIGHWAY BOARDS AND OTHERS.—
The Sale for Non-payment of Rates Act, 1870, and the Auckland Waste Lands Act, 1870, have been reprinted, and are published as a supplement to this *Gazette*.

PROCLAMATION.

By THOMAS BANNATYNE GILLIES,
Esquire, Superintendent of the
Province of Auckland.

By virtue of the powers and authority vested in me under the eleventh section of "The Auckland Waste Lands Act, 1867," I do hereby reserve all that parcel of land in the Town of Raglan, which is more particularly described in the Schedule hereunder, and dedicate the same as an Endowment for Wharf and Harbour purposes for the said Town of Raglan.

Given at Auckland, under my hand
and the Public Seal of the Pro-
vince, this seventeenth day of
November, one thousand eight
hundred and seventy.

THOMAS B. GILLIES,
Superintendent.

SCHEDULE.

All that parcel of land in the Province of Auckland, containing by admeasurement four acres, two roods and twenty-one perches, more or less, situated in the parish of Whaingaroa, in the county of Rutland, and being section No. 11 of the Town of Raglan. Bounded on the North by a street, 776 links; on the East by a street, 750 links; and on the South-west and North-west by the Opoturu Creek and Whaingaroa Harbour.

PUBLIC NOTIFICATION.

Superintendent's Office,
Auckland, 17th November, 1870.

It is hereby notified for public information that the land mentioned and described in the Schedule hereunder, has been reserved and set

apart as a Parade Ground and Rifle Range for the use of the Volunteer Corps in the Waiuku District.

THOMAS B. GILLIES,
Superintendent.

SCHEDULE.

Parade Ground and Rifle Range, Waiuku East.

All that parcel of land containing twenty-six acres one rood and twenty-six perches more or less, situated in the parish of Waiuku East, in the County of Eden, and being allotment No. 161, and South-western portions of allotments Nos. 162, 163, and 164; bounded towards the North-east by other portions of allotments Nos. 164, 163, and 162, 3,176 links; towards the North-west by other portion of allotment No. 162 aforesaid, 1,039 links; again towards the North-east by allotment No. 160, 1,695 links; towards the South-east by a road 100 links wide, 404 links and 846 links; towards the South-west by a road of width aforesaid 4,776 links, and again towards the North-west by allotment No. 165, 200 links.

HAURAKI GOLDFIELD.

PUBLIC NOTIFICATION.

Superintendent's Office,
Auckland, 16th November, 1870.

In pursuance of the 29th section of "The Gold Fields Act, 1866," and of the Regulations made under that Act for the granting of Leases for Gold Mining purposes, it is hereby notified that it is intended to grant Leases for Gold Mining purposes to the Applicants specified in the Schedule hereunder, unless valid objections can be shown against granting such Leases.

Copies of the Applications made, and Plans annexed, may be seen at the Warden's Office, Grahamstown.

THOMAS B. GILLIES,
Superintendent.

SCHEDULE.

CHARLES TOTHILL, for the *Long Drive* Gold Mining Company, Registered; 15 years' lease of 7 acres, auriferous land; bounded by the "Fourth of July," "Kuranui," "Shotover," "Junction," and "Poverty and Charleston" Claims, Kuranui Hill, Karaka; ground known as the "Long Drive" Gold Mining Company's Claim, held under lease, and "City of Glasgow" Claim; application received in Warden's Office, Grahamstown, at 2.10 p.m., 11th November, 1870, No. 799.

WILLIAM LANG THORBURN; 15 years' lease of 5 acres; bounded on the East, North, and West, by unoccupied ground, and on the South by Bleazard's No. 2 Lease, Tararu; application received in Warden's Office, Grahamstown, at 12.5 p.m., 14th November, 1870, No. 800.

PUBLIC NOTIFICATION.

Superintendent's Office,
Auckland, 19th November, 1870.

IT is hereby notified that the several Mining Leases set forth in the Schedule hereunder, have been cancelled on account of non-execution, and that all rights, privileges, and claims in respect of the applications for the same are deemed to have been forfeited, and that the land therein mentioned, is now open for occupation.

Plans may be seen at the Engineer's Office, Grahamstown.

THOMAS B. GILLIES,
Superintendent.

SCHEDULE.

The *Waterfall* Gold Mining Company, Registered applied for J. E. Macdonald; 15 years' lease of 2 acres, 30 perches; situate on the Waiotahi Creek, adjoining the "Fearnaught" Claim; application notified in *Gazette* No. 59, dated 30th August 1869, page 878, R.B. 343.

The *Victoria Cross* Gold Mining Company, Registered, applied for by John Gwynneth; 15 years' lease of 4 acres, 3 roods, 3 perches; bounded by the "Duke of York," "Pretty Mary," "Golden Ring," "Band of Hope," and "Golden Reef" Claims, Karaka Block; application notified in *Gazette* No. 55, dated 20th August, 1869, page 766, R.B. 198.

The *Silver Crown* Gold Mining Company, Registered; applied for by John William Sullivan; 15 years' lease of 4 acres 2 roods; bounded by the "Sunburst" "Homeward Bound," "Fiery Cross," and "Colonial" Claims; application notified in *Gazette* No. 70, dated 25th September, 1869, page 1184, R.B. 205-539.

PUBLIC NOTIFICATION.

Superintendent's Office,
Auckland, 19th November 1870.

IT is hereby notified that in pursuance of sub-section 3 of section 35 of the Regulations for the granting of Mining Leases, re-entry has been made by the Lessor upon the ground demised by the Lease hereunder described, and the Lessee's estate therein determined, and that the land therein mentioned is now open for occupation.

Plan may be seen at the Engineer's Office, Grahamstown.

