

Gold Fields.

the expenses authorized for the government of the gold fields, and the surplus, if any, shall be deemed and taken to be revenue arising from the disposal and occupation of the waste lands of the Crown within the Province in which such gold fields are situated.

4. This Act shall not come into operation until Her Majesty's pleasure shall have been taken thereon, and the same shall have been confirmed by Her Majesty, with the advice of the Privy Council, and a Proclamation of such confirmation having been given shall have been made by the Governor of the Colony. Commencement of Act.

5. The Short Title of this Act shall be "*The Gold Duty Act*," Short Title.
1858."

No. LXXIV.

AN ACT to make provision for the Management of Gold Fields in the Colony of New Zealand. GOLD FIELDS.

[19th August, 1858.]

[Reserved for the signification of Her Majesty's pleasure. Assented to, *Gazette*, 25th July, 1859.]

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

1. In the construction and for the purposes of this Act the following terms shall have the respective meanings hereby assigned to them, if such meanings be not inconsistent with the context or subject matter thereof, that is to say,— Interpretation.

The verb "Mine" shall be understood to include any mode or method of working whatsoever, whereby the soil or earth or any rock or stone may be disturbed removed carted carried washed sifted smelted refined crushed or otherwise dealt with for the purpose of obtaining gold, whether the same may have been previously disturbed or not.

The word "Gold" shall signify as well any gold as any earth clay quartz stone mineral or other substance containing gold or having gold mixed therein or set apart for the purpose of extracting gold therefrom.

The words "Gold Mine" and "Gold Field" shall mean that part of the waste lands of the Crown in the Colony on which any persons are or may be actually engaged in mining for gold, and which shall be proclaimed to be gold fields as hereinafter provided.

The word "Claim" shall mean the portion of land which each person or party shall be entitled to occupy or to occupy and mine in under any miner's right license or lease to be issued under the provisions of this Act.

The expression "Holder of a Miner's Right" or "Holder of a Business License" shall mean the person in whose favour the same respectively shall have been issued.

The word "Business" shall mean and include any profession trade calling or occupation (except mining), and any vending or disposing of any goods merchandise or chattels, whether by hawking or in any other manner.

The words "Authorized Persons" shall mean and include all holders of any license or lease, ministers of religion and schoolmasters, and any warden or commissioner for the gold fields,

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fields, or constable or other person employed exclusively in the Government service, and the servants of such persons respectively there residing with and in the actual employment of any of them, and all females and all children under the age of fourteen years who shall only reside and not mine for gold upon any gold field.

OCCUPATION OF GOLD FIELDS.

Governor to proclaim district to be gold fields.

2. It shall be lawful for the Governor from time to time, by Proclamation, to constitute and appoint any portion of the Colony to be a gold field under the provisions of this Act, and the limits of such gold field from time to time to alter as occasion may require, and also, if he shall see fit, to revoke the Proclamation by which such gold field shall have been constituted; and whenever any district shall have been proclaimed a gold field, the same shall be subject to the provisions of this Act.

Miners' rights to be issued.

3. It shall be lawful for the Governor to cause documents to be issued each of which shall be called "The Miner's Right," and shall be granted to any person applying for the same upon payment of the sum of one pound, and every such document shall be dated on the day and at the place of issuing the same, and shall be in force for the period of twelve months from the date thereof, and shall contain the christian and surname of the person in whose favour the same shall be issued.

Effect of miners' rights.

4. Every miner's right to be issued as aforesaid shall during the continuance thereof, subject to the provisions of this Act and to the rules and regulations to be made as herein provided, authorize the holder to mine for gold upon and to occupy for mining purposes and for residence (except as against Her Majesty) so much of the waste lands of the Crown comprised in any gold field as may be prescribed by such rules and regulations.

Business licenses may be issued.

5. It shall be lawful for the Governor in Council, subject to the provisions of this Act and to such rules and regulations as he may think fit to make for the purpose, to cause licenses to be issued, which shall be in force for the period of twelve months from the date thereof respectively, authorizing the holder to occupy waste lands of the Crown for the purpose of carrying on business upon any gold fields, and the fees to be paid for every such license shall be five pounds: Provided always that no person shall be entitled under this Act, or any rules or regulations to be made in pursuance thereof, to occupy except under a lease more than twenty perches of land.

Governor may license for the sale of spirits &c.

