

No. XI.

GOLD FIELDS.

AN ACT to amend "*An Act to make provision for the Management of Gold Fields in the Colony of New Zealand.*" [28th September, 1860.]

Preamble.

WHEREAS it is expedient to enable the Governor to grant leases of lands within a gold field for agricultural and business purposes, and in other respects to amend "*The Gold Fields Act, 1858.*"

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

Act and "*Gold Fields Act, 1858,*" to be one Act.

1. This Act and "*The Gold Fields Act, 1858,*" shall, save so far as the latter is varied by this Act, be taken to be and construed as one Act, and shall have the Short Title of "*The Gold Fields Act, 1858, 1860.*"

Interpretation of phrase "Authorized Person."

2. The phrase "Authorized Person" shall include all holders of any license or mining lease, ministers of religion and schoolmasters, and any Warden or Commissioner for the Gold Fields, or constable or other person employed exclusively in the Government service, and the servants of any such person respectively there residing with and in the actual employment of any of them and not mining for gold either permanently or occasionally, and all holders of agricultural and business leases not mining for gold either permanently or occasionally and their servants as aforesaid, and all females and all children under the age of fourteen years who shall only reside and not mine for gold upon any gold field.

Power to Governor to demise lands for agricultural purposes.

3. Subject to the provisions hereinafter contained, it shall be lawful for the Governor by deed from time to time to demise, for agricultural or business purposes, to any person for any term not exceeding seven years from the making of the lease, any land within a gold field not exceeding ten acres in the whole, subject to such rent costs and conditions on the part of the lessee, his executors, administrators, and assigns, to be paid observed and performed, as to the Governor shall seem meet.

Lease may be determined on notice from Governor.

4. Provided that if at any time after the granting of any such lease the land thereby demised or any part thereof shall in the judgment of the Governor be deemed to be highly auriferous, it shall be lawful for the Governor or any person appointed by him to give notice
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Gold Fields.

in writing as hereinafter mentioned of his intention to determine such lease.

5. At the expiration of three months from the delivery of such notice to the lessee or occupier, or to some servant of one of them on the demised land, or from the affixing of such notice to some conspicuous object on the demised land in case there is no occupier or servant as aforesaid thereon, such lease shall become null and void, and all interest of the lessee, his executors, administrators, and assigns therein shall cease and determine.

Service of notice.

6. Provided nevertheless that such lessee, his executors, administrators, or assigns, shall be entitled to compensation on account of the determination of his lease, and for any improvements he may have made on such land during the subsistence of such lease, to be ascertained in manner hereinafter contained.

Lessee to be compensated.

7. Such compensation may be settled by agreement between the lessee and any person appointed by and on behalf of the Governor.

Compensation may be settled by agreement.

8. If the amount of such compensation shall not be determined by agreement, then and in every such case the matter in difference shall be settled by arbitration by two arbitrators, one to be named by the Governor or some person deputed by him for such purpose, and the other arbitrator to be named by the party interested in such lands, and the matter in difference shall be determined by the said arbitrators or by any umpire to be appointed by them before they shall enter upon the reference; and if any arbitrator or umpire appointed under this Act shall die or refuse or for seven days neglect to act, another person shall forthwith be named or appointed to supply the place of the person so dying or refusing or neglecting to act, in the same manner as such last-mentioned person was named or appointed: And further the said arbitrators or umpire shall determine by whom and how the costs of the reference and award or umpirage shall in each case be paid, and they or he may summon and examine upon oath any witness, and administer the oath for that purpose.

Or by arbitration.

9. Every lease of any lands estate or rights by the Governor, made in pursuance of "*The Gold Fields Act, 1858, 1860*," may be made in the usual form between the Governor of the one part and the lessee of the other part, and in any such lease it shall be sufficient to call or describe the Governor by the style or title of "the Governor of the Colony of New Zealand," without naming him, and any such lease may be executed by the Governor by signing his name thereto.

Form of lease.

10. All covenants on the part of the lessee, his heirs, executors, administrators, and assigns, and all powers reserved to the lessor, his heirs, executors, administrators, or assigns, in any lease implied, and all other covenants agreements stipulations reservations and conditions expressed in any lease made in pursuance of the said "*Gold Fields Act, 1858, 1860*," on the part of the lessee, his heirs, executors, administrators, or assigns, to be made entered into reserved or undertaken to and with the Governor, shall be deemed and taken to be made entered into reserved or undertaken to and with the Governor for the time being, and when and so often as the present Governor and any succeeding Governor shall cease to hold such office, shall, by virtue of this Act, be vested in and be enforceable by his successor in the said office.

Covenants &c. on part of lessee with the Governor to run with the office.

11. The Governor for the time being may bring prosecute and maintain any action of ejectment or other proceedings for recovering possession of any lands so demised, and may sue and distrain for any arrears of rent which shall have become due for or in respect of any parcel or other demise from him or any predecessor in office, made in pursuance of the said "*Gold Fields Act, 1858, 1860*;" and also may bring

Governor may prosecute actions on covenants.

Representation.

bring prosecute and maintain any other action in respect of any covenants agreements stipulations reservations and conditions whatsoever contained or implied in any such demise; and in every such action or other proceeding shall be styled "the Governor," without being named.

Action not to abate.

12. No such action or other proceeding shall abate by the death resignation or removal from office of the Governor.

Governor not personally liable.

13. Nothing in any lease made in pursuance of "*The Gold Fields Act, 1858, 1860,*" shall extend to charge the person of the Governor, or the heirs, executors, or administrators of such Governor, or any of his or their own proper lands tenements goods or chattels, with or for the performance of all or any of the covenants conditions or agreements in such lease contained on the part of the Governor.

Gold field not subject to "*Waste Lands Act, 1858,*" or other land regulations.

14. Any district proclaimed or to be proclaimed a gold field and subject to the provisions of this Act and of "*The Gold Fields Act, 1858,*" shall not be subject to the provisions of "*The Waste Lands Act, 1858,*" or the several Acts Ordinances Bills and Regulations specified in the Schedule thereto.
