



QUADRAGESIMO
VICTORIÆ REGINÆ.
 No. LXXXIV.

ANALYSIS.

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| <p>Title.
 Preamble.
 1. Short Title.
 2. Part V., and sections 33 to 39 inclusive, of "The Gold Fields Act, 1866," to be deemed to have been in operation in the Province of Auckland from the 14th day of July, 1875.
 3. Regulations and amendments made by the Superintendent of the Province of Auckland validated.
 4. Acts done and rights acquired under the said regulations and amendments validated.</p> | <p>5. Leases granted by the Superintendent of the Province of Auckland validated, and terms granted thereunder to be deemed to have been held subject to the payment of the rent reserved by and the covenants &c. contained and implied in the leases granting the same.
 6. Part V. of "Gold Fields Act, 1866," to be part of this Act and of "Gold Mining Districts Act, 1873."
 7. Term of lease may be extended.
 8. No pre-emptive right or title to compensation. Schedule.</p> |
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AN ACT to validate certain Agricultural Leases of Title.
 Lands within a certain District known as the
 Ohinemuri Gold Field, granted by the Super-
 intendent of the Province of Auckland.

[31st October, 1876.]

WHEREAS by "The Gold Fields Act, 1866," it is provided that, in Preamble.
 the construction and for the purposes of the said Act, the
 words "Crown lands" shall be construed to mean and include not only
 the demesne lands of the Crown in New Zealand, but also all other
 land whatever over which the Governor shall, by lease agreement or
 otherwise, have obtained power to authorize gold mining thereon :
 And whereas by the third section of the said Act it is provided that it
 shall be lawful for the Governor from time to time, by Proclamation,
 to constitute any portion of the colony to be a gold field under the
 provisions of the said Act, and it is by the said third section provided
 that whenever any district shall have been proclaimed a "gold field"
 the same shall be subject to the provisions of the said Act, but
 private lands shall be exempt from the operations of the said Act,
 except where special provision to the contrary is made therein : And
 whereas by the one hundred and ninth section of the said Act it is
 enacted that it shall be lawful for the Governor in Council, under his
 hand and the Public Seal of the Colony, from time to time to delegate

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to the Superintendent of any province, or to such other person as the Governor may deem fit, all or any of the powers vested in the Governor or the Governor in Council by the said Act, except the powers conferred by sections twenty-two, forty, forty-eight, sixty, ninety-six, and one hundred and seven thereof, subject or not to any limitations or restrictions as he may think fit, and in like manner to alter or revoke any such powers: And whereas on or about the eighteenth day of February, one thousand eight hundred and seventy-five, by an agreement or instrument in writing purporting to be made between His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom, and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland, a Member of Her Majesty's Most Honorable Privy Council, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, of the one part, and the chiefs and people of the tribe Ngatitamatera, therein named and described, of the other part, it was witnessed that the said parties to the said agreement or instrument of the second or other part, and each of them, did thereby demise lease grant and assure unto the said Governor, for gold mining purposes within the meaning of the said Act and the various amendments thereto, or any Act for the regulation of gold mining for the time being in force within the Province of Auckland or the Colony of New Zealand, the block of land described in the First Schedule hereto, to have and to hold the said land and premises thereby demised leased granted or expressed so to be, unto the said Governor, his successors and assigns, for such term as the said Governor, his successors and assigns, shall require to use the same for gold or other mining purposes, subject to the conditions mentioned and set forth in the said agreement or instrument: And whereas on the third day of March, one thousand eight hundred and seventy-five, by Proclamation published in the Auckland Provincial Government *Gazette*, the said block of land described in the said First Schedule hereto was constituted and appointed to be a gold field under the provisions of the said Act: And whereas on the thirteenth day of April, one thousand eight hundred and seventy-five, the Governor in Council, by an instrument under his hand and the Public Seal of the Colony, in exercise of the power vested in him in that behalf by the said Act, did delegate unto Sir George Grey, Knight Commander of the Most Honorable Order of the Bath, as Superintendent of the Province of Auckland, all the powers vested in him under or by virtue of the said Act, with certain exceptions limitations and restrictions therein specified, to have hold and exercise the said powers within the Province of Auckland so long as he should continue and remain Superintendent of the Province of Auckland and no longer: And whereas by the thirty-ninth section of the said Act it is provided that it shall be lawful for the Governor from time to time to make regulations prescribing the mode in which applications may be made for leases of land for agricultural purposes, the quantity of land not exceeding fifty acres which shall and may be granted in a lease in any particular block, the amount of deposit to be paid by any applicant and by any objector thereto, the terms and conditions upon which such leases may be held occupied assigned transferred forfeited and cancelled, the amount of rent payable therefor, and the times and places of payment, the conditions upon and the manner in which entry to search for gold or for any metal or mineral upon any land so leased may be