6. It shall be lawful for the Governor to license any person to sell or to license any house for the sale of spirituous liquors wine ale beer or porter, in any quantity in any gold field at such times in such manner and upon such terms and conditions and upon payment of such fees as the Governor may think fit; and no license for the sale of any spirituous liquor wine ale beer or porter in any quantity within any gold field or within three miles from the boundaries thereof shall be issued except under the authority of this Act; and every person who shall sell any spirituous liquor wine ale beer or porter in any gold field or within three miles of any boundary thereof except he be licensed for the purpose under this Act, shall forfeit and pay any sum not exceeding fifty pounds.

Mining leases may be granted.

7. It shall be lawful for the Governor in Council to demise to any person, for any term not exceeding fifteen years from the making of the lease, any auriferous Crown land for mining purposes, and also to grant water-rights and other easements for such purposes, and to fix the amount to be paid by way of rent or royalty for the same respectively: Provided always that no such lease shall be granted until the expiration

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expiration of three months after notice of the intention to grant the same shall have been published in the *Government Gazette* and at least one of the local newspapers best calculated, in the opinion of the Governor, to give publicity to the same amongst the persons specially interested.

8. It shall be lawful for the Governor in Council from time to time to make such regulations, not being contrary to the provisions of this Act, as he shall think fit for regulating the granting of leases for mining purposes, and the terms and conditions on which such leases shall be granted, and such regulations from time to time to alter or abolish.

Governor in Council may make regulations for granting leases.

9. Nothing hereinbefore contained shall authorize any person to occupy as aforesaid any Crown land which shall have been exempted by the Governor from the operations of mining, or which shall have been applied to any public use or purpose, or be lawfully and *bonâ fide* used as a garden or orchard, or for any race or dam, or for any house outhouse shed or other building, or to cut or remove from such Crown land any trees growing thereon, or to cut or construct any race or dam through or upon any such Crown land; but nevertheless it shall be lawful for the Governor to authorize the holders of miners' rights to occupy under such rights and also to cut and construct races and dams for the purposes aforesaid through or upon any Crown lands which may have been so exempted or applied as aforesaid, subject to such conditions and restrictions as the Governor shall impose.

Certain lands exempted.

10. When any gold mine or gold field shall have been discovered upon any Crown lands then under lease or license for pastoral purposes, it shall be lawful for the Governor to suspend the said lease or license so far only as may be necessary for the accommodation of the horses and cattle required for the subsistence and convenience of the persons holding the miner's right and licenses and leases under this Act, and for the supply of water to the said gold field, and otherwise for effectually working the said gold mine or gold field, and thereupon to return or remit as the case may require such portion of the rent of the lessee of the said land as may be thought reasonable and just, and also to pay him out of the revenue derived from the gold mines or gold fields of the Colony full compensation for loss if any be sustained by him by reason of such suspension, and such compensation shall be ascertained by the appointment of two indifferent persons, one to be chosen by the Governor and the other by the holder of such lease or license, or by an umpire to be chosen by such two appraisers.

Power to cancel pastoral licenses extending over gold fields.

11. It shall also be lawful for the Governor in Council, subject to the provisions of this Act, to make rules and regulations relating to the terms and conditions upon which miners' rights shall be granted, and the forms of such miners' rights and of licenses and leases to be issued under this Act, and the modes times and places of the issue thereof, and also touching the extent and position of any claim and the conditions under which it shall be worked held assigned or forfeited, the application and use of machinery, and all such other rules and regulations relating to mining under miners' rights or otherwise in any gold field as he may deem most beneficial.

Governor in Council may make rules regulating mining in gold fields.

LOCAL LEGISLATION.

12. Upon petition of not less than one hundred persons holding miners' rights or leases under this Act at any gold field, and having held such rights or leases for not less than three calendar months, it shall be lawful for the Governor in Council, by Proclamation, to declare such gold field or any part thereof, containing not less than one hundred persons holding miners' rights or leases, to be a district for the purpose

District may be proclaimed for purpose of forming Mining Boards.

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purpose of forming a Mining Board, with the powers and authority hereinafter described, and to declare the name of such district and define the limits thereof, and from time to time to alter such limits and make others, and to revoke such Proclamation if he shall think fit; and after the publication of any such Proclamation, the locality so described shall be and become a mining district for the purposes aforesaid.

Governor, by Order in Council, to regulate elections of members of Mining Boards.

