

1910.
NEW ZEALAND

LANDS COMMITTEE
LAND LAWS AMENDMENT BILL

(REPORT ON); TOGETHER WITH MINUTES OF PROCEEDINGS.

(HON. MR. DUNCAN CHAIRMAN.)

Report brought up 19th October, and ordered to be printed.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

THURSDAY, THE 7TH DAY OF JULY, 1910.

Ordered, "That a Committee be appointed consisting of ten members, to whom shall stand referred after the first reading all Bills affecting or in any way relating to the lands of the Crown, or educational or other public reserves; the Committee to have power to make such amendments therein as they think proper, and to report generally when necessary upon the principles and provisions of the Bill; the Committee to have power to call for persons, papers, and records; three to be a quorum the Committee to consist of Mr. Anderson, Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Guthrie, Mr. Hogg, Mr. Lang, Mr. Lawry Mr. Witty and the mover."—(Right Hon. Sir J. G. WARD.)

Memorandum for the Chairman of the Lands Committee.

The Land Laws Amendment Bill having been read a first time in the House of Representatives on Wednesday, the 7th day of September, 1910, stands referred to the Lands Committee.

Wednesday, 7th September, 1910.

ALEX. J. RUTHERFURD,
Clerk-Assistant, House of Representatives.

REPORT.

THE Lands Committee, to whom was referred the Land Laws Amendment Bill, have the honour to report that they have carefully considered the same, and recommend that it be allowed to proceed with the amendments shown on the copy attached hereto.

19th October, 1910.

T. Y. DUNCAN, Chairman.

MINUTES OF PROCEEDINGS

FRIDAY 7TH OCTOBER, 1910.

THE Committee met at 11 a.m., pursuant to notice.

Present Mr. Anderson, Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Guthrie, Mr. Hogg, Mr. Lang, Mr. Witty, Right Hon. Sir J. G. Ward.

The minutes of the previous meeting were read and confirmed.

Land Laws Amendment Bill.

The order of reference referring the Bill to the Committee was read.

Clause 1. *Resolved* on the motion of Mr. Lang, That clause 1 be amended by striking out the figures "1909," and inserting in lieu thereof the figures "1910."

Resolved, That the clause as amended stand part of the Bill.

Clause 2. *Resolved*, That clause 2 as printed stand part of the Bill.

Clause 3. Mr. Anderson moved to amend clause 3 by inserting the words "or renewable lease" after the words "lease in perpetuity" in line 22, and adding the letter "s" to the word "system" in the same line.

On the question being put, That the words proposed to be inserted be so inserted, the Committee divided, and the names were taken down as follow:—

Ayes, 3.—Mr. Anderson, Mr. Guthrie, Mr. Lang.

Noes, 6.—Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Witty, Right Hon. Sir J. G. Ward.

So it passed in the negative.

And the original question being put, That the clause as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 5.—Mr. Anderson, Hon. Mr. Duncan, Mr. Guthrie, Mr. Lang, Right Hon. Sir J. G. Ward.

Noes, 4.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Witty

So it was resolved in the affirmative.

Clause 4. Mr. Witty moved to amend clause 4 by striking out the words "or on the instalment system as hereinafter provided," in lines 36 and 37 of subclause (a).

And the question being put, That the words proposed to be struck out be so struck out, the Committee divided, and the names were taken down as follow :—

Ayes, 4.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Witty

Noes, 5.—Mr. Anderson, Hon. Mr. Duncan, Mr. Guthrie, Mr. Lang, Right Hon. Sir J. G. Ward.

So it passed in the negative.

Resolved, That subclause (a) as printed stand part of the clause.

Mr. Lang moved to amend clause 4 by striking out the word “ten” in subclause (b), with a view of inserting the word “five” in lieu thereof.

On the question being put, That the word proposed to be omitted stand part of the subclause, the Committee divided, and the names were taken down as follow :—

Ayes, 6.—Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Witty Right Hon. Sir J. G. Ward.

