

Hon. Sir J. G. Ward.

ASSETS REALISATION BOARD LANDS.

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A BILL INTITULED

AN Act to confer on the Assets Realisation Board Power to erect Title.
 and maintain certain Protective Works to protect its Lands
 at Motoa from Erosion and Damage by the Manawatu River.

5 WHEREAS the Assets Realisation Board is entitled to an estate in Preamble.
 fee-simple in various lands situate in the Motoa District, near the
 Township of Foxton, known as the Motoa Estate, and lying on the
 north bank of the Manawatu River, which lands are shortly described
 in the Schedule hereto: And whereas there have been heretofore
 10 erected and maintained a retaining-wall and other protective works
 for the purpose of preventing the encroachment and overflow of the
 Manawatu River on the said Motoa Estate, and on the property of
 various other persons liable to be affected by such encroachment and
 overflow, and such wall is in part broken down and in need of
 15 repair: And it is expedient to confer upon the said Board the
 powers and authorities to construct and maintain protective works
 contained in this Act:

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

1. The Short Title of this Act is "The Assets Realisation Short Title.
 Board Lands Act, 1902."

2. In this Act, if not inconsistent with the context,—
 25 "The Board" or "the said Board" means the Assets Realisa- Interpretation.
 tion Board incorporated under "The Bank of New Zea-
 land and Banking Act, 1895":

"Minister" means the Minister of Lands:

30 "Land" for the purposes of this Act includes any estate,
 share, or interest in land, whether freehold or chattel
 interest, and any possibility, right, or title of entry or

action, and whether the same is in possession, reversion, or remainder, or is dependent on any contingency or otherwise.

**Powers of Board
with respect to
protective works.**

3. The Board shall, in addition to and not in derogation of any powers to which it may be entitled as owner of the lands described in the Schedule hereto, have and possess the following powers, that is to say:— 5

- (1.) It may, without any previous agreement with the owner or occupier of any land abutting on the right bank of the said river, between a point on the said right bank in line with the western side of Section 39, Block VII., Mount Robinson Survey District, and the south-western corner of Section 533, Block IX., Mount Robinson Survey District, on such right bank or lying between the Motoa Estate and such right bank, upon giving twenty-four hours' notice, enter upon any such land of such person, and whether the same shall be Crown lands or not, and may survey and take levels of the same and dig and bore into the land so as to ascertain the nature of the soil and set out the lines of any work thereon. 10 15 20
- (2.) It may thereupon take and occupy any part of such land for the purpose of erecting thereon any protective works that may in the opinion of the Board be necessary for the purpose of enabling the Board to make or complete any proposed protective wall or works between the points aforesaid or otherwise for the purpose of any scheme that may be adopted for the protection of the Motoa Estate from the overflow or breaking of the banks of the Manawatu River. Any protective works to be erected or constructed by the Board may be erected or constructed on, in, or over any public road or street. 25 30
- (3.) It may from time to time make maintain, alter, or discontinue any protective works or any other works whatsoever upon any land upon which the Board may have entered as aforesaid, or upon any land between the points aforesaid bounded by the said right bank of the Manawatu River or contiguous thereto, or upon any land intersected by any stream or river flowing into the said Manawatu River, or upon any such stream or river, for the purpose of preventing or lessening any damage which may be threatened or which may have actually occurred by the overflow of the said Manawatu River, or from the breaking of the banks of the same, or from the overflow of any of such streams or such rivers or the breaking of the banks of the same. 35 40 45
- (4.) It may from time to time divert, impound, or take away any water from any such river or stream, or alter the course of the same.
- (5.) It may for any of the purposes aforesaid, at all reasonable times, by its servants or workmen, and with or without carriages loaded or unloaded, enter into and pass through and over any lands for the purpose of carrying out any 50

works proposed to be constructed by the Board, and for the purpose of maintaining and repairing any existing works, doing thereby no unnecessary or avoidable damage to such lands.

5 (6.) It may lay or deposit upon any of such lands any materials whatever to be used in the maintenance or construction of any such works, or any spoil arising from such construction or maintenance, and may erect thereon any temporary shelter for any workmen or persons engaged
10 in such maintenance or construction, causing thereby as little damage or inconvenience as may be.

