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This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
21st August, 1874.*

(Hon. Mr. Richardson.)

Immigration and Public Works.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">LAND PURCHASES IN NORTH ISLAND.</p> <p>2. Lands proclaimed under section 6 of "The Immigration and Public Works Act, 1873," may be withdrawn from operation of section.</p> <p>3. Dealings with lands leased by Crown from Natives with option to purchase prohibited, &c.</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">COMPENSATION FOR TAKING LAND FOR RAILWAYS AND ROADS.</p> <p>4. In certain cases where compensation claimed exceeds £500, claim to be heard by a Judge of the Supreme Court.</p> <p>5. Powers of Judge of Supreme Court.</p> <p>6. Powers and duties of Assessors.</p> <p>7. Payment to Assessors sitting with Judge of Supreme Court.</p> <p>8. Proceedings under this Act not to be invalidated by reason of amount awarded being less than £500.</p> <p>9. Forty-sixth section of "The Immigration and Public Works Act, 1872," as to assessment of</p>	<p>compensation for land taken for roads, to apply generally to all roads.</p> <p style="text-align: center;">PART III.</p> <p style="text-align: center;">ROADS, ETC.</p> <p>10. £60,000 out of loan to be expended on roads in North Island. Equivalent sum to be expended on roads or railways in Middle Island.</p> <p>11. Appropriation of Westland portion of Middle Island Railway Fund for roads, &c.</p> <p>12. Road Hokitika to Christchurch.</p> <p>13. Ferry reserves.</p> <p>14. Governor may make ferry reserves.</p> <p>15. Bridges and ferries.</p> <p style="text-align: center;">PART IV.</p> <p style="text-align: center;">RAILWAYS.</p> <p>16. Governor may revoke Proclamation.</p> <p>17. Railway receipts applicable to the railway in respect of which received.</p> <p style="text-align: center;">PART V.</p> <p style="text-align: center;">AIDING WORKS ON GOLD FIELDS.</p> <p>18. £50,000 authorized to be advanced to Province of Auckland for works on Thames Gold Fields. Former advances to be included.</p>
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A BILL INTITULED

AN ACT to amend "The Immigration and Public Works Act, 1870," and the several Acts amending the same. Title.

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 shall be "The Immigration and Public Works Act, 1874." Short Title.

PART I.

LAND PURCHASES IN NORTH ISLAND.

2. Whenever by virtue of any Proclamation made under the sixth section of "The Immigration and Public Works Act, 1873," any lands shall have been declared to be waste lands of the Crown in the manner provided in the said section, it shall be lawful for the Governor from time to time, by Proclamation, to take effect from a day to be named therein, or without naming any such day, to withdraw all or any part or parts of such lands from the operation of the said sixth section:

Provided that nothing herein contained shall prejudice or affect the sale of any such lands or any part or parts thereof, or any contract or agreement for the sale of any such lands or any part or parts thereof, made before any such Proclamation shall take effect as aforesaid.

Any lands so withdrawn may be proclaimed anew under the provisions of the said sixth section, either alone or with other lands liable to be dealt with under the provisions of the said section.

Dealings with lands leased by Crown from Natives with option to purchase prohibited.

3. Whereas by the thirty-fourth section of "The Immigration and Public Works Act, 1870," it is enacted that the Governor may from time to time, in the name and on behalf of Her Majesty, purchase or in anywise acquire any land in the North Island of New Zealand, or any interests therein, which the owners thereof may be willing to sell convey or surrender :

And whereas under and by virtue of the said authority the Governor has acquired divers leases or agreements for leases of lands from the Native owners thereof, and in such leases and agreements stipulations are contained that the lessors or Native owners shall not sell the lands affected thereby to any person but Her Majesty, or stipulations to the same effect or of a like kind :

And whereas it is expedient during the currency of such leases or agreements, and until the Governor has exercised his option to purchase the lands affected thereby, that all persons should be prohibited from purchasing or acquiring any right title or interest in such lands except from Her Majesty :

Be it therefore enacted that it shall not be lawful for any person whatsoever to purchase or acquire any right title or interest, except from Her Majesty, in any lands in the North Island of New Zealand any lease or agreement for lease of which with purchasing clauses has been acquired by or on behalf of the Governor or Her Majesty, under the powers contained in the said "Immigration and Public Works Act, 1870," or any Act amending the same: Provided however that the restrictions imposed by this section shall cease to have any force or effect in respect of any lands the leases of which shall have expired by effluxion of time or shall have been otherwise determined.

All lands to which the provisions of this section apply shall be notified by the Governor in the General Government *Gazette*; such notice may, unless the lands have been accurately surveyed, describe the land in such manner as the Governor shall think sufficient, and shall specify the period of the lease or agreement for lease, and every such notice shall be conclusive evidence that the lands described therein are and remain subject to the provisions of this section during the period specified in such notice; and no deeds or other documents purporting to affect such lands contrary to this section shall be of any force or validity, or be registered in the Register of Deeds.