13. The Governor, by Order in Council, shall from time to time prescribe what shall be the number of members of each such Mining Board, what qualification shall be required to render them eligible, who shall act as Returning Officer, when where and in what manner the elections of such members shall be conducted, in what manner erroneous returns shall be corrected, for what period such members shall be elected, when and in what manner vacancies in any Mining Board shall be created and how the same shall be filled up, and generally shall make provision for insuring the orderly effective and impartial conduct of the elections of members of such Mining Board.

Powers of Mining Boards.

14. Every Mining Board shall, subject to the provisions of this Act, have power to frame rules and regulations touching their own proceedings and for regulating the quantity and form of land which may be occupied under any miners' rights or business licenses, and the conditions under and mode in which such land shall be worked assigned or forfeited, and all such other rules and regulations relating to mining under miners' rights and applicable to the mining district for which they may be elected as they shall deem most beneficial: Provided always that when any Mining Board shall be established in any mining district, the power of the Governor to make rules and regulations for such district for any of the purposes mentioned in this section shall cease: Provided also that no such rule shall be in force until it shall have received the assent of the Governor and been published in the *New Zealand Gazette* and at least one of the local newspapers best calculated, in the opinion of the Governor, to give publicity to the same amongst the persons specially interested.

ADMINISTRATION OF JUSTICE.

Governor to constitute Wardens' Courts.

15. It shall be lawful for the Governor, by Order in Council, from time to time to constitute for any gold field or for any part thereof, Wardens' Courts for the administration of justice therein, and to appoint Wardens as Judges of such Courts, with power to act alone or with assessors or juries, and in such manner and to exercise all or any of the powers hereinafter mentioned as the Governor shall think fit to direct.

General powers of Courts.

16. It shall be lawful for every such Court, subject to the provisions of this Act, to hear and determine all complaints respecting boundaries of claims, or respecting any encroachments upon the same; to inquire into and decide upon breaches of rules and regulations of Mining Boards, or of any laws rules or regulations relating to the gold fields in force for the time being, and to inflict the penalties imposed by the same; to entertain partnership questions, and generally to hear and determine all disputes between miners relating to gold mining, and to ascertain damages and award compensation as hereinafter more particularly provided.

Summary powers of Courts to remove encroachers and award damages.

17. It shall be lawful for any such Court, upon the complaint of any person holding the miner's right or any license or lease under the provisions of this Act that any other person has encroached upon the claim of the complainant, to proceed forthwith to the spot for the purpose of investigating the matter of such complaint, and to inquire into the case, and, on view or upon the oath of any witness, to determine the same in a summary way; and if it shall appear to such

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Court that the person so complained against has so encroached, by occupying mining or undermining such claim, or unlawfully interfered therewith in any other way whatsoever, whereby the right title or interest of such applicant in or to such claim shall have been injuriously affected, it shall be lawful for such Court to adjudge accordingly, and to assess and award to the complainant the amount of damage, if any, sustained by the complainant, and to cause the encroaching persons, his servants implements goods and chattels, to be removed from the claim so encroached upon.

18. It shall be lawful for such Court, upon the hearing of any complaint as aforesaid, upon proof of any gold having been unlawfully or improperly removed from any claim, to cause any gold which may have been so taken or removed to be summarily seized and delivered to the person whose claim has been encroached upon.

To seize and restore gold unlawfully removed.

19. It shall be lawful for any such Court, upon any complaint made by the holder of any miner's right lease or license as aforesaid, that he is or has been whilst such holder engaged in a gold-mining partnership with any other person within the mining district wherein the land held or occupied under such miner's right lease or license is situated, and that a balance is due to him on account thereof, or upon the application of any such holder so engaged in such partnership that the partnership may be dissolved and that the sums respectively due to the several members thereof may be ascertained and paid, to issue a summons requiring such members of the said partnership as he shall deem necessary to appear before such Court, and upon such appearance, or in default thereof after service of such a summons to procure and compel the same as hereinafter provided, or in the absence of such members as shall not appear to be necessary parties to such case, to inquire into and hear such complaint or application, and order that such partnership shall be dissolved, and ascertain and determine the amount to be paid by any member or members thereof, and to exercise all such powers in making and enforcing any award judgment or order in the matter as are hereinafter more particularly provided.

To hear and decide partnership questions.

20. Every such Court shall have power to summon witnesses and parties necessary to any case to be heard by such Court, and to administer an oath to any such witness and any party to the suit, and to issue warrants to compel the attendance of any such witnesses parties jurymen and assessors; and no proceedings taken before any such Court shall be quashed for want of form, or be removed into the Supreme Court by *certiorari* or otherwise.

