

New Zealand.

KAURI-GUM INDUSTRY.

1908, No. 92.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Kauri-gum Industry.

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

Short Title.

1. (1.) The Short Title of this Act is “The Kauri-gum Industry Act, 1908.”

Enactments consolidated.

(2.) This Act is a consolidation of the enactments mentioned in the Schedule hereto, and with respect to those enactments the following provisions shall apply :—

Savings.

(a.) All districts, appointments, licenses, regulations, Orders in Council, registers, records, instruments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated :

Provided that in the case of licenses granted the current term shall be computed from the date of its commencement.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

Governor may—
1898, No. 23, sec. 2

2. The Governor may from time to time, by Order in Council gazetted,—

- (a.) Divide any portion of the North Island of New Zealand into kauri-gum districts, with such names and boundaries as he thinks fit, adopting county boundaries as far as practicable; and also Constitute kauri-gum districts;
- (b.) Set apart any specified areas of Crown lands within a kauri-gum district to be kauri-gum reserves under this Act; and also Kauri-gum reserves;
- (c.) Authorise any specified local authorities whose districts are in whole or in part comprised within a kauri-gum district to issue licenses under this Act. Authorise local authorities to issue licenses.
3. (1.) Every local authority authorised as aforesaid (hereinafter referred to as "authorised local authority") may issue licenses under this Act as hereinafter provided; but it is hereby expressly declared that such local authority shall not have power to refuse a license to any person possessing any of the qualifications hereinafter provided, except in the case of aliens who arrived or arrive in New Zealand after the first day of January, one thousand eight hundred and ninety-nine (being the date of the coming into operation of "The Kauri-gum Industry Act, 1898"), and in the case of any person disqualified under section twenty-six hereof. Local authority may issue licenses. 1898, No. 23, sec. 3
- (2.) If any officer of a local authority refuses a license to any person who proves that he is possessed of the necessary qualification in respect thereof, and has tendered the prescribed fee for such license, such officer shall for every such offence be liable to a fine not exceeding five pounds, to be recovered in any Court of competent jurisdiction by any person who may sue for the same. Fine for refusing to issue license. 1899, No. 18, sec. 4
4. Such licenses shall be of three classes, to wit,— Classes of licenses. 1898, No. 23, sec. 4
- (a.) A special kauri-gum-digging license (hereinafter called a "special license");
- (b.) An ordinary kauri-gum-digging license (hereinafter called an "ordinary license"); and
- (c.) A kauri-gum-buyer's license (hereinafter called a "gum-buyer's license").
5. With respect to kauri-gum reserves the following provisions shall apply:— Kauri-gum reserves. Ibid, sec. 5 1899, No. 18, sec. 3 (1)
- (a.) Each reserve shall be situate in the neighbourhood of a village, special, or other settlement, the name or description whereof shall be specified in the Order in Council creating the reserve.
- (b.) Each reserve shall be available exclusively for kauri-gum digging, and no person shall be entitled to dig for kauri-gum thereon unless—
- (i.) He is either a member of the settlement specified in the Order in Council creating the reserve or a Native of the Maori race residing in the vicinity of such settlement; nor unless
- (ii.) He is the holder of a special license which on its face is expressed to extend to such reserve.
6. (1.) No person shall be entitled to receive or hold a special license unless he satisfies the authorised local authority to which the application therefor is made that at the time of the application he possesses one or more of the following qualifications, that is to say,— Who may hold special licenses. 1898, No. 23, sec. 6 1899, No. 18, sec. 3 (3)

- (a.) That he is the owner in fee-simple of land in New Zealand ;
or
- (b.) That he is the lessee of land in New Zealand under lease in writing lawfully granted by or derived from the Crown or other the owner in fee-simple, and having a term of not less than three years ; or
- (c.) That he is a Native of the Maori race ; or
- (d.) That he has been lawfully engaged in digging for kauri-gum for not less than three months next preceding the first day of January, one thousand eight hundred and ninety-nine (being the date of the coming into operation of "The Kauri-gum Industry Act, 1898") ; or
- (e.) That he is a British subject by birth or naturalisation.

(2.) For the purposes of this section "lawfully engaged in digging for kauri-gum" means, in the case of aliens, digging for such gum by virtue of a permit or license issued by the local authority or Commissioner of Crown Lands under "The Land Act, 1892," or any subsequent Act for like purposes.