THOMAS B. GILLIES,
Superintendent.

SCHEDULE.

MICHAEL MCNAMARA; 15 years' lease of 2 acres, 3 roods, 15 perches, (9 men's ground); situate on the Karaka Creek, Thames Goldfield, and bounded on the North by the "Tarnagulla" Claim, on the East by the "Hyderabad" Claim, and on the West by the "Sprig of Shillelah" Claim; known as the "Young Australian" Claim; lease dated 23rd April, 1870.

PUBLIC NOTIFICATION.

Superintendent's Office,
Auckland, 19th November, 1870.

IT is hereby notified that the several Mining Leases set forth in the Schedule hereunder have been surrendered, and that the land therein mentioned, is now open for occupation.

Plans may be seen at the Engineer's Office, Grahamstown.

THOMAS B. GILLIES,
Superintendent.

SCHEDULE.

The *Dawn of Day* Gold Mining Company, Registered; 15 years' lease of 5 acres; 15 men's ground; bounded by the "Warrior," "President Johnson," and "President Lincoln" Claims, Karaka; lease dated 9th May, 1870; surrendered 8th November, 1870.

The *Earl of Erin* Gold Mining Company, Registered; 15 years' lease of 8 acres, 1 rood, 21 perches; 25 men's ground; adjoining the "Sprig of Shillelagh," "Pride of Parnell," and "Royal Charter" Claims, Karaka; lease dated 9th May, 1870.

The *Golden Head* Gold Mining Company, Registered; 15 years' lease of 3 acres, 13 perches; 10 men's ground; bounded by "Clarkson's No. 2," "Pride of Erin," and "Royal Sovereign" Claims, Wiseman's Gully; lease dated 7th April, 1870.

The *Lone Star* Gold Mining and Quartz Crushing Company, Registered; 15 years' lease of 5 acres, 13 perches; 15 men's ground; adjoining the "Star of the Sea," and "Coulabah" Claims, Karaka Creek; lease dated 23rd March, 1870; surrendered 20th October, 1870.

The *True Briton* Gold Mining Company, Registered; 15 years' lease of 6 acres, 1 rood, 16 perches, situate on the Waiotahi Creek, formerly known as the "Great Extended" Gold Mining Company, and "Second Attempt"; lease dated 5th February, 1870; surrendered 6th October, 1870.

The *Tui and Cuckoo* Gold Mining Company, Registered; 15 years' lease of 5 acres 1 rood; 16 men's ground; bounded by the "Golden Crown Extended No. 2," "Golden Reef," "Southern Enterprise," and Rockhampton Claims; lease dated 30th May, 1870; surrendered 5th November, 1870.

The *Original Faugh-a-Ballagh* Gold Mining Company, Registered; 15 years' lease of 1 acre 3 roods, 30 perches; 6 men's ground; bounded by the "Digger's Friend," "Bullion," "Great Northern," and

"Bluestone" Claims; lease dated 14th April, 1870; surrendered 10th November, 1870.

GEORGE RYRIE ALEXANDER; 15 years' lease of 1 acre, 1 rood, 9 perches; 4 men's ground; bounded by the "Nil Desperandum," "Murphy's Hill," "Perseverance," "Primrose," and "Connolly Leetch" Claims; lease dated 6th July, 1870; surrendered 6th July, 1870.

WILLIAM BARCLAY HEATH; 15 years' lease of 3 acres, 24 perches; 10 men's ground; bounded by the "Grahamstown," "Melbourne and Sydney," "Golden Crown Extended," "Beach Claim Extended," and "Anchor of Hope" Claims; lease dated 16th February, 1870; surrendered 3rd November, 1870.

JOHN WHITE; 15 years' lease of 7 acres, 2 roods, 14 perches; 22 men's ground; bounded by the "Helvellyn," "Rejected," "Intercolonial No. 1," "Star of Karaka," "Whitby Rock," "Mount Albert," and "Monster" Claims, Karaka Creek; lease dated 23rd March, 1870; surrendered 10th November, 1870.

WILLIAM O'CONNELL, WILLIAM MAHONEY, JOHN REGAN, JAMES SKENE, JAMES BARRETT, and DANIEL GEARY; 15 years' lease of 3 acres, 26 perches; 9 men's ground; adjoining the "Wellington Investment" Claim, Karaka Block; lease dated 10th February, 1870.

JOHN RIORDAN and PATRICK LEAHY; 15 years' lease of 7 acres, 2 roods, 37 perches; 22 men's ground; bounded by the "Lady Grant," "Silver Crown," "Potatau's Dream," and "Sunburst" Claims; situate between Opitomoko and Waterfall Creeks; lease dated 10th February, 1870.

PUBLIC NOTIFICATION.

By **THOMAS BANNATYNE GILLIES**, Esquire, Superintendent of the Province of Auckland.

UNDER and in pursuance of the powers in me vested by the third clause of "The Highways Act, 1867," I do hereby notify that I have altered and amended the boundaries of the TAURANGA Highway District, as hereunder set forth.

Given under my hand at Auckland, this fourteenth day of November, One thousand eight hundred and seventy.
THOMAS B. GILLIES,
Superintendent.

THE TAURANGA HIGHWAY DISTRICT.
Amended Boundaries.

