

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,
11th September, 1891.

Hon. Mr. McKenzie.

LAND FOR SETTLEMENTS.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Public Works Act incorporated. 4. Governor may acquire lands for settlement. 5. Land Purchase Commissioners appointed. 6. On report of Commissioners Governor may acquire land. 7. Provision as to payment of money when title is disputed or owner is under disability. 8. Every acquisition to be sanctioned by Parliament. 9. Lands which may not be taken. 10. Colonial Treasurer may borrow money for the purposes of this Act, within limits. 11. And may issue debentures in security. 12. Nature and currency of debentures. | <ol style="list-style-type: none"> 13. Sinking fund. 14. Debentures to be convertible into stock. 15. Colonial Treasurer may advance moneys for road making. 16. Money received to be paid into separate account in Public Account. 17. Rental and capital value. 18. Colonial Treasurer may pay moneys payable under Act. 19. Lands to be disposed of under Land Acts on perpetual lease. 20. No thirds to be paid to local authorities. 21. No land excepted from rates or taxes. 22. Colonial Treasurer to furnish annual accounts to the General Assembly. 23. Minister of Lands to report annually as to settlements under the Act. |
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A BILL INTITULED

AN ACT to authorise the Acquisition of Private Lands for Purposes of Settlement. 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 is "The Land for Settlements Act, 1891." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.
10 "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 "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 :

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

20 3. "The Public Works Act, 1882," is hereby incorporated with this Act, but shall be read for the purposes of this Act as if the words "Minister of Lands" had been enacted therein in the place of the words "Minister for Public Works," whenever these latter occur therein. Public Works Act incorporated.

Governor may acquire lands for settlement.

4. For the purpose of providing land for settlement under the Land Acts as modified by this Act, the Governor, from time to time, on behalf of Her Majesty,—

- (1.) May contract with any owner of private land in any part of the colony for the purchase thereof in blocks of such area as he shall think fit, and at any price which may be agreed on between the Governor and such owner, on the recommendation of the Board of Land Purchase Commissioners hereinafter constituted; 5
- (2.) May take any private land under "The Public Works Act, 1882," subject to compensation being paid for the same as provided in that Act. 10

Land Purchase Commissioners appointed.

5. There shall be a Board appointed under this Act to be called the "Board of Land Purchase Commissioners," consisting of the Surveyor-General, the Property-tax Commissioner, the Commissioner of Crown Lands, and District Land Registrar of the district in which is situated any land proposed to be acquired, whose duties shall be, on the direction of the Governor, to ascertain by such means as seem to them fit the value of any lands which the Governor may propose to acquire for the purposes of this Act. 15

On report of Commissioners Governor may acquire land.

6. 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, but subject in all cases to the condition mentioned in section *seven*,—

- (1.) May, in cases where an agreement has been made with the owner of the land, contract with him for the purchase thereof; or 25
- (2.) May, in cases where no agreement has been made with the owner, take such land under the provisions of Parts II. and III. of "The Public Works Act, 1882." 30

Provision as to payment of money when title is disputed or owner is under disability.

7. If doubt or question arise as to the person entitled to receive any purchase-money agreed for under this Act, or if any person entitled thereto is under disability, or if the land be subject to settlement, mortgage, or other charge, such money may be paid in manner provided respectively by sections sixty-four to seventy, both inclusive, of "The Public Works Act, 1882," which sections shall for the purposes of this Act, and *mutatis mutandis*, be deemed to be incorporated herewith, the words "Colonial Treasurer" being read in the place of the words "respondent" and "Minister or local authority" where they respectively occur in the said section sixty-four. 35

Every acquisition to be sanctioned by Parliament.

8. Before any transaction for the purchase or the compulsory taking of land for the purposes of this Act is completed, or any money paid, the particulars of each case shall be gazetted, and a copy of such *Gazette*, with the report and valuation of the Board, shall be laid forthwith before Parliament, or at its next sitting, if Parliament be not in session. 40

In the event of Parliament confirming any proposed acquisition of land, then, on the direction of the Governor—

- (1.) In the case of lands where the price has been agreed on between the Board and the owner of the land, the purchase-money may be paid and the land be proclaimed Crown land; 50

(2.) In the case of land where no such agreement has been made, proceedings may be taken under Parts II. and III. of "The Public Works Act, 1882," for the acquisition thereof, and on its acquisition the land shall be proclaimed Crown land;

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In the event of the purchase of any land taken under "The Public Works Act, 1882," not being confirmed by Parliament, any costs incurred by the owner of such land in the determination of the value thereof under the provisions of the said Act shall be paid to such

10 owner by the Government.