Powers of Courts to summon witnesses.

21. Before any jurymen or assessor shall proceed to hear any case in any such Court, the Judge thereof shall administer to him an oath to the effect that he will well and truly inquire into the matter of complaint or in dispute then submitted, and a true finding and decision give according to the evidence, and thereupon the Court shall proceed to hear such complaint.

Judge to administer oath to jurymen and assessors.

22. Every such Court shall have power in every case brought before it to make such decree or give such judgment as shall be just without regard to any rule of law or the practice of any Court of Law or Equity, and to award damages and reasonable costs or direct payments to be made to either party: Provided that the amount of damages payments and costs to be made by or to any one party shall not exceed one hundred pounds.

Decision of Courts to be irrespective of rules of law &c.

23. A minute of every such decision shall be entered by the Judge of every such Court in a book to be kept for that purpose, and shall be signed by the persons who concur in making such decision, and no formal order shall be necessary, and a copy of such minute shall on demand be given to any of the parties interested therein.

Judge to keep record of decisions.

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Decisions to be enforced by summary proceeding.

24. Every order decree or judgment made by any such Court shall be carried out and enforced in the same manner as any order or judgment of a Resident Magistrate may be enforced according to the law for the time being in force for regulating summary proceedings before Justices of the Peace.

Appeal.

25. If any person ordered decreed or adjudged, under the authority of this Act, to forfeit or pay any fine or penalty damages or compensation (exclusive of costs) amounting to twenty pounds or upwards, shall feel aggrieved by any such order decree or judgment, and shall within five days after the making of the same give notice of appeal and of the matter and ground thereof to the Court and to the other party to the case in respect whereof the order decree or judgment to be appealed against was made, and also shall within seven days give sufficient security, by bond or otherwise, to the satisfaction of such Court, to appear and try such appeal and abide the judgment of the Court of Appeal thereon and to pay such costs as shall be awarded, it shall be lawful for the person so feeling aggrieved to appeal to the District Court having jurisdiction over the district within which the matter in dispute shall have arisen, at the first sitting thereof which shall be holden after the expiration of ten days next after the security shall have been given as aforesaid, and upon such security being given, the appellant if in custody shall be forthwith liberated: Provided always that if there be no District Court having such jurisdiction, an appeal in like manner shall lie to the Supreme Court at the first sitting thereof which shall be held after the expiration of ten days as aforesaid in the Province within which the matter in dispute shall have arisen.

Power to suspend working of claims.

26. It shall be lawful for any such Wardens Court, whenever it shall seem fit or requisite so to do, to order the working of any claim affected by any matter in dispute brought before it to be suspended until such matter shall have been investigated and adjudicated upon as herein provided.

Governor may make rules of procedure and Court regulations for orderly conduct of business.

27. It shall be lawful for the Governor in Council from time to time to make alter and revoke rules regulating the procedure and practice in the Courts to be established under this Act, and in cases of appeal therefrom, and also to fix the fees to be taken in respect of proceedings therein; and it shall be lawful for the Wardens or Judges of the said Courts to prescribe such regulations as may from time to time be necessary for the orderly transaction of the business of the said Courts respectively.

PENALTIES, ETC.

Persons mining without authority liable to penalty.

28. Any person not being the holder of a miner's right or of a lease under this Act, who shall mine for gold upon any proclaimed gold field, and any person who shall employ any such unauthorized person so to mine, and any person not being the holder of a miner's right license or lease duly empowering him in that behalf and not being an authorized person within the meaning of this Act, who shall occupy any waste lands in or become resident upon or at any proclaimed gold field, shall be liable to the penalties following, that is to say,—For the first offence a sum not exceeding five pounds; for the second or any subsequent offence a sum not exceeding ten pounds nor less than five pounds.

Penalty for mining on private lands.

29. Any person who shall knowingly mine or employ any person to mine for gold on any land belonging to a private individual, without the consent of the owner thereof or his duly authorized agent, shall be subject to the like penalties as are mentioned in the last preceding clause.

Forging lease or other

30. If any person shall forge or alter any miner's right license lease

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lease or other document issued under the authority of this Act, with intent to defeat the provisions thereof or to defraud any person whomsoever, shall be guilty of a misdemeanour, and on conviction thereof before any Court of competent jurisdiction shall be subject to fine or imprisonment, with or without hard labour, not exceeding three years, or both, at the discretion of the Court.

document a
misdemeanour.

