

Hon. Mr. McKenzie.

LAND FOR SETTLEMENTS.

ANALYSIS.

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A BILL INTITULED

AN ACT to repeal "The Land for Settlements Act, 1892," authorising the Acquisition of Private Lands for Purposes of Settlement, and to make other Provisions in lieu thereof. Title.

5 BE IT 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 is "The Land for Settlements Act, 1894." Short Title.

10 2. In this Act, if not inconsistent with the context,— Interpretation.
 "Board" means the Board of Land Purchase Commissioners appointed under this Act:

"Capital value" means the value of any allotment as defined by section *seventeen* :

15 "Minister" means the Minister of Lands :

"Owner" means any person, company, or corporation owning private land in fee-simple, and includes any trustee, executor, administrator, or mortgagee having a legal power of sale of private land :

20 "Private land" means any land alienated from the Crown.

Land Purchase Commissioners appointed.

3. There shall be a Board, of whom three shall form a quorum, to be called "The Board of Land Purchase Commissioners," consisting of the Surveyor-General, who shall be Chairman of the Board, the Commissioner of Taxes, the Commissioner of Crown Lands for the land district, the member of the House of Representatives for the time being of the electoral district, and the Chairman of the county, or, in the event of the Counties Act not being in operation, the Chairman of the road district, in which is situated any land proposed to be acquired, whose duties shall be, on the direction of the Governor, to ascertain, by the valuation of a competent valuer and by such other means as seem to them fit, the value of any lands which the Governor may propose it may be proposed to acquire for the purposes of this Act, and to report as to the demand for land for settlement in the locality where it is proposed to purchase the same.

~~Three members of the Board shall form a quorum thereof, and may exercise all the functions, duties, and authorities of the Board.~~

New Clause.

Minister may direct Board to acquire lands for settlement by purchase or exchange.

4. The Minister may from time to time direct the Board to negotiate with any owner of private lands in any part of the colony for the purchase or exchange of any lands, at such price, or for so much equivalent land, as may be agreed upon between any owner or lessee and the Board, for the purpose,—

- (1.) Of providing land for settlement under the Land Acts; or
- (2.) For the acquisition of sites for homesteads for neighbouring high-lying pastoral land; or
- (3.) For acquiring low-lying land necessary for the working of neighbouring high pastoral land; or
- (4.) For the exchanging high land suitable only for pastoral purposes for low-lying or agricultural land suitable for settlement.

Struck out.

the Governor, on behalf of Her Majesty, may from time to time contract with any owner of private lands in any part of the colony for the purchase or exchange of any lands, at such price, or for so much equivalent land, as may be agreed upon between any owner or lessee and the Governor on the recommendation of the Board.

New Clause.

Upon recommendation of Board Governor may acquire land.

4A. Upon any recommendation by the Board that any private land should be acquired, owing to its value, character, and suitability for settlement, the Governor, with the advice and consent of the Executive Council, may conclude the purchase or exchange thereof, and may execute all deeds and instruments, and do or perform all things or acts necessary for the completion of any such purchase, exchange, or taking.

Struck out.

On refusal to sell may take land compulsorily.

5. In the event of any such owner as aforesaid refusing to sell or exchange, or on failure to come to an agreement with such owner in respect of the sale or exchange of any land required for the aforesaid purposes, the Governor may take such land compulsorily, or so much thereof as he shall deem necessary, under "The Public

Works Act, 1882," the provisions whereof shall apply to such taking as if it were a taking of land for a public work within the meaning of that Act; and the compensation to be paid for such taking shall be assessed in manner provided by that Act.

5. In the event of the Governor in Council deciding to acquire any land and of any such owner as aforesaid refusing to sell or exchange, or on failure to come to an agreement with such owner in respect of the sale or exchange of any land required for the aforesaid purposes, the Governor may take such land compulsorily, or so much thereof as he shall deem necessary, under "The Public Works Act, 1882," the provisions whereof shall apply to such taking as if it were a taking of land for a public work within the meaning of that Act; and the compensation to be paid for such taking shall be assessed in manner provided by that Act:

In event of owner refusing to sell, Governor may take land under Public Works Act.

Provided, however, that when a notice of intention to take such land is served on any owner or occupier in pursuance of section ten of the said Act, such owner or occupier shall, within *forty* days after the receipt of such notice, lodge in writing at the office of the Minister of Lands, at Wellington, a statement of the price required by him for such land in the form shown in the Schedule to "The Public Works Acts Amendment Act, 1889," and such statement shall be the claim to be considered by the Compensation Court in case such land is taken under the said Act, but it shall be at the option of the said Minister whether to proceed further in the taking of such land or abandon the purchase.

For all purposes of taking land as aforesaid under "The Public Works Act, 1882," the Minister of Lands shall be deemed to be the Minister for Public Works under the last-named Act, and may do, perform, and exercise all things, acts, and functions which are conferred upon the last-named Minister under that Act.

6. The *last-preceding* section shall be read subject to the limitations and conditions following, that is to say,—

Limitation.

