

Otago Hundreds Regulation Act 1869 Amendment.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Short Title.</p> <p>2. Repeal of certain sections of recited Act.</p> <p>3. No Hundred to be proclaimed unless at least one third agricultural.</p> <p>4. No Hundred to exceed twenty thousand acres.</p> <p>5. Holders of leases determined by Proclamation entitled to compensation.</p> <p>6. Holder of pastoral lease not comprised in Gold Field to have pre-emptive right to six hundred and forty acres, including homestead.</p> <p>7. Holder of pastoral lease in Gold Field may</p>		<p>obtain agricultural lease of six hundred and forty acres.</p> <p>8. Holder of pastoral lease who has obtained agricultural lease not entitled to purchase under sixth section, except to make up deficiency.</p> <p>9. Waste Lands Board may, by notice, require pastoral lessee to exercise his right to apply for agricultural lease.</p> <p>10. Notice how served.</p> <p>11. Partial repeal of section eighty-two, "Otago Waste Lands Act, 1866."</p> <p>12. Provisions of section thirty-five, "Gold Fields Act, 1866," to apply to Hundreds proclaimed within Gold Fields.</p>
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A BILL INTITULED

AN ACT to amend an Act to Regulate the Declaration Title.
of Hundreds in the Province of Otago.

WHEREAS it is expedient to amend an Act passed by the General Preamble.
Assembly of New Zealand, in the Session thereof held in the thirty-
second and thirty-third years of the reign of Her present Majesty,
and shortly intituled "The Otago Hundreds Regulation Act, 1869:"

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

1. The Short Title of this Act shall be "The Otago Hundreds Short Title.
Regulation Act 1869 Amendment Act, 1870;" and this Act shall be
10 read and construed with, and shall form part of "The Otago Hundreds
Regulation Act, 1869," which said Act is hereinafter referred to as
"the said recited Act."

2. Sections three, four, and nine of the said recited Act shall be Repeal of certain
sections of recited
Act.
and the same are hereby respectively repealed.

15 3. No Hundred shall hereafter be proclaimed in the Province of
Otago unless one third part at least of the area thereof shall be
determined under the provisions of the said recited Act to be land
available for agricultural purposes. No Hundred to be
proclaimed unless at
least one third
agricultural.

20 4. No Hundred shall exceed twenty thousand acres in extent;
and in determining the boundaries of all Hundreds hereafter pro- No Hundred to exceed
twenty thousand
acres.

claimed, due regard shall be paid to the natural features of the country over which any such Hundred is to be proclaimed.

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5. Every person holding a lease of any pastoral lands comprised within any district proclaimed a Hundred under the provisions of the said recited Act, shall be entitled to compensation for the determination of his lease: Provided always that the amount of such compensation shall in no case exceed two shillings and sixpence per acre in respect of the determination of such lease over such portion of the run so to be proclaimed a Hundred as aforesaid, and that the holder of such lease shall be entitled to compensation only in respect of fences erected in pursuance of the provisions of the Ordinance of the Province of Otago, intituled "The Fencing Ordinance, 1867," and at the time of the determination of the lease standing on the land so proclaimed a Hundred as aforesaid.

6. Every holder of a pastoral lease the lands comprised in which lease shall not be included within the boundaries of the Otago Gold Fields shall have the right to acquire by purchase, at the rate of twenty shillings per acre, subject to the conditions of purchase contained in "The Otago Waste Lands Act, 1866," six hundred and forty acres in one block of the land comprised in his lease, such block to contain his homestead, and no portion of the land comprised within any pastoral lease shall be sold until the offer of purchase of such six hundred and forty acres shall have been made to the holder of the pastoral lease, who shall exercise his right of purchase within three months after the date of the offer so made to him; and in the event of the non-payment of the purchase money within such period of three months, the holder of the pastoral lease shall be deemed to have declined to purchase: And it shall be lawful for the Waste Lands Board of the Province of Otago to require any holder of a pastoral lease to exercise his pre-emptive right at any time after three months' notice, and although no portion of the lands comprised within his pastoral lease shall have been proclaimed a Hundred.