9. The following lands may not be compulsorily acquired:—

Lands which may not be taken.

(1.) Any parcel of land the property of a person not the beneficiary owner of more than two thousand acres, unless the same be waste or unimproved land:

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(2.) Land being the site of a dwelling-house of the beneficiary owner, and lands around or adjacent thereto, the whole area together not exceeding two thousand acres:

(3.) Lands mentioned in "The Public Works Act, 1882," as not to be taken thereunder.

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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, and upon being authorised so to do by the Governor in Council, may in each financial year borrow money from the balances in the Post Office Account, or the Government

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

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Insurance Account, or the Public Trust Office Account, or the Commissioners of the Public Debts Sinking Funds Account, 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 *fifty thousand* pounds in any one such year.

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Such Order in Council shall be sufficient authority to the Postmaster-General, the Government Insurance Commissioner, the Public Trustee, or the Commissioners of the Public Debts Sinking Funds to lend any of the funds under their control respectively, not exceeding the amount specified in such Order in Council.

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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 issue debentures in such form as shall be prescribed by the Governor in Council, subject to the provisions of this Act.

And may issue debentures in security.

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12. Debentures shall—

Nature and currency of debentures.

(1.) 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 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 reissued; and

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(2.) Be payable, both as to principal and interest, at such place or places within the colony or in Australia or Tasmania as the Governor in Council shall prescribe, and as shall be named in the debenture;

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- (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.
- Sinking fund.** 13. There shall be a sinking fund created not exceeding one per centum per annum on the amount of all debentures issued by the Treasurer for the purposes of this Act, which shall be under the control of the Commissioners of Public Debts Sinking Funds. 5
- Debentures to be convertible into stock.** 14. 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." 10
- Colonial Treasurer may advance moneys for road making.** 15. For the purpose of making roads and bridges through or giving access to any land to be disposed of under this Act, the Minister of Lands may borrow from the Colonial Treasurer any necessary sums under the provisions of "The Government Loans to Local Bodies Amendment Act, 1891;" and the said Treasurer is hereby authorised to advance such moneys under the last-mentioned Act. 15
- Money received to be paid into separate account in Public Account.** 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 such moneys 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 payment of interest and sinking fund on all debentures issued for the purposes of this Act, or in repayment on maturity of any such debentures, and shall not be applicable to any other purpose. 20
- Rental and capital value.** 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 the cost of survey and road-making thereon and the estimated cost of administration. 30
- Colonial Treasurer may pay moneys payable under Act.** Such rental shall be paid into the separate account aforesaid. 18. The Colonial Treasurer may, without further appropriation, pay out of any moneys at credit of the aforesaid separate account all such sums from time to time as shall become payable under this Act. 35
- Lands to be disposed of under Land Acts on perpetual lease.** 19. Lands acquired under this Act, whether the same be classed as rural, suburban, or town lands, shall be disposed of under the perpetual-lease system of the Land Acts as herein modified, in allotments not exceeding three hundred and twenty acres in area, and with no right of purchase of the freehold. 40
- No thirds to be paid to local authorities.** 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. 20. The provision of the Land Acts as to the payment of thirds to local authorities shall not apply to lands acquired or disposed of under this Act. 45
- No land excepted from rates or taxes.** 21. No land acquired under this Act shall be exempt from the payment of rates or taxes.
- Colonial Treasurer to furnish annual accounts to the General Assembly.** 22. The Colonial Treasurer shall, in each year, as soon as may be after the commencement of the session, present to both Houses of 50

the General Assembly a statement of the accounts and of all transactions carried on under this Act during the financial year ending on the thirty-first day of March of the year in which the said session is held, showing in such statement the area of each block of land
5 purchased, its locality and quality, the name of the person from whom it was bought or acquired, and the price paid for the same.

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.

10 **23.** The Minister of Lands shall, in the same manner, present to both Houses of the General Assembly an annual report on the condition and settlement of all lands acquired under this Act.

Minister of Lands
to report annually
as to settlements
under the Act.