Bounded towards the North by the Harbour of Tauranga; towards the East by the harbour aforesaid and the Waimapu River, to the South-eastern angle of allotment No. 270, which said allotment, together with all the allotments hereinafter mentioned, are in the Parish of TePapa; towards the South by the Southern boundary of said lot No. 270, thence crossing a road one hundred links wide to the Southern boundary of allotment No 259; thence by said Southern boundary to the road which forms part of the Eastern boundary of allotment No. 258, thence by the centre of said road to the Southern boundary of allotment No. 258 aforesaid; thence by said last-named boundary, and the Southern boundary of allotment No. 256, to the

road which forms the Eastern boundary of allotment No. 225; thence by the centre of said road to the Southern boundary of said lot No. 225, and by said last-named boundary and by the Southern boundary of allotment No. 221, to the road which forms its South-western boundary; thence by the centre of said road, and by the centre of the road which forms the Southern boundary of allotment No. 142, to the Southern boundary of allotment No. 138; thence by said last-named boundary to the road which forms the North-western boundary of allotment No. 138 aforesaid; thence by the centre of said road to the Southern boundary of allotment No. 135; thence by the Southern and Western boundaries of said allotment No. 135, to the Southern boundary of allotment No. 125; thence by part of said Southern boundary, and by the Southern and part of the Western boundaries of allotment No. 122, to the road which forms part of the Southern boundary of said last-named lot; thence by the centre of said road to the Omanawa Creek; thence by said Creek to its confluence with the Wairoa River; and towards the West by the Wairoa River aforesaid to the Harbour of Tauranga, the place of commencement.

PUBLIC NOTIFICATION.

By **THOMAS BANNATYNE GILLIES**, Esquire, Superintendent of the Province of Auckland.

IN pursuance of the fourth clause of "The Highways Act, 1867," I do hereby bring the said Act into operation within the

WHANGAPARAOA HIGHWAY DISTRICT, and do appoint the First Meeting of Electors to take place at the residence of Mr. Trevor Lloyd, in the parish of Waivera, on Wednesday, the twenty-third day of November instant, at two o'clock in the afternoon.

Given under my hand, at Auckland, this eleventh day of November, One thousand eight hundred and seventy.

THOMAS B. GILLIES,
Superintendent.

PUBLIC NOTIFICATION.

Superintendent's Office,
Auckland, 17th November, 1870.

I HEREBY notify that the respective Chairmen of the Annual Meetings of the Electors of the after-named Districts under "The Highways Act, 1867," have reported in writing to me the names and designations of the under-mentioned persons, duly elected Highway Trustees for those respective Districts; namely:—

MOUNT EDEN.— Thomas Paton; John Udy; Peter Brown; John May; and John Kelly.

TURANGA.— William Trice; George Trice; John Macky; James Tebbutt; and Isaac Wade.

THOMAS B. GILLIES,
Superintendent.

PUBLIC NOTIFICATION.

Superintendent's Office,
Auckland, 17th November, 1870.

NOTICE is hereby given, in terms of "The Highways Act, 1867, Amendment Act, 1870," that a certified copy of each Assessment List for the

KAURIHORI,
TURANGA,

WAIPIPI,
KOMOKORIKI,
NEWCASTLE,
MAKETU,
LAKE,
PAPAROA,
POKENO,
MANGAPAI,
UPPER MAHURANGI,
KAUAERANGA,
AND
DEVONPORT,

Highway Districts respectively, has been delivered at this Office.

JOHN R. NICHOLSON,
Provincial Secretary.

PUBLIC NOTIFICATION.

Superintendent's Office,
Auckland, 17th November, 1870.

THE names of the undermentioned persons, appointed Collectors of Rates for the Highway Districts set opposite their respective names, have been reported to this Office.

WAIROA	...	THOMAS MURRAY.
HOWICK TOWNSHIP	...	THOMAS GARRETT.
WAIPU	JOHN CAMPBELL.
ARAI	EDMUND W. STRATFORD.
PUKEKOHE	WILLIAM MORGAN.
PAPAROA	C. HOOK.

JOHN R. NICHOLSON,
Provincial Secretary.

IN THE SUPREME COURT OF NEW ZEALAND. NORTHERN DISTRICT.

BETWEEN RICHARD COLES JORDAN, PLAINTIFF,
AND NGAKAPA WHANAUNGA, OF CABBAGE BAY,
DEFENDANT.

WHEREAS, by virtue of a writ of fieri facias, issued in this action, and directed to me, ordering me that of the real and personal estate of the above-named NGAKAPA WHANAUNGA I should cause to be made the sum of £391, together with interest on the said sum at the rate of

£8 per centum per annum, from the 4th day of October, 1870, together with £1 13s. 4d. for the said writ, besides sheriff's poundage, officer's fees, &c.: Now, I do hereby give notice that I shall cause to be sold by public auction, by Stannus Jones, at his mart, in Queen-street, in the City of Auckland, on the 3rd day of February, 1871, at twelve o'clock noon, unless the said debt of £391 and interest be sooner paid, together with the said sum of £1 13s. 4d., besides sheriff's poundage, officer's fees, &c., all the estate, right, title, and interest of the said Ngakapa Whanaunga in and to all that parcel of land in the Province of Auckland, situate at Shortland, in the District of Hauraki, Queen's County, being called or known by the name of Rangiriri L., and numbered 1,266, bounded towards the North-east by the Kauaeranga Block 250 links; towards the South-east by the Whakaruaki Block, 1,063 links; towards the South-west by the Hauraki Gulf; and towards the North-west by the Rangiriri H No. 1 Block, 313 links and 150 links; by the Rangiriri J Block, 150 links; again by the Rangiriri H No. 1 Block, and by the Rangiriri J 83 3-10 links, 210 links, 83 3-10 links, 100 links, 83 3-10 links, 100 links, 83 3-10 links, and 400 links. Except so much and such parts of the said land as is declared in the Crown Grant thereof to be dedicated to public uses as roads or highways, and except so much and such part of the said land as is conveyed by the said Ngakapa Whanaunga to one Daniel Joseph O'Keeffe by deed, bearing date the 21st day of February, 1870, and registered in the Deeds Register Office, at Auckland, as number 1128d. With all buildings thereon erected. And I further give notice that the interest of the said Ngakapa Whanaunga consists of an Estate in fee simple, and that the same has been taken by me in execution at the suit of the said Richard Coles Jordan, the execution creditor.

