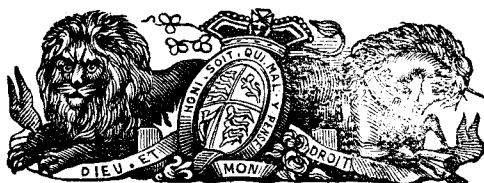


NEW ZEALAND.



OTAGO

PROVINCIAL GOVERNMENT

GAZETTE.

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No. 525.

NOTICE.

THE GOVERNMENT OF OTAGO, recognising the necessity for a revision in the Goldfields Regulations, and being desirous to give Miners an opportunity of assisting to frame New Regulations, suitable to the advanced condition of Gold Mining in this Province, have resolved to appoint a Commission for that purpose; and holders of Miner's Rights and Business Licenses are invited to select delegates from amongst themselves to take part in a Conference to be held in Dunedin early in the month of March.

The Otago Goldfield has therefore been divided into seven Districts, from each of which one Delegate may be elected in accordance with the following Regulations:—

1. Every Delegate must be the holder of a current Miner's Right or Business License, issued on or before the 1st January, 1868.

2. Nominations of proposed Delegates may be made by holders of Miner's Rights only, on or before Monday, 17th February, in writing, addressed to "The Warden," and in the following form, which is to be signed by the proposer and seconder:—

FORM.

(Place and date.)

To the Warden at

We hereby nominate (*insert name in full*) as a Mining Delegate, to represent the District of

Proposer. No. of Miner's Right. Date of Do.
Where issued.

Seconder. No. of Miner's
Right. Date of Do. Where issued.

3. If two or more Delegates are nominated for any District, a poll will be taken on Monday, 24th February, at the places hereinafter named; and the person for whom the largest number of votes may be polled, will be declared elected.

4. Every voter must produce his current Miner's Right or Business License, dated on or before 1st January, 1868, and the officiating Warden or Clerk

shall stamp or write across every Miner's Right and Business License so produced, the word "Voted" and the date.

5. Holders of Miner's Rights who may be working at a greater distance than two miles from the nearest Polling-place, may record their votes in writing in the following form; but in such case it will be requisite for the Miner's Right of the voter to be produced by the person entrusted with the voting-paper.

FORM.

(Place and date.)

To the Warden at

I desire to record my vote for (*insert name in full*.)

(Signature in full of voter.)

6. Voters may record their votes in any District, but for one Candidate only.

N.B.—The Government are anxious that wherever practicable, that branch of Mining which is predominant in each District should be represented.

DISTRICTS.	PLACES OF NOMINATION.	POLLING PLACES.
Wakatipu	Queenstown	Queenstown, Skippers, Arrow, Cardrona, Mace Town
Dunstan	Clyde	Clyde, Cromwell, Nevis
Teviot	Roxburgh	Roxburgh, Moa Flat, Alexandra
Tuapeka	Lawrence	Lawrence, Waitahuna, Waitopori
Taieri	Naseby	Naseby, Hamilton, Hyde, M'Crae's
Manuherikia	Black's No. 1	Black's No. 1, Drybread, Dunstan Creek
Mataura	Switzer's	Switzer's, Nokomai

At 4 p.m. on the day of nomination, the Warden or Clerk officiating will publicly notify the name of the person or persons who may have been nominated.

The poll will be taken at the Court-house in each place; or, if there be no Court-house, then in such other building as the Warden of the district may direct.

GEORGE DUNCAN,
Secretary for Public Works.
Dunedin, Jan., 31, 1868.

PROCLAMATION.

Agricultural Leases Regulations.

By His Honor JAMES MACANDREW, Esquire, Superintendent of the Province of Otago, in Council.