(1.) No land shall be taken compulsorily under this Act from any person owning not more than one thousand acres of first-class land, or two thousand acres of second-class land, or five thousand acres of pastoral land in one complete estate; and

(2.) Any person owning more than one thousand acres of first-class land, or two thousand acres of second-class land, or five thousand acres of pastoral land, shall have the right to retain any part of such land not exceeding the last-mentioned areas respectively in one block, with frontages and dimensions as provided in section one hundred and nine of "The Land Act, 1892," which shall be excepted from being taken compulsorily under this Act: Provided that such owner shall make his selection of the land to be excepted as aforesaid within three months from the date of the posting of a registered letter addressed to the said owner containing a notification from the Minister that the Governor intends to take the said owner's land, or part thereof, under the authority of this Act;

(3.) For the purposes of this section, first-class land shall be deemed to be land suitable wholly for agriculture; second-class land shall be deemed to be mixed agricultural and pastoral land; and pastoral land shall be deemed to be

land suitable for pastoral purposes only with a site for homestead;

New.

(4.) Any owner of an area of land comprised within one continuous area, a portion whereof has been taken compulsorily, may, within forty days after he has been notified of the compulsory taking of such portion of land, give notice that he is desirous to sell the remainder of his land or estate left to him, and, on such notice being received, the said part so left shall be deemed to have been taken compulsorily, and he shall be allowed full compensation therefor.

Governor may prohibit sale of pastoral land in Nelson and Marlborough.

7. Notwithstanding any right accrued or reserved to any lessee or licensee of pastoral land under "The Nelson Crown Lands Leasing Act, 1867," or "The Marlborough Waste Lands Act, 1867," to purchase such land or any part thereof, the Governor, *on the recommendation of the Board as aforesaid*, by notification in the *Gazette*, may declare any such land to be required for any of the purposes mentioned in section *four* of this Act; and after the publication of any such notification no sale of any land described therein shall be made by any Commissioner of Crown Lands until notice has been given to the Minister of such intended sale, who, if he think fit, may at any time within twelve months after the receipt of such notice acquire for Her Majesty, under the provisions of this Act, such land or any part thereof.

Subject, nevertheless, that the lessee shall be entitled to compensation for any loss he may sustain by reason of such acquisition, and that such compensation shall be ascertained *by agreement or* in the manner provided by "The Public Works Act, 1882."

Struck out.

8. Upon any report by the Board as to the value, character, and suitability for settlement of any private land, the Governor, with the advice and consent of the Executive Council, may conclude the purchase or exchange thereof, or may take the same compulsorily as aforesaid, and may execute all deeds and instruments, and do or perform all things or acts necessary for the completion of any such purchase, exchange, or taking.

Land acquired to be Crown land.

9. All land acquired under the provisions of this Act may be paid for wholly or partly either by money borrowed or, with the assent of the seller, by debentures issued under this Act, and shall, as soon as the purchase thereof is concluded as aforesaid, be proclaimed as Crown land subject to the provisions of this Act.

Colonial Treasurer may borrow money for the purposes of this Act, within limits.

10. For the purpose of providing funds out of which may be made all payments authorised by this Act, the Colonial Treasurer, as often as occasion requires, may in each financial year borrow money from the balances in any of the accounts mentioned in Part VIII. of "The Public Revenues Act, 1891," or the Public Works Funds, or wholly or partly from one or other of such balances, or wholly or partly from any bank or monetary institution; or from any person or persons, not exceeding *two hundred and fifty thousand* pounds in the aggregate in any one such year.

This Act shall be sufficient authority to the persons having control of any of the aforesaid funds, or the Colonial Treasurer, to lend any of the funds under their control respectively, not exceeding the amount specified in this section.

And may issue debentures in security.

11. As security for any money borrowed as aforesaid, or in payment for any land acquired under this Act, in case the owner

thereof is willing to accept them in lieu of cash, the Colonial Treasurer may create and issue debentures for any amount not exceeding *two hundred and fifty thousand* pounds in any one year, except as provided in section *fourteen*.