Dated October 31, 1870.

H. C. BALNEAVIS
Sheriff.

GEORGE RITCHIE, of Wyndham Chambers, Wyndham-street, Auckland, Solicitor for the said Richard Coles Jordan, the execution creditor.

NOTICE.

Native Lands Court Office,
Auckland, November 12th, 1870.

NOTICE is hereby given, that the Crown Grants to the undermentioned persons for the undermentioned Blocks of Land in the Province of Auckland, have been forwarded by the Secretary for Crown Lands to the Registrar of Deeds here for delivery to the Grantees.

W. BRIDSON,
Acting Chief Clerk.

Grantee.	Block.	District.	Area.		
			A.	R.	P.
Tame Koko and others	Tahuroa No. 3	Waikato	850	0	0
Te Ratapu	Tahuroa No. 4	"	167	0	0
Penetito Tuwhenua and others	Tahuroa No. 1	"	8,912	0	0
Tanumeha Te Moananui and others	Fuharakeke	Coromandel	1	3	18
Wiremu M. Te Hinaki and others	Whakau	"	933	0	9
W. H. Taipari and others	Te Upokohaunui No. 2	Hauraki	26	2	10
Hone Papita Takahanga	Rukuai No. 1	Whangarei	40	0	0



Supplement to the Provincial Government Gazette.

SATURDAY, NOVEMBER 19, 1870.

No. 51.

AN ACT TO PROVIDE FOR THE SALE OF LAND FOR THE RECOVERY OF ARREARS OF RATES.

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

Short Title.

1. The Short Title of this Act shall be "The Sale for Non-payment of Rates Act 1870."

When judgment for rate recovered Superintendent may pay rate.

2. Whenever judgment shall have been or shall hereafter be recovered and duly entered up of Record against the owner of any land in the Colony in any Court of competent jurisdiction for the recovery of any rate assessment or other liability imposed upon such land or upon the owner thereof under any Act or Ordinance providing for the construction management or repair of roads streets or highways or the management government or control of the local affairs of any city town district or place or any other rate or assessment for whatever purpose imposed whether for a purpose similar to those before enumerated or not imposed on any land or the owner thereof it shall be lawful for the Superintendent of the Province in which such land is situate at any time thereafter on request of the governing body by which such rate assessment or liability shall have been made or assessed to satisfy the amount for the time being remaining due on such judgment by payment thereof out of moneys of the Province of which he is Superintendent for the time being available by law for that purpose Provided always that in no case shall the Superintendent pay over to such governing body any sum exceeding two years' rates in arrear in respect of any land or imposed upon the owner thereof.

Rate paid by Superintendent to be repayable with interest by persons originally liable.

3. Immediately upon such payment being made the amount so paid shall become a debt due from the owner of the said land to the Superintendent of the said Province and his successors bearing interest at the rate of fifteen pounds per centum per annum from the day of such payment And the said Superintendent shall if the owner of the said land be known send to such owner through the Post Office addressed to such owner at his then known place of abode or residence a notice of the amount paid by the said Superintendent on account of such rate or assessment and of the lands in respect of which the same was paid.

Memorial may be registered against land and rate charged thereon.

4. The Superintendent for the time being of the said Province may at any time thereafter cause a memorial in the form in the Schedule to this Act signed by such Superintendent or his predecessor to be registered in the Register of Deeds for the Registration District in which the land is situate or by way of inhibition in the Register of Land under "The Land Registry Act 1860" or in both the said registers or in such other Register of Land or Deeds as shall for the time being be in force within the

district in which the land is situate and thereupon the amount in the said memorial mentioned with interest thereon at the rate of fifteen pounds per centum per annum from the day of such payment as aforesaid being made shall be charged upon the said land.

After twelve months Court may order land to be sold.

5. If the amount of the said debt and interest at the rate aforesaid or any part thereof shall remain unpaid for twelve months after such memorial be filed in either of the said registers the Superintendent of the said Province may at any time after the expiration of such period apply by petition to the Supreme Court or to a Judge thereof for such order as is hereinafter mentioned and the Court or Judge upon hearing such petition and after such inquiries and after such proof of the material circumstances as to it shall seem fit may make an order for the sale of the land so charged or such part thereof as shall be specified on such petition for the purpose of raising and paying the cost and expenses of proceedings under this Act and of such sale and after the payment thereof then for the purpose of raising and paying the amount of such debt and interest up to the day of satisfaction thereof by such sale and any such petition may include any number of properties though belonging to different owners provided they be sold in respect of non-payment of a rate made by the same governing body.

Notice of sale to be given.

6. No sale of land under this Act shall take place until after six calendar months' previous notice in the Government Gazette of the Province and until the same notice has appeared once a month for three months in one of the principal newspapers in circulation within the Province in which the land is situate and every sale of land under this Act shall be by public auction and be conducted by such person and in such manner as the Superintendent shall direct and shall be for cash only.

Land sold to be conveyed by Superintendent.

7. The conveyance of any land sold under this Act shall be made by the Superintendent of the Province in his own name under the Public Seal of the Province and every such conveyance shall be effectual to convey the whole legal and beneficial interest in fee-simple in the land sold subject however to all rights of Her Majesty the Queen her heirs and successors therein.

Memorial of satisfaction may be registered.