(7.) The Board may cause any land upon which it may have erected or deposited any wall, or the materials for any wall, to be fenced on both sides, reasonable crossings being provided at such places as may be required.

15 (8.) No land being the property of the Crown shall be taken under this Act unless the Minister consents in writing thereto.

20 4. Wherever it shall be necessary under the provisions of this Act to take any land for the erection thereon of any retaining-wall or protective works, Parts II. and IV. of "The Public Works Act, 1894," shall be deemed to apply and be incorporated herein, with the alteration that wherever the term "the local authority" is used in such Parts the term "the Board" shall be substituted therefor.

Public Works Act incorporated.

25 5. Every person having any estate or interest in any land taken under this Act or injuriously affected thereby, or suffering any damage from the exercise of any of the powers given by this Act, shall be entitled to compensation under Part III. of "The Public Works Act, 1894," and the whole of the said Part III. is hereby incorporated with this Act, and shall be read in this Act as if the words "the Board" had been respectively inserted in the aforesaid Part of the said Act in place of the words "local authority"; and the whole of the provisions of the aforesaid Part of "The Public Works Act, 1894," shall be read and construed for the purposes of this Act accordingly.

Compensation.

30 6. If the Minister consents in writing to any land the property of the Crown being taken, then the Proclamation referred to in subsection four of section eighteen of "The Public Works Act, 1894," may be forthwith after such consent issued by the Governor; and in any claim for compensation the Minister shall be the claimant and the Board the respondent.

When Crown land may be taken.

35 7. Every person who wilfully obstructs the Board, its agents, servants, or workmen in exercising any of the powers and authorities conferred by this Act, or wilfully and unlawfully cuts down, breaks, removes, destroys, or damages any fence, structure, or protective works erected by the Board under the authority of this Act, shall be liable to a penalty of not exceeding *fifty* pounds for every such offence, or to imprisonment for not exceeding *one* month:
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50 Provided always that such penalty or imprisonment shall not abridge or affect any right, remedy, or proceeding, civil or criminal, independently of this Act.

Penalties.

Schedule.

SCHEDULE.

ALL those pieces or parcels of land containing together 8,890 acres and 19 perches, more or less, situate in the Provincial District of Wellington, comprising parts of the block of land known as the Motoa Block, and being the suburban sections numbered 27, 28, 29, 31, 32, 33, the rural sections numbered 92, 93, 94, 95, 96, 97, 98, 104, 251, 434, 435, 436, 448, 449, 450, 533, 534, 535, parts of rural sections numbered 83, 89, 452, 460, 555, the sections numbered 68, 101, 102, 105, 106, 107, 108, and 114, shown on the public map of the said Motoa Block and the Township of Foxton, and also Section 30, Block VI., Mount Robinson Survey District, and being the whole of the land comprised in certificates of title Vol. i., folio 94, Vol. xxvii., folio 267, Vol. xxxiv., folio 22, Vol. xx., folios 74 and 130, Vol. xxxvi., folios 139 and 140, Vol. xxix., folio 5, Vol. lxxii., folios 16 and 252, Vol. xix., folio 219, Vol. lix., folio 183, and Vol. xxx., folio 207, in the register-books of the District Land Registrar at Wellington. And also all those pieces or parcels of land containing together 120 acres 3 roods 30 perches, more or less, situate in the provincial district aforesaid, being the suburban sections numbered 7 and 20, rural section numbered 88, part of rural section numbered 67, and section numbered 103 on the said public maps of the Motoa Block and the Township of Foxton, and part of the lands comprised in a certificate pursuant to section 34 of "The Bank of New Zealand and Banking Act 1895," under the hands of two of the directors and attorneys of the Bank of New Zealand Estates Company (Limited) and two of the members of the Assets Realisation Board, bearing date the 28th day of October, 1896, and registered in the office of the Registrar of Deeds, at Wellington, as No. 71309. Excepting thereout a portion of the said Rural Section 67 containing 1 acre or thereabouts, conveyed to the Education Board of the District of Wanganui by a conveyance bearing date the 2nd day of June, 1902, and registered in the office of the Registrar of Deeds at Wellington as No. 83303.