

( SPECIAL. )



# OTAGO

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### PROCLAMATION

*Making Regulations for the Depasturing of Stock upon certain Waste Lands of the Crown within the "Otago Gold Field."*

By His Honor James Macandrew, Superintendent of the Province of Otago, in Council.

WHEREAS by section fourteen of "The Gold Fields Act, 1866," it is enacted that it shall be lawful for the Governor, from time to time, to make, alter, and revoke Regulations for the Depasturing of Stock upon any lands within proclaimed Gold Fields, for which a lease or license for depasturing purposes has not been granted, or has been cancelled or suspended, and to regulate the number of horses or cattle which may be run upon such lands by the holders of miners' right and business licenses, or of mining, mineral, and agricultural leases, and to issue depasturing licenses, and to regulate the fees that shall be paid therefor: And whereas His Excellency the Governor did, by a Proclamation issued under his hand and the seal of the Colony of New Zealand, bearing date the ninth day of July, one thousand eight hundred and seventy-three, delegate unto the Executive Government of the Province of Otago his powers under the said fourteenth section of the said "Gold Fields Act, 1866:" And whereas, by two several proclamations, bearing date respectively the tenth day of February, one thousand eight hundred and seventy-four, and the seventeenth day of February, one thousand eight hundred and seventy-four, issued under my hand and the seal of the Province of Otago, and published, respectively, the first-named proclamation, in the *Otago Provincial Government Gazette*, No. 893, on the eleventh day of February, one thousand eight hundred and seventy-four, and the last-named, in the *Otago Provincial Government Gazette*, No. 894, on the eighteenth day of February, one thousand eight hundred and seventy-four: all regulations theretofore made for the depasturing of stock upon the lands described in the Schedules to the said two several proclamations respectively (being the same lands as are respectively described in the first and second Schedules hereto) were revoked: And whereas the lands described in the said first and second Schedules hereto are lands within a proclaimed Gold Field, for which a lease or license has not been granted, or has been cancelled or suspended, and it is expedient to make regulations for the depasturing of stock upon the said lands: Now, therefore, I, James Macandrew, Superintendent of the Province of Otago, by and with the advice and consent of the Executive Council of the said Province, and 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, and of any and every other power in any wise enabling me in this behalf do hereby make the Regulations following for the depasturing of stock upon the said lands described in the said first and second Schedules hereto (that is to say),

### REGULATIONS.

1. The Superintendent may from time to time divide the said lands described in the first and second Schedules hereto into allotments of such sizes and forms as he may think fit.
2. The Superintendent may from time to time, by a license under his hand, authorise any person to occupy any one or more of such allotments, for the purpose of depasturing stock thereon, for any period not exceeding seven years, at such annual rent, and upon such terms and conditions, as he may think fit.
3. The Superintendent may, if he shall so think fit, cause licenses for a term of seven years, of any or all such allotments, to be offered for sale by public auction, subject to the provisions of these Regulations, and to such terms and conditions as he may think fit.
4. For every license issued under these Regulations, there shall be paid a fee of Five pounds; and the licensee shall also pay annually in advance, on the first day of April in each year, to a Receiver of Gold Fields Revenue, such an annual rental per acre for the estimated acreage comprised in the allotment on which he shall be entitled to depasture stock, as may be agreed between such licensee and the Superintendent.
5. Every holder of a miner's right, business license, and mining lease, shall be entitled to depasture three head of great cattle, free of charge; Provided that all cattle so depastured free of charge be branded with a legible brand, otherwise such cattle shall be deemed to be depastured in contravention of these regulations.
6. Every license shall be in the form in the second Schedule hereto, and shall be subject to the following conditions, which shall be implied therein, and shall have the same force and effect as if the licensee had expressly covenanted to observe the same.

a The land comprised in this license is subject to all existing rights and privileges, and all or any portion of the land which may have been granted or covenanted to be granted under any regulations for granting agricultural or mining leases or licenses, is hereby excluded, and the person to whom this license is issued shall be taken to have satisfied himself of these particulars, and of the accuracy of the description and plan, and no objection shall be competent to him on the ground that he was not informed of the nature and extent of such rights or privileges.

- b The land comprised in this license is subject to the right of any holder of a miner's right, business license, or mining lease, to depasture, free of charge, three head of great cattle thereon; Also to the right of holders of miners' rights to enter and mine upon the land, to take up residence areas, to cut and cart timber for mining, building, or domestic purposes, and to take up agricultural or mining leases thereon under any regulations made or to be made under the "Goldfields Act, 1866," or any Act amending the same.
- c The right of taking roads through any part of the land comprised in this license is reserved to the Governor and his Delegate; and where any such road shall interfere with any fence the licensee will have to erect a gate or gates for the egress and ingress of all persons, animals, and vehicles over or upon such road.
- d It will be optional with the licensee to fence or not, and in the event of his erecting a fence or fences, if the Superintendent on the expiration of this license shall relet the allotment the incoming tenant shall pay one half the then value of such fences, but in no case will the Superintendent or the Provincial Government pay any costs or charges incurred by the licensee in fencing, nor shall it be in any way compulsory on the Superintendent or the Government to relet.
- e The licensee shall erect gates of a width of 8 feet at the least across any existing tracks or roads through the allotment if he shall decide to fence the same.
- f If the licensee wilfully destroys timber, or in any manner injure Trig. stations or Survey pegs he shall forfeit and pay the sum of £50, to be recovered as and for liquidated damages in an action at the suit of the Superintendent, whose title to sue for the same shall be held to be admitted for the purposes of any such action without any proof thereof other than the production of this license.