8. Upon payment or satisfaction of any debt for the recovery of which any memorial may have been registered under the provisions of this Act with interest thereon as aforesaid and of the expenses incurred in and about the registration of such memorial and the Subsequent proceedings if any have been taken it shall be the duty of the Superintendent of the Province to sign a memorial of satisfaction of such rate in the form contained in Schedule B to this Act which memorial of satisfaction may be registered against the land charged by such first-mentioned memorial and upon such memorial of satisfaction being duly registered the land charged by the original memorial shall be exonerated discharged and released from the charge thereby created.

Mortgagees may pay off moneys chargeable on land.

9. It shall be lawful for the mortgagee of any lands charged with the payment of any moneys under any memorial registered pursuant to the provisions of this Act or for his executors administrators or assigns to pay off and discharge the moneys for the time being payable under and by virtue of any such memorial imposed thereon subsequent to the registering thereof and no part of the lands comprised in such mortgage shall thereafter be redeemed or redeemable until the amount so paid and interest thereon after the rate of fifteen pounds per centum per annum shall have been fully paid and satisfied and all moneys so paid shall be recoverable by the person paying the same in like manner as any other moneys secured by the mortgagee.

Application of proceeds of sale.—Surplus.

10. The proceeds of every sale made under the provisions of this Act shall be applied first in payment to the Public Account of the Province of all expenses incurred hereunder on account of such sale next in payment of the amount of the debt and interest for the time being chargeable on the said land under the order aforesaid such interest being computed up to the day on which the proceeds shall be received by or on behalf of the Province and the residue shall be paid to the Public Account of the Province and placed to the credit of a special account intitled "The Owner of _____ (describing the land shortly and adding the name of the owner if known) in account with the Province of _____" and simple interest on the amount of such residue remaining to the credit of the said special account at the rate for the time being allowed by the Bank to such Province for its credit balances shall be placed to the credit of the said special account on the expiration of each year until the expiration of five years from the day when the same was so paid to the Public Account and thereafter such interest shall cease.

Surplus to be treated as purchase money of land under Lands Clauses Consolidation Act.

11. All money placed to the credit of any such special account as aforesaid with the interest for the time being accrued thereon shall be dealt with in the same manner in all respects as if the same were purchase money of land taken compulsorily under the provisions of "The Lands Clauses Consolidation Act 1863" and the Acts for the time being in force amending the said Act paid into the Treasury and placed to the credit of a special account as required by the said Act.

Mode of proceeding where owner unknown.

12. In all cases where judgment for the amount of any such rate assessment or other liability as aforesaid is sought to be recovered against the owner of any land and it is not known who is the owner it shall be sufficient to describe such owner as "the owner of _____" (describing the land with reasonable certainty) and to serve the summons writ or other process in the action or suit by affixing the same on some conspicuous place within the district in which such land is situate and by publishing the same in some newspaper circulated in the Province in which the land is situate and if upon the hearing of any such action or suit or upon motion for judgment by default or upon the trial it shall be made to appear to the Court in which the action is brought or to a Judge of the Supreme Court if the action be in such Court that there is sufficient reason for proceeding under this section the action shall proceed in the same manner as if the said owner had been fully described by name in the process.

Mode of proceeding where owner known but absent from Colony.

13. In all cases where judgment for the amount of any such rate assessment or other liability as aforesaid imposed on any land or the owner thereof is sought to be recovered against the owner of such land and he be known but be not resident within the Colony any summons writ or other proceeding issued with a view of obtaining such judgment against such owner may be served by affixing such summons on some conspicuous place within the district in which such land is situate and by publishing the same in some newspaper circulated in the Province in which the land is situate.

Interpretation in case of Westland.—"Governing body."

14. When any land sought to be charged and sold under the provisions of this Act is situate in the County of Westland the Chairman of the County Council of Westland may do all such things and make all such payments as are hereby required to be made or done by the Superintendent and this Act shall in such case be construed in the same manner as if the words "County of Westland" "County Council of Westland" and "Chairman of the County Council of Westland" had been substituted for the words "Province" "Provincial Council" and "Superintendent" wherever they occur in this Act and the forms prescribed in the Schedule to this Act shall be modified accordingly and the term "governing body" where used in this Act shall mean any Council Board Commissioners Wardens Trustees persons or body whether corporate or not.

"Sale for Non-Payment of Rates Act 1862" not to be affected.

15. Nothing in this Act shall be construed to take away or affect the powers given by "The Sale for Non-Payment of Rates Act 1862" or to repeal or affect the said Act or any Act or Ordinance in which any of the provisions thereof are incorporated nor shall anything in this Act contained be deemed to take away or prejudicially affect any other remedies which the governing body entitled to receive or recover any rate or assessment may have for recovering payment of the same.

SCHEDULE A.

FORM OF MEMORIAL.

BE it remembered, that the Superintendent of the Province of _____ having paid out of the public moneys of the said Province a certain judgment debt of _____ due on a judgment recovered in the _____ against the owner of the land described in the Schedule to this Memorial, the said owner became indebted to the Superintendent of the said Province and his successors in the sum of £ _____ bearing interest at the rate of twenty-five pound per centum per annum from the _____ day of _____ 18 _____ being the day on which such payment was made whereupon this Memorial is made and subscribed by me _____ the Superintendent of _____ according to the provisions of "The Sale for Non-payment of Rates Act, 1870," for the purpose of equitably charging the land with such amount and interest.

Dated, &c.

Signed, &c.

SCHEDULE.

[Describe the land, specifying all the particulars requisite for identifying the same.]

SCHEDULE B.

FORM OF MEMORIAL OF SATISFACTION.

BE it remembered, that the land described in the Schedule hereto is discharged from certain arrears of rate assessment or liability charged thereon by virtue of a memorial dated the day of registered under "The Sale for Non-Payment of Rates Act, 1870."

Dated, &c.

Signed, &c.

SCHEDULE.