- 5 12. Debentures shall—
- (1.) Be in such form as shall be prescribed by the Colonial Treasurer, be signed by the Colonial Treasurer and by the Controller and Auditor-General, and be for not less than one hundred pounds, payable to bearer, and bear interest at a rate not exceeding *five four* pounds per centum per annum; and shall have a currency of not longer than forty years, but may be sooner paid off and may be re-issued; and
- 10 (2.) Be payable, both as to principal and interest, at such place or places within the colony as the Colonial Treasurer shall prescribe, and as shall be named in the debenture;
- 15 (3.) Be numbered consecutively in series of debentures of the same value, so that no two debentures of the same value shall at any time bear the same number.
- 20 13. The sum of money named in any debenture issued under the authority of this Act, and all interest thereon, shall be a charge upon and paid out of the Consolidated Fund.
- 25 14. Where the total amount of debentures issued in any one year do not amount to *two hundred and fifty thousand* pounds, the Colonial Treasurer may at any subsequent period create and issue debentures for the balance of such last-mentioned amount, in addition to the amount of debentures authorised to be issued during such subsequent period.
- 30 15. The Governor in Council may from time to time declare all or any of the debentures issued under this Act to be convertible into stock created or issued under "The New Zealand Consolidated Stock Act, 1877," and "The Consolidated Stock Act, 1884."
- 35 16. All moneys borrowed or received under this Act shall be paid into the Public Account to a separate account, to be called "The Land for Settlements Account," and shall be applied for paying all expenses incident to the administration of this Act, whether for purchase-money, or for cost of survey or division of land, or for laying off and making roads, or for recouping the Consolidated Fund any sum for interest charged thereon under this Act, and shall not
- 40 be applicable to any other purpose.
- 45 17. The rental of land acquired under this Act shall be at the rate of five per centum for interest on the capital value of the land, and such capital value shall be fixed at a rate sufficient to cover the cost of original acquisition of the land, together with a sufficient sur added thereto to cover the cost of survey, *roading*, and subdivision the price of so much of the land as shall be absorbed by roads and reserves on subdivision, and the estimated cost of administration.
- Such rental shall be paid into the separate account aforesaid.
- 50 18. The Colonial Treasurer may, without further appropriation pay out of any moneys at credit of the aforesaid separate account such sums from time to time as shall become payable under this

Nature and currency of debentures.

Debentures and interest to be charged on Consolidated Fund.

Debentures not issued in one year may be issued at subsequent period.

Debentures to be convertible into stock.

Money received to be paid into separate account in Public Account

Lands to be disposed of under Land Acts on lease in perpetuity or as small grazing-runs.

19. Lands acquired under this Act, whether the same be classed as rural, suburban, or town lands, shall be disposed of under the lease-in-perpetuity system of the Land Acts, in allotments not exceeding the limits defined in section ninety six of the "Land Act, 1892," or if pastoral land shall be disposed of as small grazing-runs under Part V. of that Act, subject to regulations made under this Act.

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No person shall be capable of becoming the holder of any land under this Act exceeding the aforesaid area limits made by such regulations.

Rent may be remitted in certain cases.

20. In the event of any lessee of land acquired under this Act being unable at any time, through any natural disaster, or other sufficient cause, to pay the rent due under his lease, it shall be competent for the Minister, on the recommendation of the Land Board of the district, and being satisfied of the necessity to afford relief to such lessee by remitting a year's rent, or such portion of a year's rent as may be deemed necessary, subject that the amount shall first be voted by Parliament. Any such sum shall be placed to the credit of the "Land for Settlement Account," in liquidation of the rents aforesaid: Provided also that this section shall not apply to any lessee who is over six twelve months in arrear with his rent.

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Power to make reserves.

21. The Governor shall have the power to make all necessary reserves for public purposes; but no land acquired under this Act shall be appropriated for endowments.

No thirds to be paid to local authorities.

22. The provision of the Land Acts as to the payment of thirds or fourths to local authorities shall not apply to lands acquired or disposed of under this Act.

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Occupier of land liable for rates or taxes.

23. Every lessee or selector of land acquired and disposed of under this Act shall be deemed to be an occupier of Crown land under the Land Acts within the meaning of all Acts relating to the payment of rates or taxes.

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Power to make regulations.

24. The Governor, from time to time, may make all such regulations under the Land Acts as he shall see fit for the disposition of any land acquired under this Act, or for regulating the conditions of occupation of any such land, or for fixing the area of rural or suburban land which may be applied for or occupied by any one person, or for any other purpose relating to or in connection with the disposition of any such land, or for appointing the meetings of the Board constituted under this Act, and for regulating the conduct of its business.

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Land Acts to apply to lessees under this Act.

25. All provisions of the Land Acts and penalties under the said Acts relating to lessees of Crown lands shall, *mutatis mutandis*, in so far as they are applicable, apply to and may be enforced against lessees under this Act.

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Annual accounts and reports to be furnished to the General Assembly.

26. As soon as may be, not later than twenty days after the commencement of the session in each year, there shall be presented to both Houses of the General Assembly—

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- (1.) A statement of the moneys received into and paid out of the Land for Settlements Account during the financial year ending on the thirty-first day of March of the year in which the said session is held.

The Controller and Auditor-General shall certify to the correctness of such statement of accounts, and shall append to such certificate any exception he may take to any part of the same:

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(2.) A statement showing the area of each block of land purchased under this Act, its locality and quality, the name of the person from whom it was bought or acquired, and the price paid for the same, together with the particulars of each transaction for the purchase of land concluded within the then next previous twelve months, and the report and valuation of the Board on each transaction, and a report on the condition and settlement of all lands acquired under this Act.

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10 27. "The Land for Settlements Act, 1892," is hereby repealed, Repeal.
without prejudice to anything done thereunder.

28. This Act, if not sooner repealed, shall expire on the thirty- Expiration of Act.
first day of March, in the year one thousand eight hundred and *ninety-nine.*