Who may hold ordinary licenses. 1898, No. 23, sec. 7

7. No person shall be entitled to receive or hold an ordinary license unless he satisfies the authorised local authority to which the application therefor is made that he has resided in New Zealand for not less than three months next preceding the date of the application, or is a British subject by birth or naturalisation.

Further qualification as to kauri-gum reserves.

Ibid, sec. 8
1899, No. 18, sec. 3 (2)

8. No person shall be entitled to receive or hold a special license which on its face is expressed to extend to a kauri-gum reserve unless he satisfies the authorised local authority to which the application therefor is made that, in addition to being qualified under section six hereof, he is either a member of the settlement specified in the Order in Council creating the reserve, or a Native of the Maori race residing in the vicinity of such settlement.

Provisions as to form, fee for, and renewal of licenses. 1898, No. 23, sec. 9

9. With respect to every license under this Act, the following provisions shall apply :—

- (a.) It shall be in the prescribed form, and shall not be transferable.
- (b.) It shall continue in force until the thirty-first day of December next following the date of its issue, but may be renewed from year to year thereafter.
- (c.) There shall be payable upon the issue thereof, and upon every annual renewal thereof, a license fee at the rate of five shillings per year in the case of a special license, and one pound per year in the case of an ordinary license or a gum-buyer's license :

Provided that in the case of infirm persons the authorised local authority may remit the license fee.

- (d.) The renewal shall in every case be effected by indorsing on the license, under the hand of some person appointed in that behalf by the authorised local authority by which the license was issued, the words "Renewal fee paid, and license renewed for the year ending 31st December, 19 ."
- (e.) In the event of the license being lost or destroyed, the authorised local authority by which it was issued may, on satisfactory proof thereof, and on payment of a fee of one

shilling, issue a duplicate with all existing indorsements, and such duplicate with its indorsements shall for all purposes operate in lieu of the original.

10. Subject to the provisions of this Act, every special or ordinary license shall, while it continues in force (but no longer), entitle the licensee named therein to exercise the following rights in respect of land within any kauri-gum district:—

Rights conferred
by licenses.
1898, No. 23, sec. 10
1903, No. 71, sec. 3

(a.) To dig for kauri-gum; and also

(b.) To take up and personally occupy as a residence or business site any area not exceeding two acres of unoccupied Crown land (other than land comprised in any kauri-gum reserve) upon such terms and conditions as are prescribed by regulations under this Act:

Provided that every application to take up and occupy land as a residence or business site shall, where the land so taken up and occupied is within a mining district, be submitted to the Warden, and shall not be granted except with his consent.

11. Except as specially provided in this Act, nothing in this Act or in any special or ordinary license shall operate or be construed to entitle the licensee to dig for kauri-gum within any kauri-gum district upon:—

Restrictions as to
digging on certain
lands.
1898, No. 23, sec. 11

(a.) Any land (being unoccupied Crown land or land subject to "The State Forests Act, 1908") on which dead or live kauri-trees are standing; or upon

(b.) Any other land (being land subject to "The State Forests Act, 1908," or unoccupied Crown land within one mile thereof), except during the period from the first day of May to the thirtieth day of September in the year; or upon

(c.) Any land comprised in a kauri-gum reserve, except in the case of the holder of a special license which is on its face expressed to extend to such reserve; or upon

(d.) Any Native land, except with the consent of the Native owners thereof; or upon

(e.) Any land owned or occupied by any person under any lawful title, except with such person's consent.

12. Subject to the provisions of this Act, every gum-buyer's license shall, whilst it continues in force (but no longer), entitle the licensee named therein to carry on the business of a buyer of kauri-gum within any kauri-gum district.

Rights conferred by
gum-buyer's license
Ibid, sec. 12

13. (1.) Each authorised local authority shall keep a Kauri-gum License Register, and shall enter therein, in separate parts in respect of each class of license issued by it, the number of the license, the date of its issue, and the full name, occupation, and address of the licensee.

Kauri-gum License
Register.
Ibid, sec. 13

(2.) The licenses of each class shall be entered and numbered consecutively in order of date, so that no two licenses of the same class shall bear the same number in the same register.