31. If any person shall use or exhibit any forged miner's right license or lease issued or purporting to be issued under the authority of this Act knowing the same to be forged, or if any person shall fraudulently personate the holder of any such miner's right license or lease, or shall falsely and fraudulently represent that any servant or other person is an authorized person within the meaning of this Act, or shall fraudulently use or exhibit as his own any miner's right license or lease belonging to or granted to any other person, or shall use or exhibit as valid a miner's right license or lease which shall have expired, he shall be liable to a penalty for every such offence not exceeding fifty pounds.

Punishment for
personation &c.

32. Every person committing any breach, whether of omission or commission, of any of the rules or regulations made under the authority of this Act, shall for every such breach be liable to a fine or penalty not exceeding ten pounds for the first offence and twenty pounds for any second or subsequent offence.

Penalty for breach
of rules.

33. If any person summoned to attend the hearing of any suit or matter to be heard or determined under the provisions of this Act, whether as jurymen, assessors, witnesses, or party to the suit, having been duly summoned, shall neglect or refuse to attend at such time and place as shall be named in the summons, or if he shall refuse to be sworn as witness, or to be sworn or serve as a jurymen or assessor, it shall be lawful for the Judge of any such Court in any such case, unless some reasonable cause for such non-attendance or refusal be made to appear to such Judge, to fine such person any sum not exceeding five pounds as to the Judge shall seem fit.

Penalty for non-
attendance, refusal to
be sworn or serve, &c.

34. If any person shall assault or resist any Judge of any Court constituted under this Act, or any Resident Magistrate, or any other person whilst in the execution of the duties provided to be performed by him under this Act, or if any person, having had the boundaries of his claim pointed out by any such Court, shall encroach or trespass upon the claim of any other person, every such person so assaulting resisting or encroaching shall be fined any sum not exceeding fifty pounds, with imprisonment till payment in some gaol or house of correction, there to remain for any time not exceeding one calendar month for every five pounds or fractional part of five pounds so to be paid: Provided that the time of imprisonment shall in no case exceed six calendar months, and shall cease upon payment of the penalty ordered to be paid together with costs.

Penalty for resisting
Judge &c. or
encroaching.

35. If any person after having been ordered to suspend the working of any claim, as hereinbefore provided, shall work such claim, he shall be liable to a penalty not exceeding twenty pounds.

Penalty for working
claim after order to
suspend.

36. All proceedings for any infringements in any gold field of the provisions of this Act, or of any rules or regulations to be made in pursuance hereof, shall, if there be any Court constituted under this Act for such gold field, be had and taken in such Court, and if there be no such Court, then before a Resident Magistrate or Justice of the Peace, according to the law for the time being in force for regulating summary proceedings before Justices of the Peace.

Penalties &c. how
recoverable.

REVENUE AND EXPENSES.

37. All rents and royalties which shall be receivable under this Act

Rents &c. to be paid

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to Receiver of Land Revenue.

Act shall be paid to a Receiver of Land Revenue, and shall for all purposes be deemed to be revenue and receipts arising from the sale letting disposal and occupation of the waste lands of the Crown, and shall be chargeable in the first instance with all the costs charges and expenses of carrying this Act into execution.

Expenses how to be regulated and charged.

38. All the costs charges and expenses incident to the management and administration of the gold fields of the Colony, and to the construction and repair of works of public utility and convenience therein or leading thereto, shall be from time to time regulated in such manner as shall be directed by the Governor in Council, and shall be paid out of the revenue and receipts to arise from fees fines rents royalties or in any other manner howsoever under this Act.

Costs &c. of management of gold fields when to be regulated by Acts or Ordinances of Provincial Councils.

39. Provided always that whenever the Governor shall have delegated to the Superintendent of any Province, as hereinafter provided, all or any the powers vested in the Governor or in the Governor in Council by this Act, it shall be lawful for the Governor, by Order in Council, to appoint and declare that all the costs charges and expenses incident to the management and administration of the gold fields within such Province shall be regulated by Acts or Ordinances to be passed by the Superintendent and Provincial Council of such Province.

GENERAL PROVISIONS.

Governor in Council may make regulations for carrying this Act into effect.

40. In all cases where no provision or no sufficient provision is made by this Act, it shall be lawful for the Governor in Council, from time to time, for the purpose of facilitating or more effectually carrying into execution any of the objects thereof, to make and prescribe all such rules and regulations touching any of the matters intended to be hereby provided for, and touching all matters having reference to the provisions of this Act, as to the said Governor in Council may seem expedient, and such rules and regulations from time to time to alter and revoke as to the Governor in Council may appear requisite.

