

1409

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
25th August, 1875.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

(*Mr. Reid.*)

Otago Waste Lands Act 1872 Amendment.

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A BILL INTITULED

AN ACT to amend "The Otago Waste Lands Act, 1872." Title.

WHEREAS it is expedient to amend "The Otago Waste Lands Act, 1872": Preamble.

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 Waste Lands Act 1872 Amendment Act, 1875." Short Title.

2. In this Act the term "the said Act" means "The Otago Waste Lands Act, 1872." Interpretation.

3. All the words after the word "Proclamations," Act in the tenth *fourteenth* line of the forty-seventh section of the said Act, are hereby repealed, and the said sections shall hereafter be construed and read as if the portion thereof hereby repealed had never been enacted: Provided always, that this repeal shall not affect any act or proceeding done or commenced under the said section, but the same may respectively be enforced and completed as if this Act had not been passed. Section 47 "Otago Waste Lands Act, 1872," amended.

New Clauses, from 4 to 14.

4. The words "two shillings and sixpence," in section fifty-three of the said Act, shall be read as if the words "four shillings" were inserted in lieu thereof. Section 53 amended.

5. Subsection four of section fifty-four of the said Act is hereby repealed, and the following subsection is enacted in lieu thereof:— Subsection 4 of section 54 repealed.

A condition annulling the license in case of non-payment of the fees or any of them, in accordance with the conditions herein mentioned; or in case improvements to the value of fifty pounds shall not have been effected within the first year from the date of the said license; or in case the licensee shall not, except in the case provided for by the last proviso to this section, within six months after the issue of the license, and thenceforward during the continuance of such license, personally occupy the allotment; or in case substantial and permanent improvements, certified in writing by the Board or under

the hands of arbitrators to be of the value of one pound for every acre and fractional part of an acre of the allotment, shall not have been made on the allotment by the licensee, his executors, administrators or assigns, before the end of the third year from the commencement of the license; or in case of the breach or non-fulfilment of any of the conditions of the license; or of a violation of any of the provisions of this Act. 5

Subsection 5 of section 54 amended.

6. Subsection five of section fifty-four of the said Act is hereby amended, and wherever in the said subsection five the words "seven-ten shillings and sixpence" appear, the said subsection shall be read as if the words "twenty-eight shillings" were inserted in lieu thereof; and wherever the words "two shillings and sixpence" appear, the said subsection shall be read as if the words "four shillings" were inserted in lieu thereof; and wherever the words "twenty-five shillings" and the words "one pound five shillings" appear, the said subsection shall be read as if the words "two pounds" were inserted in lieu thereof. 10 15

Proviso to section 54.

7. There shall be added to subsection five of section fifty-four of the said Act the following proviso:— Provided always that no assignment or underlease or transfer of any license or lease or of the lands or any part thereof included in such license or lease granted under the provisions of the said Act referring to alienation of lands by license or lease, or of the right title or interest of the licensee or lessee therein or of the lands therein described, whether by operation of any law now or hereafter to be in force or by act of the licensee or lessee, shall take effect or have any force or validity either at law or in equity. 20 25

Rural land classified, and regulations for the sale of such land.

8. All rural land shall be classified by the Waste Lands Board into lands adapted for agricultural occupation, designated "rural agricultural land," and into lands adapted for pastoral occupation only, designated "rural pastoral land;" and all lands so classed as "rural agricultural land" shall be open for application in the same manner and subject to the same conditions and provisions as rural land under the said Act and the Acts amending the said Act, but at a price not less than two pounds per acre, and all lands so classed as "rural pastoral land" shall be open for application in the same manner and subject to the same conditions and provisions as rural land under the said Act and the Acts amending the said Act but at a price not less than one pound per acre. 30 35

Depasturing lease may be cancelled upon the discovery of mineral or metal on lands leased.

9. When any mineral or metal or valuable stone has been or shall be discovered on any waste lands held under license or lease for depasturing purposes it shall be lawful for the Waste Lands Board at any time to cancel the license or lease over any portion of the lands found to contain such mineral or metal and over such areas adjacent thereto as may from time to time be required for the proper working of the mines or for granting access thereto, and in either case the licensee or lessee shall be entitled to compensation, the amount of which shall, failing a settlement by agreement between the Waste Lands Board and the licensee or lessee, be settled by arbitration in the manner and subject to the provisions of sections ninety-eight to one hundred and three both inclusive of the said Act, all of which provisions shall apply to such compensation and the settlement and payment thereof. 40 45 50

Chief Commissioner to sign license or lease as the case may be.

10. Whenever the Waste Lands Board is authorized to grant a license or lease under the said Act or any amendment thereof, the same shall be signed by the Chief Commissioner of the Waste Lands Board, at the request of the Board, and by and on behalf of the Board, and shall be as valid and effectual if so signed as if signed by all the members of the Board. 55

Embodied as part of Act of 1872.

11. This Act shall be read and construed as part of the said Act.

12. The fifty-second section of the said Act is hereby repealed, but such repeal shall not affect any proceeding or act taken or done or commenced or any right acquired before the passing of this Act.

Section 52 of Otago Waste Lands Act repealed.

5 13. If the District Officer shall find that more than one application has been made for a license to occupy the same land on the same day, and shall find that no objection has been made or sustained to the issuing of a license of such land or some portion thereof, and that the land is not, in the whole or in part, auriferous, and is not likely to be required for any public purpose, the right to the license of such land or such part thereof as may be granted shall, as between the applicants, be determined by public auction, to be held on such day at such place and time as the Board may appoint, and of which due notice in writing shall be given to each such applicant.

Simultaneous applications.

10 14. The right to the license to occupy shall be sold to such of the applicants as shall be the highest bidder for the same.

Sale of license to occupy.

15 The upset price shall be the price at which, under the said Act as amended by this Act, the fee simple could in the ordinary course be purchased, and the price attained at such auction shall be the price to be ultimately paid for the fee simple of the land comprised in such license; payment of the purchase money so to be attained as aforesaid, whether by way of occupation fees or as rent, or as purchase money, shall be made proportionally in the manner provided by the said Act as amended by this Act, and as if the price so to be attained as aforesaid had been fixed by this Act.