

- Priority of right. 46. Priority of right to any such water privilege in case of dispute, shall depend on priority of record.
- Right of entry on land. 47. The right of entry on and through the lands of others for carrying water for any lawful purpose, upon, over or under the said land, may be claimed and taken by any person lawfully occupying and *bona fide* cultivating as aforesaid, and (previous to entry) upon paying or securing payment of compensation as aforesaid for the waste or damage so occasioned, to the person whose land may be wasted or damaged by such entry or carrying of water.
- Disputes settled with or without jury. 48. In case of dispute, such compensation or any other question connected with such water privilege, entry or carrying may be ascertained by the Stipendiary Magistrate of the District in a summary manner, at the option of either of the contending parties either with or without a jury of five men, to be summoned as in ordinary cases.
- Non-attendant jurors may be fined. 49. It shall be lawful for such Magistrate, by an order under his hand, directed to the Sheriff or Deputy Sheriff, to summon a jury for such purpose, and in the event of non-attendance of any persons so summoned, he shall have power to impose a fine not exceeding Five pounds.
- Water for mining purposes may be taken. 50. Water privileges for mining or other purposes not otherwise lawfully appropriated may be claimed, and the said water may be taken upon, under, or over any land so pre-empted or purchased as aforesaid, by obtaining a grant or licence from the Stipendiary Magistrate of the District, and previous to taking the same paying reasonable compensation for waste or damage to the person whose land may be wasted or damaged by such water privilege or carriage of water.

LEASES.

- Land leased. 51. Leases of any extent of unoccupied and unsurveyed land may be granted for pastoral purposes, by the Governor or any Officer duly authorized by him in that behalf, to any person or persons whomsoever, being *bona fide* pre-emptors or purchasers of land, at such rent as such Governor or Officer shall deem expedient. But every such lease of pastoral lands shall, among other things contain a condition making such land liable to pre-emption, reserve, and purchase by any persons whomsoever, at any time during the term thereof, without compensation, save by a proportionate deduction of rent. And to a further condition that the lessee shall, within six months stock the property demised in such proportion of animals to the one hundred acres, as shall be specified by the Stipendiary Magistrate in that behalf.
- May be pre-empted, &c.
- And must be stocked.
- Ejectment. 52. Any person who shall have obtained such lease as aforesaid, may bring ejectment or trespass against any intruder upon the same land, to the same extent as if he or they were seized of the legal estate in fee.
- Leases for timber cutting, &c. 53. Leases of any extent of unoccupied Crown Lands may be granted by the Governor, to any person, persons, or corporation duly authorized in that behalf, for the purpose of cutting spars, timber or lumber, and actually engaged in those pursuits, subject to such rent, terms and provisions, as shall seem expedient to the Governor.
- To be in writing. 54. The application for any such lease must be in writing, and if passing through a Magistrate; in duplicate, for transmission to the Governor, who alone shall decide on any such lease.

FREE GRANTS.

- Free grants. 55. It shall be lawful for the Governor, upon receiving the assent of Her Majesty's Government thereto, and the publication thereof in the *Government Gazette*, to make such free or partially free grants