14. With respect to gum-buyers' licenses and the holders thereof the following provisions shall apply within every kauri-gum district:—

Provisions relating
to gum-buyers and
their licenses.
Ibid, sec. 14

(a.) It shall not be lawful for the licensee to directly or indirectly buy any kauri-gum, whether on his own account or as

agent for any other person, except from the owner or occupier of Native or other land, or the holder of a special or ordinary license, nor unless, in the latter case, such holder produces his license at the time of the sale.

- (b.) The licensee shall keep a gum-purchase book, wherein he shall from day to day faithfully and accurately enter, in respect of each parcel of kauri-gum purchased by him, the date of the purchase, the quantity purchased, the price paid, the name of the seller, and (if the seller is a licensee) the number and class of the license, and the name of the authorised local authority by which it was issued.
- (c.) The licensee shall at all times keep his gum-purchase book open for inspection by any constable or by any Ranger under this Act.

15. It shall not be lawful for any person—

- (a.) To dig for kauri-gum upon—
- (i.) Any land (being unoccupied Crown land or land subject to “The State Forests Act, 1908”) outside a kauri-gum district; or upon
- (ii.) Any land within a kauri-gum reserve, except pursuant to the provisions of this Act and the authority of a special license which is on its face expressed to extend to such reserve; or upon
- (iii.) Any other land within a kauri-gum district, except pursuant to the provisions of this Act and the authority of a special or ordinary license: or
- (b.) To directly or indirectly carry on the business of a gum-buyer within any kauri-gum district, except pursuant to the provisions of this Act and the authority of a gum-buyer’s license: or
- (c.) To pay for kauri-gum on premises licensed for the retail sale of intoxicating liquor.

16. If within any kauri-gum district any person is found digging or searching for kauri-gum, or in possession of the same, such digging, searching, or possession shall be deemed to be in breach of this Act, unless he gives satisfactory proof to the contrary.

17. Nothing in this Act shall be construed to render it unlawful—

- (a.) For the owner or occupier of Native or other land within any kauri-gum district to himself dig for kauri-gum upon such land without being the holder of a license:
- (b.) For the owner of any freehold land to authorise in writing any person *bona fide* employed by him to dig for kauri-gum on such land, in which case the person so authorised shall, whilst so employed, be entitled to dig without holding a license.

18. (1.) It shall be the duty of each authorised local authority out of its general funds to administer this Act within its district, and for that purpose to appoint one or more Rangers.

(2.) For the purposes of this section so much of any kauri-gum district as is within a county wherein “The Counties Act, 1908,” is

Prohibition as to digging for or buying kauri-gum.
1898, No. 23, sec. 15
1899, No. 18, sec. 2

What to constitute breach of Act.
1898, No. 23, sec. 16

Owner of Native or other land may dig thereon without license.
Ibid, sec. 17

1899, No. 18, sec. 5

Authorised local authorities to administer Act and appoint Rangers.
1898, No. 23, sec. 18

suspended or is not in operation shall be deemed to be within the district of such authorised local authority as the Governor in Council specifies in that behalf.

19. It shall be the duty of all constables to assist the authorised local authority and its Rangers in carrying out the provisions of this Act.

Constables to assist.
1898, No. 23, sec. 19

20. With the consent of the Minister of Justice, and subject to such terms and conditions as he thinks fit, the authorised local authority may appoint constables to be Rangers.

Constables may be Rangers.
Ibid, sec. 20

21. For the purposes of this Act every Ranger and every constable shall have such powers and functions as are prescribed by regulations under this Act.

Powers and functions of Rangers and constables.
Ibid, sec. 21

22. Every licensee under this Act shall at all reasonable times produce his license to any Ranger or constable who demands the same.

License to be produced.
Ibid, sec. 22

23. Every person who commits any breach of any of the provisions of this Act is liable to a fine not exceeding one pound in the case of a first offence, and not exceeding five pounds in the case of any subsequent offence.

Fine for breach of Act.
Ibid, sec. 23

24. In all proceedings against any person for any breach of this Act he shall be deemed to be unlicensed unless he produces his license to the Court.