Governor may delegate powers under this Act.

41. It shall be lawful for the Governor in Council, under his hand and the Public Seal of the Colony, from time to time to delegate to the Superintendent of any Province, or to such other person as the Governor may deem fit, all or any of the powers vested in the Governor or the Governor in Council by this Act, except the powers conferred by sections seven, eight, twenty-seven, and forty thereof, subject or not to any limitations or restrictions as he may think fit, and in like manner to alter or revoke any such powers.

Rules &c. to be laid before General Assembly.

42. Every rule or regulation made under the authority of this Act shall be laid before both Houses of the General Assembly within twenty-eight days from the issuing thereof if the General Assembly be then in Session, and if not, then within fourteen days after the commencement of the next Session thereof.

Royal prerogative not interfered with.

43. Nothing in this Act contained shall be deemed to abridge or control the prerogative rights and powers of Her Majesty the Queen in respect of the gold mines and gold fields of the Colony.

Commencement of Act.

44. This Act shall not come into operation until Her Majesty's pleasure shall have been taken thereon, and the same shall have been confirmed by Her Majesty, with the advice of the Privy Council, and a Proclamation of such confirmation having been given shall have been made by the Governor of the Colony.

Short Title.

45. The Short Title of this Act shall be "*The Gold Fields Act, 1858.*"

Waste Lands.

No. LXXV.

AN ACT to regulate the Disposal and Administration of
the Waste Lands of the Crown in New Zealand.

WASTE LANDS.

[19th August, 1858.]

[Reserved for the signification of Her Majesty's pleasure. Assented to, *Gazette*, 15th February, 1860.]

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

1. The several Acts Ordinances and Regulations specified in the Schedule to this Act annexed are hereby declared to have been valid from the time of the passing or issuing thereof, and the said Acts Ordinances and Regulations and the Bills specified in the said Schedule shall hereafter have the full force and effect of law in the several Provinces to which they respectively relate, except so far as the same are repugnant to or inconsistent with the provisions hereinafter contained, that is to say,—

Acts &c. specified in Schedule declared valid and to remain in force with certain exceptions.

- (1.) No larger quantity of land than three hundred and twenty acres shall be put up for sale by auction in any one lot, and the upset price shall in no case be less than five shillings an acre.
- (2.) No land, after the first day of August, one thousand eight hundred and sixty, shall be sold upon credit, except such as it may be lawful to set apart for special settlement by immigrants expected to arrive.
- (3.) The priority of choice shall in no case whatever be decided by lot, but in all cases in which two or more applications are made on the same day for any land open for selection at a fixed price, such land shall be put up to auction at an upset price of the same amount as the fixed price, at which auction only the applicants in person or by their agents shall be allowed to bid; but this provision shall not extend to applications heard before the Waste Lands Board of the Province of Canterbury.

2. If at any time the Superintendent and Provincial Council of any Province shall recommend to the Governor that an augmentation should be made in the price at which the waste lands of the Crown within such Province shall be offered for sale either by selection or by auction, it shall be lawful for the Governor in Council, if he think fit, to fix such price accordingly.

Governor in Council may alter prices of lands.

3. Subject to the said several Acts Ordinances Regulations and Bills, and in cases where no provision shall have been made in such behalf, it shall be lawful for the Governor in Council, in the name and on behalf of Her Majesty, to constitute such Offices and Boards and appoint such officers as may be necessary for the management and administration of the waste lands of the Crown, and for the survey thereof, within the several Provinces of the Colony, and from time to time to make such changes and alterations and remove such officers as he may think fit.

The Governor to constitute offices and appoint officers.

4. All the acts authorized or required to be performed by and all the powers conferred upon or given to the Superintendents of the several Provinces, acting either with or without the advice or the advice and consent of the respective Executive Councils thereof, under or by virtue of the several Acts Ordinances Bills and Regulations specified in the Schedule to this Act, shall henceforth cease to be vested in the Superintendent, and shall and may henceforth be vested in and

Powers vested in Superintendent to be exercised by Governor.

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may be performed and exercised by the Governor alone, fully and effectually for all purposes.

Governor may compel performance of engagements.