7. If any licensee shall fail to pay the annual rental specified in his license for the space of fourteen days after the first day of April in any year, the Superintendent may, by a notice in writing published in the *Otago Provincial Government Gazette*, declare such license to be cancelled, and the same shall therefrom be and become cancelled accordingly.

8. The interest of the Licensee in any License issued under these Regulations may be sold with the consent of the Superintendent, and a new License for the residue of the term of the original License may thereupon be issued to the purchaser on payment of the fee for the same.

9. Any person committing a breach of these Regulations shall be liable to the penalties provided by the Gold Fields Act, 1866.

#### FIRST SCHEDULE.

All that area in the Province of Otago, in the Colony of New Zealand, containing by estimation 537,200 acres, more or less, situate in the Interior Pastoral District, bounded by a line commencing at Mount Cunningham, and proceeding in a straight line to Mount Tyndall; thence due east to a point due north of the source of the Shiel Burn; thence by a line due south to a point due west of Black Peak; thence due east to Black Peak; thence along the watershed to Treble Cone; thence in a southerly direction along the western boundaries of Runs numbered respectively 444, 334, 340, to the source of the south branch of the Motatapu; thence in an easterly direction over Cardrona Mountain to the source of Boundary Creek; thence along that creek to the Cardrona River; thence in a southerly direction along the western boundary of Run 340 to the Kawarau River; thence in a westerly direction along the Kawarau River to Queenstown; thence in a southerly direction across the Wakatipu Lake and along the western shore of that lake to Run 420; thence along the north-western boundary of that Run to Run 438; thence along the eastern boundaries of 438 and 324 to the Wakatipu Lake; thence across that Lake and along its eastern shore to Run 346; thence along the eastern boundary of that Run to Stair Peak; thence in a north-westerly direction across Rees River to the Forest; thence in a northerly direction along the edge of the Forest to a point due east of Mount Cunningham; thence to Mount Cunningham, the starting point.

#### SECOND SCHEDULE.

All that area in the Province of Otago in the Colony of New Zealand containing by estimation 13,720 acres more or less, situate in Tuapeka East and Hedgehope Districts, bounded towards the north by a line commencing at a road line 2000 links west of Station D, Hedgehope District, and proceeding due east over that station to the east branch of the Waipori river, thence in a southerly direction along that river to a point on a line bearing 127 deg. 31 min. to Waitahuna Hill, thence in a south-easterly direction along that line to the road line from Lawrence to Waipori, thence in a westerly direction along that road line to peg 19, thence along the road line on the watershed of the Tuapeka and Waipori rivers to a point east of station X, Tuapeka district, thence in a west-south-westerly direction along a road line to the Tuapeka river, thence in a northerly direction to the source of the Tuapeka river near peg 9, and along the road line on the watershed of the Beaumont and Waipori rivers, and passing over pegs 10, 2, and 11, to the starting point, excepting out of the above description Section 1, Block XVII., Tuapeka East District.

#### THIRD SCHEDULE.

Whereas of is desirous of obtaining a License to depasture stock upon the allotment of land in the Depasturing District described in the Schedule hereunder written and has this day paid the fee of Five pounds prescribed by the Depasturing Regulations made on the Fourth day of March one thousand eight hundred and seventy-four and has also paid to the Receiver of Gold Fields Revenue the sum of £ being the amount of the rent agreed to be paid by the said for the said allotment of land annually in advance on the first day of April in each and every year during the continuance of this License the said is hereby licensed to depasture stock upon the said allotment of land for the term of seven years from the first day of April 187 subject to the payment of the said annual rent and to the provisions of the regulations under which this license is issued and to be cancelled as by such regulations is provided.

Dated this day of 187

The Schedule above referred to.

All that parcel of land, &c. (referring to plan in margin.)

SUPERINTENDENT.

I accept the above license and agree to pay the rent therein mentioned to the Receiver of Gold Fields Revenue at annually in advance on the first day of April in each and every year during the continuance of the said License and in all other respects to observe and perform the conditions on which the said License is issued and the said Regulations of the fourth day of March one thousand eight hundred and seventy-four.

LICENSEE.

Given under my hand and issued under the public seal of the Province of Otago in the presence of GEORGE MURRAY WEBSTER and GEORGE TURNBULL, ESQUIRES, two of the members of the Executive Council of the said Province being also members of the Provincial Council thereof, this fourth day of March one thousand eight hundred and seventy-four.

(L.S.) J. MACANDREW,  
Superintendent.

By His Honor's command,

G. M. WEBSTER,  
GEO. TURNBULL.

Members of the Executive Council of the Province of Otago and of the Provincial Council thereof.