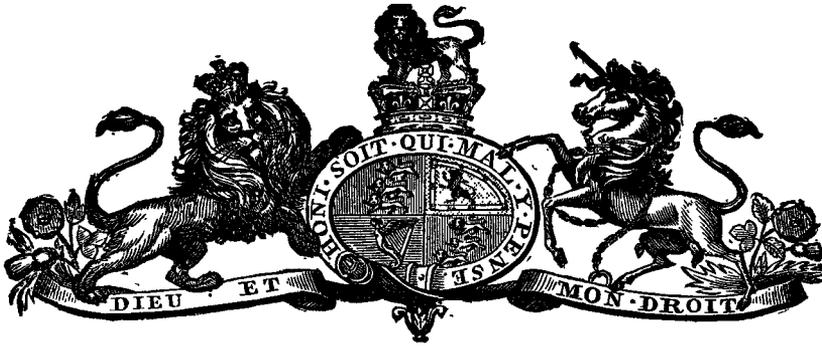


NEW ZEALAND.



TRICESIMO TERTIO ET TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. LVII.

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ANALYSIS.

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Repeal of certain sections of recited Act.<br/>3. No Hundred to be proclaimed unless at least one-third agricultural.<br/>4. No Hundred to exceed 20,000 acres.<br/>5. Holders of leases determined by Proclamation entitled to compensation.<br/>6. Holder of pastoral lease not comprised in Gold Field to have pre-emptive right to 640 acres including homestead.<br/>7. Holder of pastoral lease in Gold Field may obtain agricultural lease of 640 acres.</p> | <p>8. Holder of pastoral lease who has obtained agricultural lease not entitled to purchase under section 6 except to make up deficiency.<br/>9. Waste Lands Board may by notice require pastoral lessee to exercise his right to apply for agricultural lease.<br/>10. Notice how served.<br/>11. Provisions of section 8 "Gold Fields Act 1866 Amendment Act 1869" to apply to Hundreds proclaimed within Gold Fields.<br/>12. Section 69 of "The Otago Waste Lands Act 1866" incorporated with this Act.<br/>13. Section 87 of "The Otago Waste Lands Act 1866" amended.</p> |
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AN ACT to amend an Act to regulate the Declaration of Hundreds in the Province of Otago. Title.

[12th September 1870.]

WHEREAS it is expedient to amend an Act passed by the General 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" 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 Hundreds Regulation Act 1869 Amendment Act 1870" and this Act shall be 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." Short Title.

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 Sections three four and nine of the said recited Act shall be and the same are hereby respectively repealed.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

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.

*Otago Hundreds Regulation Act 1869 Amendment.*

No Hundred to exceed  
20,000 acres.

4. No Hundred shall exceed twenty thousand acres in extent and in determining the boundaries of all Hundreds hereafter proclaimed due regard shall be paid to the natural features of the country over which any such Hundred is to be proclaimed.

Holders of leases  
determined by Pro-  
clamation entitled  
to compensation.

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 and for the then value of all fences then existing upon the said lands 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 and at the time of the determination of the lease standing on the land so proclaimed a Hundred as aforesaid the amount of such compensation to be determined as provided by the tenth and eleventh sections of "The Otago Hundreds Regulation Act 1869" except that the amount awarded as compensation for fencing shall be payable (in one sum) within six months after the award has been published.

Holder of pastoral  
lease not comprised  
in Gold Field to have  
pre-emptive right to  
640 acres including  
homestead.

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 in respect to every such lease so held by him 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 which block shall in the event of the same being selected by such holder so as in any way actually to adjoin the lands selected by him as his homestead pre-emptive right include and comprise the lands forming such homestead pre-emptive right Provided always that upon the purchase by any such holder of any block as aforesaid which shall comprise his homestead all further homestead right in respect of the same lease shall cease and no portion of the land comprised within any pastoral lease shall be sold until the offer of purchase of such block not exceeding six hundred and forty acres including or not including at the option of the holder of the pastoral lease his homestead pre-emptive right shall have been made to such holder who shall exercise his right of purchase within twelve 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 twelve months the holder of the pastoral lease shall be deemed to have declined to purchase.

Holder of pastoral  
lease in Gold Field  
may obtain agricul-  
tural lease of 640  
acres.

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 priority of right to apply in respect of every lease held by him 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 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 expiration of three years the lessee 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

*Otago Hundreds Regulation Act 1869 Amendment.*

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.

Holder of pastoral lease who has obtained agricultural lease not entitled to purchase under section 6 except to make up deficiency.

**9.** The Waste Lands Board of the Province of Otago shall by notice given within twelve months after the coming into operation of this Act 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 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.

**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 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.

**11.** The provisions of section eight of "The Gold Fields Act 1866 Amendment Act 1869" 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 8 "Gold Fields Act 1866 Amendment Act 1869" to apply to Hundreds proclaimed within Gold Fields.

**12.** The provisions of section sixty-nine of "The Otago Waste Lands Act 1866" shall be read and construed as part of this Act Provided that the holder of any license who shall surrender the same and obtain a lease therefor as provided in that section shall pay all arrears of assessments that would have been payable had the surrender been made within six months after the coming into operation of "The Otago Waste Lands Act 1866" with interest thereon at the rate of eight per centum per annum.

Section 69 of "The Otago Waste Lands Act 1866" incorporated with this Act.

**13.** That the words "ten pounds" in the sixth line of the eighty-seventh clause of "The Otago Waste Lands Act 1866" shall after the passing of this Act be read as if the words "one pound" had been used in lieu thereof.

Section 87 of "The Otago Waste Lands Act 1866" amended.