WHEREAS by the thirty-ninth section of "The Gold Fields Act, 1866," it is provided that it shall be lawful for the Governor, from time to time, to make regulations prescribing the mode in which applications may be made for leases of land for agricultural purposes, the quantity of land not exceeding fifty acres, which shall and may be granted in a lease in any particular block, the amount of deposit to be paid by any applicant therefor, and by any objector thereto, the terms and conditions upon which such leases may be held, occupied, assigned, transferred, forfeited, and cancelled, the amount of rent payable therefor, and the times and places of payment, the conditions upon and the manner in which entry to search for gold, or for any metal or mineral, upon any land so leased, may be authorised, and the terms and conditions upon which holders of miners' rights may be permitted to mine upon land, the lease for which shall have been determined on account of its auriferous character, and such regulations from time to time to amend alter and revoke.

And whereas, Edward William Stafford, President of the Executive Council of New Zealand, in pursuance of the power vested in him in that behalf by virtue of a delegation to him under an Order in Council, made on the twenty-seventh day of April, one thousand eight hundred and sixty-seven, did, by proclamation dated the twenty-fourth day of June, one thousand eight hundred and sixty-seven, and published in the *New Zealand Gazette* on the twenty-seventh day of June, one thousand eight hundred and sixty-seven, make the regulations contained in the said proclamation.

And whereas by "The Gold Fields Act Amendment Act, 1867," it is enacted that within any Province in which by any Act or Ordinance it is provided that the Superintendent shall, in the administration of the government thereof, act by and with the advice and consent of an Executive Council, it shall be lawful for the Governor in Council, under his hand and under the Public Seal of the Colony, from time to time as occasion may require, to delegate to the Executive Government for the time being of such Province, subject or not to any restrictions or limitations as he shall think fit, all or any of such powers vested in the Governor or the Governor in Council by the "Gold Fields Act, 1866," as under or by virtue of the one hundred and ninth section of the said Act may be delegated by the Governor in Council, and in like manner to revoke any such delegation: And whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Otago, intituled the "Executive Council Ordinance, 1861," it is provided that the Superintendent of the said Province shall, in the administration of the Government thereof, act by and with the advice and consent of an Executive Council: And whereas the Governor hath, with the advice and consent of the Executive Council of New Zealand, and in pursuance of the power and authority for that purpose vested in him by the "Gold Fields Act, 1866," and subject to its provisions, delegated unto the Executive Government for the time being of the Province of Otago, all such powers vested in the Governor or the Governor in Council by the said last-mentioned Act as, under or by virtue of the one hundred and ninth section of the said last-mentioned Act, may be delegated by the Governor in Council, to

have, hold, and exercise the said powers within the said Province of Otago:

And whereas it is expedient to revoke the said proclamation and regulations of the twenty-fourth day of June, one thousand eight hundred and sixty-seven:

Now therefore, I James Macandrew, Esq., Superintendent of the Province of Otago, by and with the advice of the Executive Council of the said Province, do hereby, by virtue and in exercise of the powers delegated to the Executive Government of the said Province in this behalf by His Excellency the Governor of New Zealand in Council, under the authority of the "Gold Fields Act Amendment Act, 1867," and of any and every other power in any wise enabling me in this behalf, revoke the said proclamation and regulations of the said twenty-fourth day of June, one thousand eight hundred and sixty-seven, except in so far as the same revoke any former proclamation and regulations, and with the advice and consent aforesaid, and by virtue and in exercise of the powers aforesaid, I do hereby make the following regulations, prescribing the mode in which applications may be made for leases of land for agricultural purposes, the quantity of land not exceeding fifty acres, which shall and may be granted in a lease in any particular block, the amount of deposit to be paid by any applicant therefor, and by any objector thereto, the terms and conditions upon which such leases may be held, occupied, assigned, transferred, forfeited, and cancelled, the amount of rent payable therefor, the terms of payment, and the conditions upon and the manner in which entry to search for gold, or for any metal or mineral, upon any land so leased, may be authorised.

REGULATIONS.

Mode of Application.

1. Every application for an agricultural lease of Crown Land within the Otago Gold Field must be made in the form of the first Schedule hereto, or to the like effect, to the Warden of the district wherein the land is situate; and copies of such application must be posted and maintained by the applicant for a period of fourteen (14) days, on boards standing not less than three (3) feet above the surface of the ground, and erected one at each corner of the land so applied for.

