

NEW ZEALAND.

ANNO VICESIMO QUARTO ET VICESIMO QUINTO

VICTORIÆ REGINÆ.

No. 2.

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An Act to define the Boundary between the Provinces of Canterbury and Otago. [15th July 1861.]

WHEREAS by a Proclamation under the hand of Sir George Grey K.C.B. Governor-in-Chief of New Zealand issued under the Public Seal of the Colony on the 28th February 1853 the Boundaries of the Provinces into which the Colony was at that time divided were respectively defined

And whereas doubts have arisen as to the Boundary which the said Proclamation was intended to define between the Provinces of Canterbury and Otago and it is expedient that the same should be more exactly described

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

I. The Short Title of this Act shall be "The Canterbury and Otago Boundary Act 1861."

II. The Boundary between the Provinces of Canterbury and Otago hereinafter called the "Province Boundary" is hereby declared to be as follows Commencing at the mouth of the River Waitaki and proceeding up the centre of that river to the confluence of the Ohou Branch of the said river thence up the centre of the Ohou Branch to the point where it issues from the Ohou Lake thence by a right line to the summit of Mount Aspiring thence by a right line to the mouth of

Canterbury and Otago Boundary.

the Awarua River as the said river is delineated on the General Plan of the Province of Otago at the point where it is intersected by the 168th degree of East Longitude.

Secretary for Crown
Lands to prepare
Plans.

III. The Secretary for Crown Lands shall with all convenient speed after the passing of this Act cause a plan of the Boundary hereby defined to be prepared and recorded in his office and shall transmit properly authenticated copies thereof to the Superintendents of the Provinces of Canterbury and Otago to be recorded in the Offices of the Waste Land Boards of each Province.

Licenses for Runs how
to be held.

IV. Licenses which have been issued by the Waste Land Board of Otago for any Runs situated North of the Province Boundary shall be deemed to have been issued by the Waste Land Board of Canterbury and Licenses which have been issued by the Waste Land Board of Canterbury for any Runs situated South of the Province Boundary shall be deemed to have been issued by the Waste Land Board of Otago Provided always that if Licenses for the same Run or for part or parts of the same Run shall have been issued by both the Waste Land Boards of Canterbury and Otago the person or persons to be respectively entitled to the Run or part thereof as the case may be shall be the person or persons in actual occupation and possession at the time of the passing hereof in preference to persons not in such occupation And if both or all persons holding such Licenses are in such occupation then the Run shall be apportioned between them.

Runs how to be held.

V. Persons holding Licenses for Runs North of the Province Boundary shall hold their Runs subject to the Land Regulations of Canterbury and Persons holding Licenses for Runs south of the Province Boundary shall hold their Runs subject to the Land Regulations of Otago.

Disputes to be settled
by Waste Land Boards.

VI. All questions or disputes as to the extent and boundaries of Runs held or claimed to be held under any Licenses or as to the apportionment to be made between persons in actual occupation and possession or as to the *bona fides* of any such occupation and possession or as to any rights claimed as against the Crown under any License shall be determined by the Waste Land Boards of Canterbury as respects any Run North of the Province Boundary and of Otago as respects any Run South of the Province Boundary.

Applications for Runs
how to be decided.

VII. All Applications for Runs which have been duly made to either of the said Waste Land Boards but in respect whereof no Licences have been issued shall be deemed to have been made as follows Applications for Runs North of the Province Boundary to the Waste Land Board of Canterbury and applications for Runs South of the Province Boundary to the Waste Land Board of Otago And such applications shall respectively be determined by those Boards accordingly.

Canterbury and Otago Boundary.

VIII. If any land shall have been sold North of the Province Boundary by the Waste Land Board of Otago or South of the Province Boundary by the Waste Land Board of Canterbury the same shall if the sales have been duly completed before the passing hereof be deemed to have been validly sold by the respective Boards and Crown Grants may be issued for such land in accordance with the Regulations under which the same was sold.

Land Sales to be validated.

IX. Nothing in this Act shall affect the respective rights of parties *inter se* in any suit or arbitration now pending or arising out of any contract or agreement entered into before the passing hereof with respect to any Licensed Run or Application for a Run on either side of the Province Boundary.

Rights of parties not to be affected.