[Describe the land, specifying all the particulars requisite for identifying the same.]

AN ACT TO AMEND "THE AUCKLAND WASTE LANDS ACT, 1867."

Preamble.

WHEREAS it is expedient to encourage the *bonâ fide* settlement of the Waste Lands of the Crown in the Province of Auckland

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

Short Title.

1. The Short Title of this Act shall be "The Auckland Waste Lands Act 1870.

Land may be thrown open for bonâ fide occupation.

2. It shall be lawful for the Superintendent of the Province of Auckland by Proclamation in the Provincial Government *Gazette* to declare from time to time the whole or any part of the Waste Lands of the Crown within the said Province to be open for *bonâ fide* occupation in manner and under the conditions hereinafter mentioned and by Proclamation to alter or revoke such declaration.

Must first be trigonometrically surveyed.

3. No lands shall be so proclaimed open for occupation until they have been first trigonometrically surveyed main lines of road laid off and trigonometrical stations erected.

Persons may take possession and hold by virtue of actual occupation.

4. Upon any lands being so proclaimed open for occupation it shall be lawful for any person or persons to take possession of and hold subject to such regulations as may be made in that behalf in accordance with the Laws relating to the Waste Lands of the said Province for the time being in force and to the conditions hereinafter mentioned by virtue of actual occupation forty acres of such lands in respect of each person of eighteen years of age or upwards so occupying Provided that not more than two hundred acres can be held or occupied by any number of persons living together in one household.

Occupant must survey and lodge application within six months.

5. Any person or persons taking possession of and occupying such land as aforesaid shall within six months after so taking possession lodge with the Waste Lands Commissioner of the Province of Auckland an application for the said land together with a plan thereof prepared by an approved surveyor in conformity with the regulations which may from time to time be prescribed by the Superintendent in respect of such surveys in which application shall be stated the name or names of the person or persons in respect of whose occupation such land is applied for the date of the commencement of their occupation and the name or names of the person or persons in whose favour the land is desired to be granted.

Application to be recorded and certificate granted.

6. On receipt of such application and correct plan the Waste Lands Commissioner shall cause the same

to be recorded on a Record Map of the District and shall give to the applicant a certificate in the form A hereunto annexed.

Three years' occupation and cultivation of one fifth entitles to Crown Grant.

7. At the expiration of three years from the date of commencement of occupation the person in whose favour the land was applied for shall be entitled to a Crown Grant or Conveyance of the said land on his proving to the satisfaction of the Waste Lands Commissioner that the persons named in the original application or other adults as substitutes for them have during the whole of the previous three years been in the *bonâ fide* occupation of the said land by continuous residence thereon and that at least one fifth part thereof is then under cultivation and on payment of the usual costs of a Crown Grant or Conveyance.

Complete cultivation entitles to grant before the expiration of three years.

8. The person in whose favour the land was applied for shall be entitled to a Crown Grant or Conveyance thereof at any time prior to the expiration of the aforesaid three years on proof to the satisfaction of the Waste Lands Commissioner that the whole land so applied for is fenced and cultivated and a dwelling-house erected thereon and on payment of the costs of the Crown Grant or Conveyance.

Certificate transferable after one year's occupation.

9. Such certificate as aforesaid may after one year's occupation thereunder be transferred to any other person or persons by indorsement in the form B hereunto annexed and such transferee shall have the same rights privileges and liabilities as the original holder of the certificate.

Certificate void on ceasing to occupy.

10. If the original occupants or their substitutes shall cease to be in the *bonâ fide* occupation of the land such certificate shall become null and void and all rights and privileges thereunder shall absolutely cease and determine.

Disputed questions to be determined by Justices.

11. If any question shall at any time arise as to whether any person or persons have continued or ceased to be in the *bonâ fide* occupation of the land or otherwise fulfilled the before mentioned conditions such question shall be referred by the Waste Lands Commissioner to two or more Justices of the Peace and the decision of such Justices shall be final and conclusive and not liable to be questioned in any Court of Law on any ground whatever.

Provision for partial failure in occupation.

12. If some portion of the original occupants shall fail by themselves or their substitutes to continue in *bonâ fide* occupation of the land originally taken up such failure shall not prejudice the right of the persons continuing in occupation to their proportion of the land applied for and in such case the Waste Lands Commissioner shall fix and determine what portion of the original application shall be cut off and deducted but so as not to cut off any buildings or cultivation of the occupants.

Roads may be taken by Highway Boards with consent of Superintendent.

13. All such lands whether before or after being granted and all lands hereafter sold or otherwise disposed of by the Crown in the Province of Auckland shall be subject to the right of the Highway Board of the District with the consent of the Superintendent to take any public road or roads through the said lands without compensation provided that not more than five per cent. of the land shall be taken and no road shall be taken through any cultivated land without compensation being made by

the Board to the occupant for the injury to the crop nor shall be taken through any garden or within thirty feet of any buildings without consent of the occupants and the Highway Board taking any such road through lands already fenced and cultivated shall be bound to fence the same on each side with a substantial fence.

Provision in case of death of holder of certificate.

14. In the event of death before grant of any person or persons in whose favour such certificate as aforesaid shall have been issued all rights and privileges thereunder shall pass to his or their appointee in writing and failing such appointment shall pass to the personal representatives of the deceased person or persons and failing such representatives to the person or persons in actual occupation of such lands and failing such occupation such land shall revert to the Crown.

Crown Grant must be applied for within one year after expiry of three years.

15. Any person or persons in whose favour such certificate shall have been granted shall within one year after the termination of the aforesaid three years' occupancy apply for a Crown Grant of the said land otherwise he or they shall forfeit all right thereto except to such part thereof as shall then be built upon or in actual cultivation.

Lands may be reserved or sold prior to occupation.

