

New Zealand.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

No. —.

ANALYSIS.

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A BILL INTITULED

AN ACT to Alter Amend and Continue Title. "The New Zealand Settlements Act 1863."

WHEREAS by "The New Zealand Settlements Act Amendment Preamble.
Act 1864" (herein referred to as the Act of 1864) it was enacted that "The New Zealand Settlements Act 1863" (herein referred to as the Act of 1863) and the said Act of 1864 should respectively continue in operation until the third day of December 1865 and it is expedient to alter and amend the said Act of 1863 as amended by the said Act of 1864 and to prolong the continuance thereof as so amended

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

I. The Short Title of this Act shall be "The New Zealand Settlements Amendment and Continuance Act 1865." Short Title.

II. The said Act of 1863 as amended by the said Act of 1864 and by this Act is hereby made perpetual Continuance of former Acts. Provided that the powers vested by the said Act of 1863 in the Governor in Council of Power of Governor to proclaim districts not to be exercised. proclaiming Districts and of reserving and taking land for settlement under the said Act shall not be exercised after the third day of December 1867.

III. The Governor in Council shall have power from time to time to make regulations for the practice and procedure of the Compensation Courts and of arbitrations umpirages and appeals under the said Power of Governor to make regulations for proceedings of Compensation Court.

Acts and under this Act and for establishing scales of fees in relation to all such proceedings and may from time to time rescind alter and amend such regulations.

Regulations to be published in the Government Gazette.

IV. All such regulations and all rescindings alterations and amendments thereof shall be from time to time notified in the Government Gazette of the Colony and shall take effect from the publication of such notice or at such other day as shall be therein fixed not being prior to the publication thereof.

Claims to specify particulars.

V. Every claim for compensation under the said Act of 1863 shall specify the name or names of the claimant or claimants the interest in respect whereof the claim is made and as nearly as may be the extent and particulars of land affected thereby and the amount claimed as compensation.

The Crown may abandon land in respect of which compensation is claimed.

VI. In every case of claim for compensation the Colonial Secretary on behalf of the Crown may if he shall think fit at any time before judgment or award by notice in writing to the claimant delivered to or addressed by post to him or her or delivered to his or her agent or attorney abandon the right of the Crown to take the land in respect of which compensation is claimed and after such notice of abandonment such land shall be excluded from the operation of the said Acts and of this Act Provided that if the Crown shall abandon its right after the claim shall have been referred to the Compensation Court such abandonment shall be subject to such conditions as to payment of costs as the Court shall think fit.

Bills of costs &c. to be taxed by any officer appointed by the Compensation Court.

VII. All bills of costs and charges of attorneys solicitors agents and other persons engaged in prosecuting compensation claims whether in the Compensation Courts or by arbitration shall before payment be taxed by some officer to be appointed in that behalf by the Compensation Court and such sum only as shall be allowed on such taxation shall be paid or allowed and any money paid without or in excess of such taxation may be recovered from the person to whom the same shall have been paid.

Parties may agree that compensation shall be in land.

VIII. In any case of claim for compensation the Colonial Secretary on behalf of the Crown and the claimant may agree that land shall be given either wholly or in part by way of compensation for such claim in lieu of money and land may be so granted accordingly out of any land within the same Province subject to the provisions of the said Acts.

The Crown may elect to give compensation in land.

IX. In every case of claim for compensation the Colonial Secretary may at any time before judgment or award elect to give the claimant land in lieu of money out of any land within the Province subject to the provisions of the said Acts such land to be either part of or as nearly as may be contiguous to the land in respect of which the claim is made and in every such case the Compensation Court or the arbitrators or umpire as the case may be shall determine the extent of land so to be given as compensation and land may in such case be granted accordingly.

Power of appeal.

X. Instead of the periods of six months and eighteen months prescribed by the seventh section of the said Act of 1863 for preferring claims for compensation the period for such purpose shall be a period not less than three months nor more than six months to be prescribed by the Compensation Court in each case and the Court shall not proceed to hear or adjudicate upon claims so preferred till the expiration of the period so prescribed and due notice of such period for preferring claims shall be given by direction of the Court by advertisement in public newspapers or otherwise by public notice in the Maori and English language Provided that if any person shall after the expiration of such prescribed period but within the period of twelve months thereafter prefer to the Colonial Secretary a claim for compensation it shall be lawful for the Colonial Secretary if he shall think fit but not otherwise to refer such claim to the Court for adjudication and in

such case the Court shall hear and determine such claim accordingly.

XI. Every order of the Compensation Court and every award shall be made in writing and shall be transmitted to the Colonial Secretary and shall be in such form and shall specify and be accompanied with such plans and particulars as shall be from time to time prescribed by regulations to be made as aforesaid. Form of order and award.

XII. No claimant shall be entitled to require payment or transfer of compensation whether in money or land until the expiration of three months after the judgment or award shall have been transmitted to the Colonial Secretary. Payment or transfer not to be required till after a lapse of three months.

XIII. The 14th and 15th clauses of the Act of 1863 are hereby repealed and in lieu thereof it is hereby enacted as follows— Repeal of 14th & 15th clauses of the Act 1863.