7. Every holder of a pastoral lease the land comprised in which lease is or hereafter shall be included within the boundaries of the Otago Gold Fields, shall have the right to apply for and obtain a lease for agricultural purposes of a block not exceeding six hundred and forty acres in extent of the land comprised in his lease, which shall not be actually known to be auriferous, and which shall contain and include his homestead: And it shall be lawful for the Governor or his delegate, in case the block applied for shall not in his judgment be auriferous, in the name and on behalf of Her Majesty, to demise to the holder of such pastoral lease for agricultural purposes the whole or any part of the block so applied for under and subject to the provisions for the then time being in force for regulating the granting of leases of land on Gold Fields for agricultural purposes; and if at any time after the granting of such agricultural lease the holder thereof shall prove to the satisfaction of the Governor or his delegate that the area included in such lease or any part thereof is not auriferous, and does not contain any metal or mineral of sufficient value to render it inexpedient so to do on grounds of public policy, the Governor or his delegate shall certify the same in writing, under his hand, to the Waste Lands Board of the Province of Otago; and the holder of such lease shall thereupon, or at any time within six months thereafter, be entitled to purchase the said area, or such part thereof as shall be specified in the certificate of the Governor or his delegate, at the price or sum of twenty shillings per acre.

8. No holder of a pastoral lease who shall have obtained an agricultural lease under the provisions of the last preceding section, shall be entitled to purchase any greater area under the sixth section of this Act, than shall be sufficient, together with the area purchased

under the provisions of the last preceding section, to increase the entire area purchased by him within the boundaries of the pastoral lease, as held at the time of the passing of this Act, to six hundred and forty acres.

5 **9.** It shall be lawful for the Waste Lands Board of the Province of Otago, by notice, to require any holder of a pastoral lease to exercise his right to apply for an agricultural lease under the provisions of section seven of this Act; and if the holder of any such pastoral lease shall fail or neglect to make application for an agricultural lease, 10 within three months from and after the date of the service of a notice requiring him so to do, the holder of such pastoral lease shall be deemed to have declined to exercise his right to obtain an agricultural lease under the provisions of this Act.

Waste Lands Board may, by notice, require pastoral lessee to exercise his right to apply for agricultural lease.

15 **10.** Every notice under this Act may be served personally, or by leaving the same with some adult inmate at the usual or last known residence in the Province of Otago of the person to whom the same shall be addressed; or if such person shall be absent from the Colony of New Zealand, then by delivering the same to or leaving the same at the residence of his known agent in the same manner; and if there shall 20 be no such agent resident in the Province of Otago, then it shall be sufficient to insert such notice at least three consecutive times in the Government *Gazette* of the said Province.

Notice, how served.

25 **11.** Section eighty-two of "The Otago Waste Lands Act, 1866," in so far as the same provides that no portion of the land as to which a lease of pastoral lands shall have ceased, and on which a homestead shall have been erected or improvements made, shall be exposed for sale until the offer of purchasing such land shall have been made to the holder of the lease at the upset price of one pound per acre, and limits the right of the leaseholder to purchase to a block of not exceeding eighty acres 30 containing his homestead, shall be and the same is hereby repealed.

Partial repeal of section eighty-two, "Otago Waste Lands Act, 1866."

35 **12.** The provisions of section thirty-five of "The Gold Fields Act, 1866," shall extend and apply to all lands situate within the limits of the Otago Gold Field which shall hereafter be proclaimed a Hundred under the provisions of the said recited Act; and the provisions of "The Otago Waste Lands Act 1866 Amendment Act, 1869," shall be applicable to all lands already proclaimed or which may hereafter be proclaimed into Hundreds notwithstanding same may be included within the Otago Gold Fields; anything in the forty-eighth section of "The Gold Fields Act, 1866," to the contrary notwithstanding.

Provisions of section thirty-five, "Gold Fields Act, 1866," to apply to Hundreds proclaimed within Gold Fields.