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authorized, and the terms and conditions upon which holders of miners' rights may be permitted to mine upon land the lease for which shall have been determined on account of its auriferous character, and such regulations from time to time to amend alter and revoke: And by the fortieth section of the said Act it is provided that, notwithstanding anything in the said Act before contained or expressed, the Fifth Part of the said Act, including sections thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, and thirty-nine, and in section fifty-two, and relating to agricultural leases, shall have no force or effect upon any gold field until after the Governor shall, by Proclamation in the *New Zealand Gazette*, have proclaimed and extended the operation of the said Part and sections to the province wherein such gold field shall be situate; and such Proclamation shall only be made upon the application of the Superintendent and Provincial Council of a province, and the said Part and sections of the said Act shall thereafter be of force and effect within such province only: And whereas the Provincial Council of the Province of Auckland met in session on the tenth day of May, one thousand eight hundred and seventy-five, and continued sitting therein until the twenty-eighth day of May, one thousand eight hundred and seventy-five, when the same was prorogued by the Superintendent of the Province of Auckland: And whereas the said Superintendent and Provincial Council did not make application to the Governor to proclaim and extend the Fifth Part of the said "Gold Fields Act, 1866," including sections thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, and thirty-nine, to the said Province of Auckland; and it became inconvenient and impracticable for the said Provincial Council to meet in session thereafter within a reasonable time: And whereas during and after the time of the said sitting of the said Provincial Council as aforesaid, divers persons, professing to intend engaging in agricultural pursuits within the said gold field, made application to the said Superintendent, as such delegate as aforesaid, for leases for agricultural purposes of land within the said gold field, and the said Superintendent, in order to encourage and facilitate such pursuits, on the fifteenth day of July, one thousand eight hundred and seventy-five, by instrument in writing under his hand, did make or purport to make "Regulations for the Granting of Agricultural Leases within the Ohinemuri Gold Field," which said regulations were published in the Auckland Provincial Government *Gazette* on the nineteenth day of July, one thousand eight hundred and seventy-five, and on the twenty-eighth day of July, one thousand eight hundred and seventy-five, by instrument in writing under his hand, did make "Amendments in the said Regulations for the Granting of Agricultural Leases within the Ohinemuri Gold Field," which said amendments were published in the Auckland Provincial Government *Gazette* on the thirtieth day of July, one thousand eight hundred and seventy-five: And whereas divers acts deeds matters and things have been done, and rights titles and interests acquired, and leases granted, under and in pursuance of the said regulations and amendments, and it is expedient to validate the same:

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 Ohinemuri Gold Field Agricultural Leases Validation Act, 1876." Short Title.

2. Notwithstanding anything in the said Act contained or expressed, the operation of the said Fifth Part of the said Act, including sections thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, Part V., and sections 33 to 39 inclusive, of "The Gold Fields Act, 1866," to be

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deemed to have been in operation in the Province of Auckland from the 14th day of July, 1875.

Regulations and amendments made by the Superintendent of the Province of Auckland validated.

Acts done and rights acquired under the said regulations and amendments validated.

Leases granted by the Superintendent of the Province of Auckland validated, and terms granted thereunder to be deemed to have been held subject to the payment of the rent reserved by and the covenants &c. contained and implied in the leases granting the same.

Part V. of "Gold Fields Act, 1866," to be part of this Act and of "Gold Mining Districts Act, 1873."

thirty-eight, and thirty-nine, shall be deemed held for all intents and purposes whatever to have been proclaimed and extended to the Province of Auckland on as and from the fourteenth day of July, one thousand eight hundred and seventy-five, as fully and effectually as if the Governor had, on the said fourteenth day of July, one thousand eight hundred and seventy-five, in pursuance of an application of the Superintendent and Provincial Council of the Province of Auckland, by Proclamation in the *New Zealand Gazette*, proclaimed and extended the operation of the said Part and sections of the said "Gold Fields Act, 1866," to the said Province of Auckland.

3. The said regulations and amendments hereinbefore recited or referred to are hereby respectively declared to have been in as full force and effect from and after the time of the publication thereof in the said Auckland Provincial Government *Gazette* as if the same had respectively been duly made and published after the Governor had, by Proclamation in the *New Zealand Gazette* duly and lawfully proclaimed and extended the operation of the said Fifth Part of the said Act, and sections thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, and thirty-nine thereof, to the said Province of Auckland, notwithstanding that no such Proclamation has been made, and that there had been no application by the Superintendent and Provincial Council of the said Province of Auckland that such Proclamation should be made.