16. Nothing herein contained shall be held to interfere with the reservation selection and sale under "The Auckland Waste Lands Act 1867" of lands declared open for occupation prior to the actual occupation thereof.

Repeal of Land Order clauses.

17. Sections twenty-one to twenty-nine inclusive of "The Auckland Waste Lands Act 1867" are hereby repealed saving nevertheless to all persons any rights already acquired thereunder.

Power to lease the right of flax-cutting.

18. It shall be lawful for the Waste Lands Commissioner with consent of the Superintendent to lease by public tender the right to cut flax on any Waste Lands of the Crown for a term not exceeding seven years such right being determinable at any time at three months' notice on the land being required for the purposes of sale or *bona fide* occupation as hereinbefore mentioned.

Power to lease right of cutting kauri timber for sale.

19. It shall be lawful for the Waste Lands Commissioner with consent of the Superintendent to lease by public tender the right to cut kauri timber for the purpose of sale on any Waste Lands of the Crown for a term not exceeding seven years and to erect saw mills and machinery thereon with right of removal thereof reserving nevertheless to the Crown the right of sale or disposal of the land subject to such lease and the right to sell or lease any products other than the kauri timber thereon.

Power to grant water rights.

20. It shall be lawful for the Governor on the recommendation of the Waste Lands Commissioner and the Superintendent to make and from time to time on such recommendations as aforesaid to rescind or alter regulations for granting to any person the right to form any dam reservoir lead or flume and any embankment in connection therewith in through or over any Crown Lands or in through or over the lands belonging to the applicant and for taking diverting or using the water of any stream for the purpose of such dam reservoir lead or flume subject to such conditions as to the repairs of such dams reservoirs leads flumes and embankments and the use of such water-rights and such other conditions and upon payment of such rents or fees as may be specified in such Regulations and the

Governor may make grants in accordance with such Regulations provided such taking use or diversion shall not interfere with any use to which any other proprietor on the said stream had previously lawfully applied the water of said stream.

Notice to be given before granting water-rights and objections how to be decided.

21. Upon any application being made for a water-right as aforesaid such application shall be publicly notified in each Provincial Government Gazette for two months prior to the recommendation of the grant and any person objecting thereto shall be entitled to have such objection referred by the Superintendent to the Waste Lands Commissioner and two Justices of the Peace and the decision of the Commissioner and such two Justices shall be final provided they are unanimous otherwise no recommendation shall be made.

Provision for sale and conveyance of land held by the Superintendent.

22. All lands heretofore or hereafter acquired or held by the Superintendent for the use of the Province under an absolute conveyance shall be sold or otherwise disposed of under the Waste Lands Laws of the Province for the time being in force or otherwise as may be prescribed by any Act or Ordinance of the Superintendent and Provincial Council and when so sold and disposed of may be conveyed by the Superintendent to the purchaser by deed under his hand and the Seal of the Province.

Resident occupiers may depasture on Waste Lands.

23. The resident occupiers of land within any Highway District shall be entitled to depasture on the Waste Lands of the Crown within such District such number and description of great cattle in proportion to their several holdings as the Trustees for the District shall prescribe on payment to the trustees of such annual fee not exceeding two shillings and sixpence per head of such cattle over six months old as the trustees shall fix.

Penalty for illegally depasturing.

24. Any person not being an occupier of land who shall depasture or permit to depasture any cattle upon the Waste Lands of the Crown within any Highway District or who being an occupier shall depasture or permit to depasture any cattle prohibited by the Trustees or a greater number than prescribed or without payment of the fees fixed shall be liable to have such cattle impounded as for a trespass.

No liability for trespass on unfenced land.

25. No person depasturing cattle under section twenty-four of this Act shall be liable for any trespass by such cattle on any land within such District unless such land shall in the opinion of the Trustees of the District be sufficiently fenced.

Application of fees and penalties.

26. All fees received under section twenty-four shall be applied to local improvements within the District.

Waste Lands Commissioner and Crown Land Commissioner to mean same thing.

27. The term "Waste Lands Commissioner" when used in this Act "The Auckland Waste Lands Act 1867" or "The Auckland Waste Lands Act 1867, Amendment Act 1869" shall be held and taken to mean the Commissioner of Crown Lands for the Province or his deputy.

Interpretation.

28. This Act together with "The Auckland Waste Lands Act 1867" and "The Auckland Waste Lands Act 1867 Amendment Act 1869" shall be taken and read as one Act.

SCHEDULE.

A.

OCCUPATION CERTIFICATE.

Allotment No. Section No.
Parish of County of Province of Auckland.
Acres.

A.B., C.D., E.F., and G.H., or their substitutes, are hereby authorized to occupy the above-mentioned land for three years from the day of 187 in pursuance of "The Auckland Waste Lands Act, 1870." The grant or conveyance to be issued to X.Y. and P.Q.

D.M.,
Waste Lands Commissioner.

Conditions to entitle to Crown Grant or Conveyance.

1. Complete cultivation, on which Crown Grant or Conveyance will be given on payment of the cost of grant or conveyance.
2. The above three years' *bona fide* occupation by continuous residence and cultivation of at least one-fifth part thereof, and payment as above.

NOTE.—1. The above certificate is transferable in the annexed form.

2. If the land is at any time left unoccupied, this certificate becomes void.

3. If insufficiently occupied, a portion will be cut off and forfeited.

4. The person who may be entitled to the grant of the above land may provide for the event of his death by an appointment as follows, indorsed hereon:—"In the event of my death before becoming entitled to a grant of the above land, I appoint V.P. to become entitled to all rights and privileges thereunder."

Witness: (Signature.)

(Signature.)