Application to be Advertised.

2. A notice of every such application, and of the date fixed for the hearing thereof, with full particulars of the locality of the land applied for, shall be advertised not less than twice, by and at the expense of the applicant, in such newspaper circulating in the district as the Warden shall direct; and copies of the newspapers containing such notice shall be produced to the Warden before he shall proceed to hear the application.

Deposit to be paid.

3. Before any such application shall be received by the Warden, the applicant must pay to a Receiver of Gold Revenue a deposit, the amount whereof shall be calculated as hereinafter set forth, and such Receiver shall give a receipt therefor in the form set forth in the second Schedule hereto (being the form provided by the Treasury Regulations of the 12th November, 1867); and such receipt must be produced to the Warden on making the application.

Deposit—how calculated.

4. If application is made for twenty-five (25) acres, or any lesser area, the amount of the deposit shall be five pounds (£5). For any greater area the deposit shall be calculated upon the entire acreage at the rate of four (4) shillings per acre, and any fractional part of an acre will be reckoned as an acre.

Boundaries must be marked.

5. The boundaries of the land applied for must be marked on the ground by L trenches, and substantial posts standing not less than three feet above the surface at each corner thereof.

Areas must be rectangular.

6. Every area of land so applied for must be rectangular in form, unless a creek, or river, or other natural

obstacle renders a deviation from the rectangular form necessary.

Date to be fixed for hearing.

7. Upon receipt of an application, the Warden shall appoint a day for the hearing thereof, being not less than fourteen (14) nor more than thirty (30) days from the date of the receipt of such application.

Applications to be recorded.

8. The Warden shall cause every such application to be duly recorded in the "Leases Record Book" of his office, and a copy of the application shall be forwarded to such person as the Superintendent may from time to time direct.

Hearing.

9. Upon the day appointed as aforesaid for the hearing, the Warden shall proceed to hear the application; but such hearing may be adjourned from time to time, if any sufficient or reasonable cause shall be assigned, or known to the Warden.

Objections.

10. Objections to the granting of any application may be made, either in writing prior to, or verbally upon the day of the hearing thereof; but every such objection must be sustained at such hearing by the objector in person.

Costs and expenses.

11. Upon the hearing of an application whereto any objection shall have been made as aforesaid, the Warden may award to either party reasonable costs and expenses.

Surveyor to report.

12. Before or at such hearing, the Surveyor or Draughtsman of the district shall furnish to the Warden a report, setting forth the probably auriferous nature, or otherwise, of the land applied for; the prior existence, or otherwise, of any claim or claims thereupon; and the desirability, or otherwise, of reserving the whole or any portion of such land for roads, water-races, or other public or necessary purposes; and such Surveyor or Draughtsman shall, also, (if so instructed by the Warden) attend at the hearing to render such other information as may be required.

Warden to report.

13. Immediately after the hearing the Warden shall forward the application, together with the Surveyor's or Draughtsman's report, and all other documents relating to the application, to such person as the Superintendent may from time to time direct. And therewith the Warden shall report whether any objection has been made, or is otherwise known to him, why such application should not be granted, and shall set forth the nature of any such objection; and also whether the applicant is the holder of any other land under the Agricultural Leases Regulations; and, if so, specifying the extent and area of any such former holding. And such report shall include the Warden's recommendation as to the granting or refusal of the application.

Protection during application.

14. All applications for Agricultural Leases will be reserved for the final decision of the Executive Government of the Province; and land for which application shall have been made in the manner aforesaid shall be "protected" from the date of such application until such decision shall have been made known to the Warden.

Term of Lease.

15. Leases will be granted upon such applications as may be approved by the Executive Government for a period of not exceeding seven (7) years, from the First day of January, or the First day of July next ensuing the date of the certificate hereinafter mentioned.

Area.