4. Every act deed matter and thing done or purporting to have been done, and every right title or interest acquired or purporting to have been acquired, under or in pursuance of the said regulations and amendments, shall be deemed to be and to have been as valid and effectual to all intents and purposes as the same would have been had the said regulations and amendments respectively at the time of the doing of such act deed matter or thing, or the acquirement of such right title or interest, been duly and lawfully made and published after the Governor having received such application by the Superintendent and Provincial Council as aforesaid, and by Proclamation in the *New Zealand Gazette* proclaimed and extended the operation of the said Part and sections of the said Act to the said Province of Auckland.

5. Every lease of land within the said gold field heretofore granted or purporting to have been granted by the said Superintendent under or by virtue of the said Part and sections of the said Act, and the said regulations and amendments, shall be deemed to have been from the execution thereof as valid and effectual to all intents and purposes as the same would have been had the Governor previously, by Proclamation in the *New Zealand Gazette*, duly and lawfully proclaimed and extended the operation of the said Part and sections of the said Act to the said Province of Auckland, and had the said regulations and amendments, after such Proclamation and before the granting of such lease, been duly and lawfully made and published; and the term granted by any such lease shall be deemed to be and to have been held from the time of the granting of the same, subject to the payment of the rents and the observance and performance of the covenants provisoes conditions and agreements reserved contained and implied in and by the lease granting the same and the regulations aforesaid, and which on the part of the lessee ought to be paid observed and performed.

6. And whereas under "The Gold Mining Districts Act, 1873," there is no provision made for the granting of agricultural leases, it is hereby enacted that this Act shall be deemed to have been and shall be and shall continue in force as a part of the said "Gold Mining Districts Act, 1873," and shall be held to have been in opera-

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tion and force from the day when the said "Gold Mining Districts Act, 1873," came into force in all gold mining districts in the Province of Auckland; and that Part V. of "The Gold Fields Act, 1866," including sections thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, and thirty-nine, shall be deemed to be part of the said "Gold Mining Districts Act, 1873," and all regulations made thereunder shall be deemed to be regulations made under this Act and under "The Gold Mining Districts Act, 1873," as if it and they were included in that Act so far as the Province of Auckland is concerned: Provided always that the words "gold field" in the said Part V. of the said "Gold Fields Act, 1866," and the so recited sections shall mean and be read gold mining district; and that all things done or applications made heretofore in relation to agricultural leases in the Ohinemuri Gold Mining District shall be taken to have been done under this Act and "The Gold Mining Districts Act, 1873," amended as aforesaid.

7. The term for which agricultural leases may be granted under this Act may be in all cases twenty-one years, notwithstanding the words "seven years" in the said clause thirty-five.

Term of lease may be extended.

8. No person who shall become lessee of any lands under this Act shall have any right or title to purchase the lands so held, nor shall he have any claim to compensation at the expiry of his lease for any improvements effected by him or his heirs executors administrators or assigns on the said lands during the term of the lease of the said land.

No pre-emptive right or title to compensation.

SCHEDULE.

Schedule.

ALL that block of land in the District of Hauraki, in the Province of Auckland, and the Colony of New Zealand, known as "The Ohinemuri Block." Bounded towards the North from Kurere by lines known as "Tole's line," forming the southern boundary of part of the Hikutaia Number Three Block, the southern boundary of part of the land granted to Mr. McCaskill, the southern boundary of other part of the Hikutaia Number Three Block, the southern boundary of the Whangamata Number Three Block, and the southern boundary of the Whangamata Number Four Block, to Te Papiri, on the East Coast of the North Island of New Zealand, as the same are more particularly described in the plans lodged in the Inspector of Surveys' Office at Auckland; thence towards the East by the sea coast from Te Papiri to Ngakuri-a-whare; thence towards the South by a line forming the northern boundary of the Tauranga District, eighty-six thousand four hundred and eighty-nine links, to the Waitawheta Stream; thence by that stream to the north-east angle of the Aroha Block; thence by lines forming part of the northern boundary of the Aroha Block, seven thousand one hundred and forty-seven links and twenty-seven thousand five hundred and thirteen links respectively, to Mangaiti; thence towards the West by a line to Tikirahi, twenty thousand two hundred and thirty-one links; thence by a line, ten thousand six hundred and sixty links, to Rauwharangi; thence by a line, fourteen thousand and eighty links, to Te Karaka; thence by a line, seven thousand nine hundred and forty-five links, to Omatao, on the bank of the River Ohinemuri; thence by that river to Te Koutu; thence by a line, six thousand two hundred and sixty-eight links, to Wharerata; thence by a line, three thousand and seven links, to Te Paeroa; thence by a line, twenty-six thousand five hundred and ninety links, to Te Komata; and thence by a line, twenty-two thousand eight hundred and ten links, to Kurere, the point of commencement.

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