5. The Crown Grant or Conveyance must be applied for within one year after the expiry of the above three years, or the rights hereunder are forfeited.

B.

I [or we] the above [or within] named X.Y. [and P.Q.] do hereby transfer all my [or our] right and interest under the above [within or annexed] Certificate to O.N., of

Witness: (Signature.)

(Signature.)

CROWN GRANTS.

Crown Lands Office,

Auckland, November 2, 1870.

I HEREBY notify that Crown Grants in favour of the persons named in the following Schedule, are now ready for delivery at the Office of the Registrar of Deeds, High-street, Auckland.

J. WILLIAMSON,
Commissioner of Crown Lands.

SCHEDULE.

Adamson, David; Askin, James; Abercrombie Fred.; Baird, Samuel C.; and Macky, Wm.; Blair John; Birnie, Mary; Barlow, Jas. Geo.; Byers Joseph; Brown, Chas. P.; Bacon George; Bridle James; Barker, Wm.; Barker, Wm. Palin; and Barker, John; Clarke, Charles John; Cowan, Isabella R.; Cawsley, William; Chambers, John; Cadey, John; Crimmins, John; Collins, Josiah; Connop, Fred.; Cooper, George; Clayhill, Charles; Culpán, Ellen; Crawford, William; Crawford, John; Dwyer, Michael; Davies, J. T. W.; Davidson, T. K.; Davison, Robert; Doolan, Patrick; Dudding, J. Gover; Donoghue, Thomas; Dufaur, Frederick; Dibble, Francis; Dannahy, Thomas; Dooley, John; Dixon, Francis; Dixon, John; Dunn, Wm.; Dalton; Wm. James; Duncan, George; Ellis, Thomas; and Hookey, James; Eyre, Charles; and Clayhill, Henry; Elvin, Robert; Ellis, Robert Vincent; Eaglesim, Andrew; Farrow, Robert; and Worfolk, Thomas D.; Flaherty, Thomas; Finn, Michael; Gale, Esau; Grant, Joseph; Graham, Robert; Gibbons, Mary; Gibbons, Francis; Ganley, Peter; Gorrington, Aaron; Grant, Charles; Gamble, James; Gordon, Donald; Gerrard, James; Hogan, Edward; Holland, John, Lorraine; Healy, Thomas; Hammond, Charles; Hodgson, John; Harkin, Wm.; Hawkins, John; Hudson, John; Hawkins, Joseph; Horne, Adam; Hudson, Magdalen; Howard, William; Houltham, Herbert E.; Jackson, George; Jones, Richard; Keyte, Richard; King, Stannage; Lloyd, Wm.; Llewellyn, Henry; Laybourn, Adam; Leahy, John; Mahony, David; Marsh, Richard John; Minckwitz, Paul; Maxwell, John; Malyon, Wm. Edward; Mackinlay, John F.; Menary, Henry; Marshall, Richard; Mitson, Samuel; Milton, Thos.; Murphy, James; Michie, James; Mason, Peter; Mackay, Hugh; Montrose, Chas. O.; Martin, Wm.;

Morrison, Michael; McAnally, Hugh; McGrath, James; McKay, John; McFarlane, George; Neagle, James; O'Brien, Thomas; and Hartnett, Michael; O'Connor, James; O'Callaghan, Tim.; Olliff, Wm.; Palmer, George; Palmer, Henry; and Tregear, Mary; Pemberton, James; Pye, James; Pye, Jas. Smith; and Pye, John; Pegg, George; Proctor, Isaac; Patterson, David; Plant, Wm.; Pellican, Thomas; Pitts, Wm.; Rice, Chas. Hazleham; Reyland, Isaac; Rice, Walter; Robinson, Hy.; Reid, James; Renshaw, M. Ann; Ray, John; Shannahan, John; Sayce, F. Wm.; Sherriff, George; Subritzky, John L.; Spurgeon, Chas.; Stretch, Wm.; Smallwood, Fred.; Smeaton, Wm.; Sackvill, Wm.; Short, Edward; Shave, Alf. W.; Seaman, Thos.; Speakman, Wm.; Smyth, John; Tomes, Thos. B.; Turnock, Adam; Taylor, Mat. Janet; Tomlinson, Wm. F.; Waters, Edward; Wenzlick, Johann; Wilkinson, Thomas; Williams, Theoph. R.; Wilson, Wm.; Wade, Hy. G.; Ward, Frank; and Ward, Francis; Waldie, Jas.; Williams, Howell; Williams, Josh.; Walker, John; Young, Charles.

CROWN GRANTS.

Crown Lands Office,

Auckland, 4th November, 1870.

I HEREBY notify that Crown Grants in favour of the persons named in the following Schedule, are now ready for delivery at the Office of the Registrar of Deeds, High-street, Auckland.

J. WILLIAMSON,
Commissioner of Crown Lands.

SCHEDULE.

Battensly, Henry; Blair, Joseph; Buchanan, Alexander, 2; McBreen, James; Cassidy, James 2; Cathcart, John; Collins, Thomas, 2; Craig, Robert, 2; McCormick, William, 2; McCrackin, Robert; Dean, John 2; Dean, Mathew, 2; Douglas, William; Dunlop, Thomas; McDonald, Thomas; Fausett John; Gordon, Robert; Govan, Joseph, 2; Graham, James; McGill, Archibald, 2; McGregor, Stewart, 2; Halliday, George 2; Harrison, Joseph 2; Hewitt, Jacob, 2; McInally, Robert 2; Low, John, 2; Macguire, Peter; Mills, Alexander, 2; Murray, Thomas Joseph; McMechan, John; Reynolds, John, 2; Reynolds, William; Reynolds, William Henry, jun.; Shanks, Robert, 2; Whiteside, George; Wright, Robert.

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