License to be produced to Court.
Ibid, sec. 24

25. If a licensee is convicted of any breach of this Act the convicting Court, in addition to imposing a fine, shall also indorse the conviction on the license; and upon a third indorsement the Court making the same may also forfeit the license.

Conviction to be indorsed on license.
Ibid, sec. 25

26. Such forfeiture shall be effected by recording on the face of the license a minute to that effect, under the hand of the presiding Magistrate or Justice, and thereupon the following provisions shall apply:—

Mode of forfeiture of license, and procedure thereupon.
Ibid, sec. 26

(a.) The license shall be deemed to be void, and the Clerk of the convicting Court shall send notice thereof to every authorised local authority, and shall also send the cancelled license to the authorised local authority by which it was issued.

(b.) Each authorised local authority shall forthwith upon receipt of such notice record in its register the fact of the forfeiture.

(c.) The licensee named in the forfeited license shall not be qualified to apply for, receive, or hold a license until the expiration of twelve months after the date of such forfeiture, and any license issued in breach of this provision shall be deemed to be void.

27. All fines recovered in respect of any conviction under this Act shall be payable to the authorised local authority in or nearest to whose district the conviction is obtained.

Fines payable to authorised local authority.
Ibid, sec. 27

28. All fees and fines received under this Act by any authorised local authority shall form part of its general funds.

Fees and fines to form part of general funds.
Ibid, sec. 28

29. (1.) Notwithstanding anything in this Act, the Commissioner of Crown Lands may, with the consent of the Commissioner of State Forests, issue licenses under this Act for digging gum on land subject to "The State Forests Act, 1908," during the

Gum-digging in State forests.
1902, No. 31, sec. 2
1903, No. 71, sec. 4

period from the first day of May to the thirtieth day of September in each year :

Provided that no person shall be entitled to receive or hold a license under this section unless at the time of his application for the same he possesses one or more of the qualifications prescribed for a special license by section six hereof.

(2.) A fee of ten shillings shall be payable in respect of every such license, which fee shall be paid into the State Forests Account.

Regulations.
1898, No. 23, sec. 29

30. (1.) The Governor may from time to time, by Order in Council gazetted, make regulations for all or any of the following purposes :—

(a.) Prescribing the form of applications and licenses under this Act:

(b.) Prescribing the powers and functions of Rangers and constables :

(c.) Generally any other purpose for which regulations are contemplated as required by this Act, or which the Governor deems necessary for giving full effect to this Act.

(2.) Such regulations may prescribe fines not exceeding five pounds for any breach thereof.

Right to dig to
include searching
and removing.
Ibid, sec. 32

31. For all the purposes of this Act the right to dig for kauri-gum shall be deemed to include the right to search for and remove the same, and in every case where it is a breach of this Act to dig for kauri-gum it shall be deemed to be a breach of this Act to search for or remove the same.

Kauri-gum reserves
may be leased for
coal or gold mining.
1903, No. 71, sec. 2

32. Notwithstanding anything in this Act, it is hereby declared that leases under "The Coal-mines Act, 1908," and leases or licenses under "The Mining Act, 1908," may be issued in respect of land comprised in any kauri-gum reserve, subject to such conditions for the protection of the kauri-gum industry as the Warden, where the land is within a mining district, or the Commissioner of Crown Lands where it is outside a mining district, thinks fit :

Provided that, before such lease is granted, the local authority of the district in which the land proposed to be leased is situated shall first be consulted.

When reserve
ceases to be such.
1902, No. 31, sec. 3

33. Where any land set apart as a kauri-gum reserve is no longer required for the purpose of gum-digging, the Governor may, by Order in Council gazetted, declare that such land is no longer subject to this Act, and thereupon the land shall cease to be a kauri-gum reserve, and shall be dealt with by the Land Board as ordinary Crown land :

Provided that such Order shall only be issued in pursuance of a resolution of the Land Board, supported by such independent evidence as the Governor in Council deems necessary.

SCHEDULE.

ENACTMENTS CONSOLIDATED.

- 1898, No. 23.—“The Kauri-gum Industry Act, 1898.”
1899, No. 18.—“The Kauri-gum Industry Act Amendment Act, 1899.”
1902, No. 31.—“The Kauri-gum Industry Amendment Act, 1902.”
1903, No. 71.—“The Kauri-gum Industry Amendment Act, 1903.”