Judgments or awards of compensation in money or land made under or in pursuance of the said Acts or of this Act shall be satisfied by the Governor in the case of money by payment out of the general ordinary revenue of the Colony subject to the provisions hereinafter contained for making Treasury Bills payable as cash and in case of land by grant of such land in accordance with the provisions of this Act. Provision in lieu thereof.

XIV. Compensation in money shall be paid and in land shall be granted to some person or persons to be specifically named in the order or award and such payment or transfer shall be an effectual discharge to the Crown in respect of all claims in respect of which such compensation shall be made or granted. Provided that the Governor may direct that money or land awarded as compensation shall be invested for the benefit of the parties entitled upon such trusts and in such manner and subject to such conditions as he shall think fit. Payment or transfer to be made to persons specifically named.

XV. The 17th and 18th sections of the said Act of 1863 are hereby repealed and in lieu thereof it is enacted as follows— Governor to have the power laying out land for sale.

The order and manner in which land shall be laid out for sale and sold under the provisions of the said Act shall be in the discretion of the Governor who shall have power to cause such land or any part thereof to be laid out for sale and sold from time to time in such manner for such consideration in such allotments whether town suburban or rural or otherwise as he shall think fit and subject to such regulations as he shall with the advice of his Executive Council from time to time prescribe in that behalf. Provided that no land shall be sold except for cash nor at a less rate than 10s. per acre.

XVI. If the Governor shall think it expedient to grant land taken under the Act of 1863 to persons subject to conditions for the performance of Military Police or other public services it shall be lawful for him with such advice as aforesaid to grant to any person or persons whomsoever any land out of the land taken as aforesaid accordingly and either with or without consideration in money subject to conditions for the performance of Military Police or other public services and the land so granted shall be held dealt with and disposed of subject to such conditions for the performance of such services as shall be so fixed by the Governor and agreed to by the grantees. And such conditions shall be binding on the grantees and all lessees sub-lessees sub-grantees and occupants of the land granted and may be enforced according to the terms thereof and according to the provisions of this Act and shall bind and oblige the grantees lessees sub-grantees and occupants of such land to the performance of such Military Police or other public service for such period and in such manner as shall be specified in such conditions. And the Governor may by such conditions provide that in addition to all liabilities incurred by way of contract the grantees lessees sub-lessees sub-grantees and occupants of such land shall be liable to penalties for breach or non-performance of such conditions. Governor may grant land subject to conditions of military and other services.

but no penalty shall exceed £100 and all such penalties shall be recoverable in a summary way.

Application of proceeds of sale.

XVII. The 19th section of the said Act of 1863 is hereby repealed and in lieu thereof it is enacted as follows—

Money to arise from the sale and disposal of land in each Province under the said Acts of 1863 and 1864 and this Act shall be paid to the Colonial Treasurer and shall be applied first in or towards defraying all charges incurred or to be incurred in surveying and preparing and laying out for sale of land within such Province subject to the provisions of the said recited Act and all charges incidental thereto and all charges for compensation awarded and paid or what may be awarded and paid in respect of claims to land within such Province taken under the said Acts and all expenses incidental to the examining determining and satisfying of such claims and all proceedings relating thereto and also all salaries of Judges and other officers of the Compensation Court and all expenses incidental to such Court and also all charges incurred or to be incurred in introducing locating and maintaining immigrants introduced into such Province including Military Settlers in accordance with or in furtherance of the objects specified in "The Loan Appropriation Act 1863" but exclusive of pay and rations for such immigrants whilst doing military service and also all charges incurred or to be incurred in respect of public works undertaken within such Province in accordance with or in furtherance of such objects as aforesaid and next in or towards the payment of any compensation which may be or may have been awarded by law to individuals for losses within such Province by the Native Rebellion including the compensation for losses at Taranaki paid to settlers and after and subject to the payments aforesaid the residue of any such moneys shall be applied in such manner as the General Assembly shall from time to time by any Act passed in that behalf direct.

Power to issue Treasury Bills in anticipation of land sales.

XVIII. In order to provide means in anticipation for defraying the charges first hereinbefore mentioned to be payable out of the proceeds of land sales it shall be lawful for the Governor with the advice of his Executive Council from time to time to borrow and take up money on the security of Treasury Bills bearing interest at a rate not exceeding six pounds per centum per annum and payable out of the ordinary revenue at the expiration of a term not exceeding 18 calendar months from the date thereof Provided that the total amount of principal money owing on the security of such Treasury Bills for the time being in circulation under this Act shall not in the aggregate at any time exceed £25,000.

Application of proceeds of Treasury Bills.

XIX. Money to accrue from the issue of such Bills may be applied to the purposes first hereinbefore mentioned or any of them as the Governor in Council shall think fit.

Treasury Bills to be taken at par as cash for compensation money.

XX. Such Treasury Bills shall be taken at par as cash in satisfaction of all claims for compensation for land taken under the said Act of 1863.

What sums shall be deemed to be expended for the permanent advantage of the Provinces.

XXI. For the purpose of account between the Colony and the Provinces respectively the sums first hereinbefore authorized to be paid out of the proceeds of land sales shall be deemed to be sums expended for the permanent advantage of the Provinces respectively.