PART II.

COMPENSATION FOR TAKING LAND FOR RAILWAYS AND ROADS.

4. In any case where no agreement shall be come to between the Minister, or any person appointed by him under and for the purposes of Part VI. of "The Immigration and Public Works Act Amendment Act, 1871," and the owners or parties by the Acts therein mentioned enabled to sell and convey or release any lands taken or required for or injuriously affected by the execution of any railway or other works therein mentioned, and where the amount claimed by any person or persons as the value of such land or of any estate or interest therein, or as the compensation to be made in respect thereof shall exceed the sum of five hundred pounds, then and in any such case, and unless the Minister shall consent that the question of such value or compensation shall be heard and determined in the manner provided in Part VI. of the said last-mentioned Act, every such question shall be heard and determined by the Judge of the Supreme Court to whom is assigned the judicial district in which the land is situate: Provided that if the land is partly within one and partly within another judicial district of the Supreme Court, such question shall be heard and determined by such one of the Judges to whom such districts are respectively assigned as the Governor shall nominate.

In certain cases where compensation claimed exceeds £500, claim to be heard by a Judge of the Supreme Court.

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5. Every such Judge shall, in respect of any such question, have and may exercise all such powers duties and authorities as by the said Part VI. are conferred or imposed upon or vested in a District Court Judge or Resident Magistrate; and shall also in respect of any such question as in this Part aforesaid have all such powers of allowing costs and expenses as are conferred upon District Court Judges or Resident Magistrates under Part IV. of "The Immigration and Public Works Act, 1872."

Powers of Judge of Supreme Court.

All proceedings taken under this Part of this Act in respect of any such question or matter as aforesaid, shall respectively be had conducted and taken, and may be enforced in like manner, as proceedings taken under the said Part VI. may be had taken and conducted.

6. All powers duties and functions conferred or imposed upon, or which may be exercised by an Assessor or Assessors under the said Part VI. when sitting or acting with a District Court Judge or a Resident Magistrate, shall and may respectively be executed performed and exercised by any Assessor or Assessors sitting with a Judge of the Supreme Court under this Act.

Powers and duties of Assessors.

7. Where Assessors shall sit or act with any Judge of the Supreme Court in hearing or determining any such question or matter as aforesaid, each such Assessor shall be paid a sum not exceeding three pounds for each day or part of a day that he is engaged in such inquiry as the Judge shall fix in each case.

Payment to Assessors sitting with Judge of Supreme Court.

8. Nothing in this Act shall be construed to invalidate or affect any award decision or determination made or given by any Judge of the Supreme Court and an Assessor or Assessors under this Act, although the amount awarded may be under the sum of five hundred pounds.

Proceedings under this Act not to be invalidated by reason of amount awarded being less than £500.

9. Whereas doubts are entertained whether the provisions of the forty-sixth section of "The Immigration and Public Works Act, 1872," as to the mode of assessing compensation for taking land for roads apply to all roads constructed by the Governor under the provisions of "The Immigration and Public Works Act, 1870," and the Acts amending the same, or only to roads in the Nelson South-West Gold Fields or the Province of Westland, and it is expedient to remove such doubts:

Forty-sixth section of "The Immigration and Public Works Act, 1872," as to assessment of compensation for land taken for roads, to apply generally to all roads.

It is therefore declared and enacted that the said forty-sixth section applies to all roads whatever and wherever which the Governor is authorized to construct under the provisions of "The Immigration and Public Works Act, 1870," and the Acts amending the same, or any of them.

PART III.

ROADS, ETC.

10. Out of the moneys authorized to be raised under the said Loan Act, 1874, and applicable to the construction of roads in the North Island, there may be issued and applied any sum or sums not exceeding the sum of sixty thousand pounds in the construction of roads in the North Island of New Zealand under the provisions of "The Immigration and Public Works Act, 1870," and the Acts amending the same.

£60,000 out of loan to be expended on roads in North Island.

Out of the moneys authorized to be raised under the said Loan Act, 1874, and applicable to Public Works and other purposes, there shall be paid to the credit of the Middle Island Railway Fund Account a sum equal to the sum authorized to be expended under the last preceding section of this Act, and the said moneys so paid to the said account may be expended in the construction in the Middle Island of either roads or railways as the Governor may direct, and the expenditure of the said moneys shall be apportioned amongst the Provinces in

Equivalent sum to be expended on roads or railways in Middle Island.

accordance with the provisions of the eleventh section of "The Immigration and Public Act, 1870," as amended by subsequent Acts.

Appropriation of Westland portion of Middle Island Railway Fund for roads, &c.