5. It shall also be lawful for the Governor to exercise and perform every power and act which may be necessary to complete carry out or compel the performance of any subsisting contract or agreement which may have been lawfully made entered into or commenced under any law in force within any Province before the coming into operation within such Province of any of the several Acts Ordinances Bills and Regulations specified in the said Schedule.

Governor may delegate powers.

6. It shall be lawful for the Governor, under his hand and the Public Seal of the Colony, from time to time to delegate to the Superintendent of any Province, or to such other person as the Governor may think fit, all or any of the powers vested in the Governor by sections three, four, and five, and also by section fourteen of this Act, subject or not to any limitations or restrictions as he may think fit, and in like manner to revoke any such powers: Provided always that any power which may be in any Superintendent at the time of the coming into operation of this Act, under any of the Acts Ordinances Bills or Regulations specified in the said Schedule, shall thenceforth be deemed and taken to have been duly delegated under this Act.

Governor may make regulations.

7. Subject to the said several Acts Ordinances Regulations and Bills, it shall be lawful for the Governor in Council from time to time to make and revoke regulations for the guidance of the several officers employed in the management and administration of the waste lands of the Crown, and for the management and conduct of the business of any Land Board or Office, and for the settling of all disputes and differences relating or incident to the sale letting disposal or occupation of the waste lands of the Crown, and all such regulations shall be binding and conclusive on all persons whomsoever.

Appropriation of Crown Grant fees.

8. All fees payable on the issue of Crown Grants shall be chargeable in the first place with the salary of a Secretary for Crown Lands, and with the costs and expenses of maintaining a Crown Grant Office.

Part of section 62 Constitution Act repealed; costs of administration of waste lands to be regulated by Acts or Ordinances of Provincial Councils.

9. So much of the sixty-second section of the Constitution Act as authorizes the Governor to pay out of the revenue arising from the disposal of the waste lands of the Crown all the costs charges and expenses incident to the collection management and receipt thereof is hereby repealed, and, except the salaries of the Secretary for Crown Lands and of the Receivers of Land Revenue, and the expense incident to the maintenance of the Crown Grant Office, all the costs charges and expenses incident to the management and administration of the waste lands of the Crown within each Province of the Colony shall be regulated by Acts or Ordinances to be passed by the Superintendent and Provincial Council thereof.

Accounts of receipts and disbursements to be audited by Secretary for Crown Lands.

10. All the accounts of such costs charges and expenses shall be audited by the Secretary for Crown Lands, and, so far as the same relate to each Province, shall be from time to time laid before the Provincial Council thereof.

Governor to fulfil contracts &c.

11. And whereas it is proper and expedient that power should be given to the Governor to fulfil engagements heretofore made on behalf of Her Majesty, and also to make reserves for certain public purposes within the Colony: Be it therefore further enacted that it shall be lawful for the Governor at any time to fulfil and perform any contract promise or engagement heretofore made by or on behalf of Her Majesty, and whereof there is evidence in writing, with respect to any allotment or parcel of land within the Colony, and any Crown Grant made in pursuance of any such contract promise or engagement shall be valid.

Waste Lands.

12. It shall also be lawful for the Governor in Council, at any time and from time to time, to except from sale, and either reserve to Her Majesty or dispose of in such other manner as for the public interest may seem best, such of the waste lands of the Crown in any of the said Provinces as may be required for the purposes of military defence, or for the construction of trunk lines of road, or as sites for public buildings for the use of the General Government, or for other purposes of public utility or convenience; and all such exceptions shall be deemed to have been made whenever the Governor by writing under his hand shall have notified to the Superintendent of the Province in which any land so excepted is situate that the same is required for any of the purposes aforesaid, and such notification shall have been published in the *New Zealand Gazette*.

Governor empowered to make reserves.

13. It shall also be lawful for the Governor in Council, by Proclamation in the *New Zealand Gazette*, to change the specific purpose for which any land has heretofore been or may hereafter be set apart as a reserve for the General Government, and also to exchange any land for the time being set apart as such reserve for other land of equal value, or to sell any land so set apart, as he may think fit, and in case of the exchange or sale of any such land, to make a Crown Grant thereof accordingly: Provided always that in the event of a sale of any such land the proceeds thereof shall be invested in the purchase of other land, and any land so acquired by exchange or purchase shall be forthwith proclaimed as a public reserve under "*The Public Reserves Act, 1854.*"

Governor may change purpose of or exchange or sell reserves.