16. Agricultural Leases cannot, in any case, be granted for any larger area than fifty (50) acres; and applications for any larger area shall not be received by the Warden.

Certificates.

17. After the approval of any application, and pending the issue of a lease, a certificate in the form in the third Schedule hereto will be issued to the applicant by

such person as the Superintendent may from time to time direct, and such certificate will bear date from the first day of the month wherein the application shall have been granted.

Failure to take up Certificate.

18. If any applicant fails or neglects to take up his certificate within thirty days after service of notice from the Warden that such certificate is ready for issue, such certificate may be forthwith cancelled, and upon such cancellation the deposit paid upon the application will be forfeited.

Certificates to be exchanged for Leases.

19. The holder of such certificate shall exchange the same for a lease whenever it is notified to him that such lease is ready for execution; and if the holder of such certificate shall neglect for the space of thirty (30) days from the time of such notification to execute such lease and a counterpart thereof, the said certificate shall become void, and shall no longer entitle the holder thereof to possession of the land therein mentioned; and, after the expiration of such thirty (30) days, the holder of such certificate shall, if he remain in possession of such land, be deemed a trespasser on Waste Lands of the Crown, and may be proceeded against accordingly.

Unsurveyed Land.

20. If application be made for any land which has not been previously surveyed, the Warden shall, immediately upon being notified that such application has been granted, direct a Surveyor to make a survey of such land, as nearly as possible in the form in which it has been applied for, but having regard to the sixth of these regulations.

Rent.

21. For twenty-five acres, or any lesser area, a charge of five pounds (£5) will be made for the first half-year, which shall cover all charges for the survey and preparation of the lease of the land. For any larger area the charge shall be four shillings (4s.) per acre for the first half-year, which shall also cover the charges aforesaid; and, after the first half-year, rent will be charged at the rate of two shillings and sixpence (2s. 6d.) per acre, per annum, payable half-yearly in advance. Every fractional part of an acre will be considered as an acre, and any fractional part of a month will be considered as a month, and will be respectively charged for accordingly. And the amount paid by way of deposit on any application shall, in the event of the approval of such application, be returned to the applicant on payment of the rent for the first half-year.

Arrears to be paid on execution of lease.

22. Upon the execution of every such lease the rent shall be computed, and paid, up to the first day of January or July next following the date to which payment has been made under the certificate; and, thenceforth, rent shall be payable half-yearly in advance, on the first day of January and the first day of July, in each year.

Refusal of applications.

23. In the event of the refusal to grant any application, the applicant will be entitled to a refund of the amount of his deposit, on payment by him of any costs which the Warden may order to be paid by him, and of any reasonable charges that may have been specially incurred by reason of such application.

Exemptions.

24. Agricultural leases will not, except in special cases, be granted for land within the boundaries of proclaimed townships, or of public reserves, nor for any area including a permanent watercourse, or which may present auriferous indications; and in all cases a public roadway, not less than one chain in width, will be reserved along the margins of navigable streams and rivers.

Sale of interests prohibited.

25. The sale or transfer of any right, title, or interest to or in any application for an Agricultural Lease will not be permitted nor recognised, except under special circumstances, and then only upon the authority and with the express sanction of the Executive Government.

Cancellation of certificates or leases.

26. Every certificate and lease shall be subject to the conditions following; (that is to say) that if the land be sublet or transferred without the sanction and authority of the Governor, or his delegate for the time being; or, if planting, cultivation, or other permanent improvement be not commenced within three months after the issue of such certificate or lease; or, if one-fourth in acreage of the land be not planted, cultivated, or otherwise improved within twelve months from the date of any such certificate or lease; or, if at any time during the currency of the lease, the land shall be neglected for a period of six months; or, if the rent be not paid on the days appointed for payment thereof, the certificate or lease may be cancelled, and the interest of the holder of the certificate, or the lessee, as the case may be, absolutely forfeited; and in every case where such conditions shall not be expressed in any certificate or lease the same shall be implied therein respectively.

Transfer.