11. The moneys from time to time standing to the credit of the Province of Westland in the account of the Middle Island Railway Fund and Stamp Duties Account may be expended under "The Immigration and Public Works Act, 1870," and the Acts amending the same, in the construction of such roads and bridges as the Governor shall determine. 5

Road Hokitika to Christchurch.

12. It shall be lawful for the Governor to reconstruct or repair the whole or any part or parts of the line of road between Hokitika and Christchurch, and divert any part or parts of the said road and construct such part so diverted, and to expend upon the said road out of the Middle Island Railway Fund Account the whole or any part of the moneys from time to time at the said account to the credit of the Provinces of Canterbury and Westland respectively. 15

Ferry reserves.

13. The Governor may from time to time make reserves of waste lands of the Crown for a ferry and ferry-house and land to be occupied therewith within any part of New Zealand in which any road is constructed or in course of construction by the Governor under the said last-mentioned Act or the Acts amending the same, and may let the same on such terms and conditions as he thinks fit. 20

Governor may make ferry reserves.

14. Whenever the Governor deems it expedient to establish a ferry under "The Immigration and Public Works Act, 1870," and the Acts amending the same, he may for the purposes of such ferry, and as a site for a ferry-house and as land to be held with such ferry-house for the use of the person in charge of such ferry, by Proclamation published in the *New Zealand Gazette*, proclaim any parcel of land to be taken for the purposes of a ferry, and thereupon the land so proclaimed shall vest in the Queen as a ferry reserve, and a copy of such Proclamation may be registered and shall be of the same force and effect as a conveyance to the Queen by all persons being owners of or interested in the said land. All persons being owners of or having any interest in any land so taken shall be entitled to receive compensation for such land, the amount whereof shall be ascertained in the manner provided by "The Immigration and Public Works Act, 1870," and the Acts amending the same, with regard to land taken for railways. 35

Bridges and ferries.

15. The provisions contained in the sections of "The Bridges and Ferries Act, 1868," numbered from three to nine both inclusive, shall apply to bridges and ferries already or hereafter to be constructed or established by the Governor as if the same had been constructed or established under the said "Bridges and Ferries Act, 1868," by some person under the authority of the Governor, and the Governor is hereby declared to have had and shall have authority to build any such bridge dam wharf or other erection as he may think fit, on any river stream or creek, and shall have the same power and authority to construct bridges and establish ferries as by the said Bridges and Ferries Act he is empowered to confer on a person. 45

PART IV. RAILWAYS.

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Governor may revoke Proclamation.

16. The Governor may from time to time, as he thinks fit, by Proclamation in the *New Zealand Gazette*, revoke either in whole or part any Proclamation previously made by the Governor under the powers contained in "The Immigration and Public Works Act, 1870," and the Acts amending the same, or any of them, fixing the commencement termination or line of any railway or any part of any railway; and the Governor may also, if he think fit, by such revoking 55

Proclamation, or by another Proclamation, fix any other commencement termination or line of such railway or part of railway in lieu of the commencement termination or line fixed in the previous Proclamation.

- 5 In and by any such revoking Proclamation, the Governor may declare any lands and hereditaments therein described and authorized to be taken by the previous Proclamation to be released and discharged from the effect and consequences of such previous Proclamation, and thereupon the lands and hereditaments described in such revoking
10 Proclamation shall be released and discharged from the effect and consequences of such previous Proclamation, as if the previous Proclamation had never been made.

- 15 17. All receipts from any railway, the working management and control of which is carried on by the Public Works Department, shall be placed to a separate account at the Special Fund to the credit of such railway, and thereout shall be paid all such costs charges and expenses of working managing and maintaining such railway as the Governor may from time to time authorize during the year ending the thirtieth day of June next.

Railway receipts applicable to the railway in respect of which received.

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PART V.

AIDING WORKS ON GOLD FIELDS.

18. Out of the moneys authorized to be raised under "The Immigration and Public Works Loan Act, 1874," (hereafter referred to as "the Loan Act, 1874,") and applicable to works on gold fields, there
25 may be issued and applied any sum or sums not exceeding fifty thousand pounds as an advance to the Province of Auckland, to be expended in and about works on the Thames Gold Fields, on such security and on such terms of repayment and otherwise as have been or hereafter may be agreed upon between the Government of the colony
30 and the Superintendent of the said province, and authority is hereby given to the Governor to make such orders and give such directions as he may think fit for carrying out and enforcing any such agreement.

£50,000 authorized to be advanced to Province of Auckland for works on Thames Gold Fields.

- All moneys heretofore issued by the Colonial Treasurer, and applied as advances in pursuance of such agreement as heretofore
35 made, shall be deemed to have been made, and shall be secured and treated as if issued and applied under the authority of this Act :

Former advances to be included.

- The said advances heretofore made shall be recouped by the Colonial Treasurer out of the moneys authorized to be raised under the Loan Act, 1874, and applicable as aforesaid to the fund out of
40 which the same have been made.