14. And whereas Crown Grants have heretofore from time to time been made in which rights of road through the lands therein comprised have been reserved, and it is expedient that power should be given to release such rights: Be it therefore further enacted that it shall be lawful for the Governor, by writing under his hand, to release by an endorsement on the Crown Grant or by a separate instrument any rights reserved as aforesaid, and on such release being given, the power to take or set apart any road by virtue of any such reservation shall thenceforth cease and determine: Provided always that any road set apart in pursuance of any such reservation, previously to such release, shall be deemed and taken for all purposes whatsoever to be a public road and highway.

Rights to make roads reserved in certain Crown Grants may be released.

15. Whereas it is desirable to encourage the settlement of naval and military settlers throughout the Northern Island of New Zealand: Be it therefore further enacted that naval and military officers, 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 Provinces of New Plymouth or Wellington, has not selected land under any former law or regulation enabling naval and military settlers to select land free of cost, shall be entitled to land free of cost in the said Provinces respectively in like manner and upon the same terms and conditions as naval and military settlers are entitled to land free of cost under "*The Auckland Waste Lands Act, 1858.*" And the several powers and duties of the Commissioner appointed under the said Act in respect of land to be so granted shall be exercised and performed by any Commissioner of Crown Lands in the said several Provinces of New Plymouth and Wellington.

Naval and military settlers entitled to land free of cost.

16. The Acts passed by the General Assembly of New Zealand, intitled respectively "*The Waste Lands Act, 1854,*" and "*The Provincial Waste Lands Act, 1854,*" are hereby repealed.

Former Acts repealed.

17. This

Waste Lands.

Commencement of Act.

17. This Act shall not come into operation until Her Majesty's pleasure shall have been taken thereon, and the same shall have been confirmed by Her Majesty, with the advice of the Privy Council, and a Proclamation of such confirmation having been given shall have been made by the Governor of the Colony.

Short Title.

18. The Short Title of this Act shall be "*The Waste Lands Act, 1858.*"

SCHEDULE.

ACTS, ORDINANCES, BILLS, AND REGULATIONS FOR THE SALE, LETTING, DISPOSAL, AND OCCUPATION OF THE WASTE LANDS OF THE CROWN, REFERRED TO IN THIS ACT.

Provinces.	By what Legislature or other Authority Enacted or put in Force.	Session and Number of Acts or Ordinances.	Title or Short Title.	Date Assented to or put in force.
Province of AUCKLAND	Act of the Governor and Provincial Council Bill passed by the Provincial Council, and reserved for the Governor's assent	Session VIII., No. 2 Session VIII., No. 3	"Auckland Waste Lands Act, 1858" "Immigration Certificate Bill, 1858"	9th March, 1858. At passing of this Act.
Province of NEW PLYMOUTH	Proclamation of the Governor under "The Waste Lands Act, 1854"	...	Regulations for the Sale and Disposal of the Waste Lands of the Crown	20th October, 1855.
Province of WELLINGTON	Proclamation of the Governor-in-Chief under "The Constitution Act" Proclamation of the Officer Administering the Government, under "The Waste Lands Act, 1854"	General Land Regulations Additional Land Regulations for the Amendment and Extension of the Regulations of 4th March, 1853	4th March, 1853. 16th June, 1855.
Province of NELSON	Bill passed by the Provincial Council, and reserved by the Superintendent for the Governor's assent Bill passed by the Provincial Council, and reserved by the Superintendent for the Governor's assent	Session V., Session V.,	"Nelson Waste Lands Bill, 1858" "Dun Mountain Railway Act, 1858"	At passing of this Act. At passing of this Act.
Province of CANTERBURY	Proclamation of the Governor under "The Waste Lands Act, 1854" Proclamation of the Governor under "The Waste Lands Act, 1854" Ordinance of the Governor and Provincial Council Bill passed by the Provincial Council, and reserved by the Superintendent for the Governor's assent Session VII., No. 2 Session IX., No. 1	Regulations for the Disposal, Sale, Letting, and Occupation of the Waste Lands of the Crown Amended Regulations Waste Lands Regulations Amendment Ordinance Waste Lands Regulation Amendment Bill	9th February, 1856. 14th August, 1856. 6th January, 1857. 11th February 1858.
Province of OTAGO.	Proclamation of the Governor under "The Waste Lands Act, 1854" Ordinance of the Governor and Provincial Council Ordinance of the Governor and Provincial Council	Land Regulations "Land Sales and Leases Ordinance, 1856" "Town Land Sales Ordinance, 1857."	12th February, 1856. 27th January, 1857. 11th February, 1858.