27. Certificates or leases will not be transferable without the special sanction and authority of the Governor or his delegate for the time being; and for every such transfer, when sanctioned, a fee or fine of one pound (£1) will be charged; and no such transfer will be sanctioned in any case, unless, and until the conditions with respect to improvement shall have been duly complied with by the holder of the certificate, or the lessee, as the case may be, and until all rent due shall have been paid.

Land may be taken for roads.

28. The right to survey through any land, held under certificate, or lease, such roads as may be deemed essential for public convenience, will be reserved; and also the right to throw them open to public traffic, subject to the allowance of valuation for improvements, and for any standing and growing crops which may be in or upon such line of road at the period when possession thereof is taken by the Executive Government.

Construction of water-races.

29. The right to permit the construction of water-races through land held under certificate or lease, and to grant free entry to such land for the purpose of cleansing or repairing such water-races, will also be reserved, with or without compensation to the holders thereof, and upon such terms and conditions as the Executive Government may from time to time appoint and determine.

Area withdrawn to be deducted.

30. When any land held under certificate or lease shall have been withdrawn for any of the before-mentioned purposes, the area so withdrawn shall be deducted from the acreage originally granted, and the rent thereafter payable under such certificate or lease shall be reduced in the same proportion as the deduction bears to the entire acreage.

Conditions of entry to search for gold.

31. The right of free entry upon any land, held under certificate or lease as aforesaid, for the purpose of searching for gold, or for any other metal or mineral, is reserved to the Governor and his delegate, and to such persons as shall be authorised so to do, in writing under the hand of the Governor or his delegate; and there is also reserved the right of granting permission to prospect, without compensation, upon any unimproved land, subject to such regulations as the Governor or his delegate for the time being shall from time to time appoint in this behalf; and every certificate or lease shall be subject to a condition that such certificate or lease may be determined when any gold, or other metal or mineral, shall be discovered on the land.

SCHEDULES.

FIRST SCHEDULE.

Notice.

No.

(Place and Date.)

To Warden

I hereby apply for a lease of land for agricultural purposes, situate at (*here state the locality*) and comprising _____ acres or thereabouts; and I deposit herewith the Gold Receiver's receipt for the sum of _____ pounds in accordance with the Agricultural Leases Regulations, of the _____ day of February, 1866, made under "The Gold Fields Act, 1866."

Signature (*name in full and address.*) _____

The above application will be heard before me at _____ on _____ the _____ day of _____ 1866.
A. B.,
Warden.

SECOND SCHEDULE.

No.

Place.

Date.

Received from _____ by way of deposit on account of application for _____ acres of land situate at _____ under application No. _____ under the Agricultural Leases Regulations of the _____ day of February, 1868, the sum of _____ pounds _____ shillings and _____ pence.

C. D.,
Gold Receiver.

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THIRD SCHEDULE.

(Not Transferable without the Sanction of the Executive Government.)

PROVINCE OF OTAGO.

District of

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Whereas the application of _____ for an Agricultural Lease of Crown Lands, situated at _____ and containing _____ acres _____ roods _____ perches, was heard before me on _____ 1866, and Whereas no objection thereto has been lodged at my Office, and there is no cause known to me why such Application should not be granted: This is to certify that the said _____ is hereby authorised to take possession of the Land so applied for, and the same to hold, use, and enjoy, subject to the terms and conditions specified in the Agricultural Leases Regulations in force at the date of the issue hereof.

N.B.—This certificate is to be exchanged for a lease when the said _____ is notified that such lease is ready for his acceptance.

Given under my hand, and issued under the Public Seal of the Province of Otago, in the presence of Julius Vogel and George Duncan, Esquires, two of the Members of the Executive Council of the said Province, being also (L.S.) Members of the Provincial Council thereof, this twelfth day of February, one thousand eight hundred and sixty-eight.

JAMES MACANDREW,
Superintendent.

By His Honor's command,

Members of the Executive Council of the Province of Otago, and of the Provincial Council thereof. } JULIUS VOGEL.
GEORGE DUNCAN.