Noes, 3.—Mr. Anderson, Mr. Guthrie, Mr. Lang.

So it was resolved in the affirmative.

Resolved, That subclause (b) as printed stand part of the clause.

Resolved, That subclause (c) as printed stand part of the clause.

Resolved, That subclause (d) as printed stand part of the clause.

Resolved, That subclause (e) as printed stand part of the clause.

Resolved, That subclause (f) as printed stand part of the clause.

Resolved, That subclause (g) as printed stand part of the clause.

And the original question being put, That clause 4 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow :—

Ayes, 5.—Mr. Anderson, Hon. Mr. Duncan, Mr. Guthrie, Mr. Lang, Right Hon. Sir J. G. Ward.

Noes, 4.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Witty

So it was resolved in the affirmative.

Clause 5. Mr. Witty moved to amend clause 5 by striking out the word “original” in the first line of subclause (1), with a view of inserting the word “present” in lieu thereof.

On the question being put, That the word proposed to be omitted stand part of the clause, the Committee divided, and the names were taken down as follow :—

Ayes, 5.—Mr. Anderson, Hon. Mr. Duncan, Mr. Guthrie, Mr. Lang, Right Hon. Sir J. G. Ward.

Noes, 4.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Witty

So it was resolved in the affirmative.

Mr. Guthrie moved to amend clause 5 by striking out the words “and, in addition, one-fourth of the sum (if any) by which the unimproved value at the date of the purchase exceeds such original value,” after the word “computed,” in line 11, subclause (1), with a view of inserting the following words in lieu thereof “in the case of occupiers of Crown lands a sum which at the time of the purchase would make the rent reserved in the lease up to the time of the purchase equal to the rent which would have been paid had the land when taken up by the tenant originally been land-for-settlement land.”

And the question being put, That the words proposed to be struck out be so struck out, the Committee divided, and the names were taken down as follow :—

Ayes, 3.—Mr. Anderson, Mr. Guthrie, Mr. Lang.

Noes, 6.—Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Witty, Right Hon. Sir J. G. Ward.

So it passed in the negative.

Mr. Witty moved to amend the clause by striking out the words “one-fourth” in line 11 of subclause (1), after the word “addition,” with a view of inserting the words “two-thirds” in lieu thereof.

On the question being put, That the words proposed to be struck out be so struck out, the Committee divided, and the names were taken down as follow :—

Ayes, 4.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Witty

Noes, 5.—Mr. Anderson, Hon. Mr. Duncan, Mr. Guthrie, Mr. Lang, Right Hon. Sir J. G. Ward.

So it passed in the negative.

The original question being put, That subclause (1) of clause 5 as printed stand part of the Bill, it was resolved in the affirmative.

Resolved, That subclause (2) as printed stand part of the Bill.

Mr. Witty moved to amend subclause (3) of clause 5 by striking out the words “or as to one-fourth part thereof in cash, and as to the balance, with interest at five per centum per annum by half-yearly instalments, according to the table in the First Schedule hereto.”

And the question being put, That the words proposed to be omitted stand part of the clause, the Committee divided, and the names were taken down as follow :—

Ayes, 5.—Mr. Anderson, Hon. Mr. Duncan, Mr. Guthrie, Mr. Lang, Right Hon. Sir J. G. Ward.

Noes, 4.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Witty

So it was resolved in the affirmative.

And the original question being put, That subclause (3) as printed stand part of the clause, it was resolved in the affirmative.

Resolved, That subclause (4) as printed stand part of the clause.

Resolved, That subclause (5) as printed stand part of the clause.

Resolved, That clause 5 as printed stand part of the Bill.

Clause 6. *Resolved*, That clause 6 as printed stand part of the Bill.

Clause 7. *Resolved*, That clause 7 as printed stand part of the Bill.

Clause 8. *Resolved*, That subclause (1) as printed stand part of the clause.

Resolved, That subclause (2) as printed stand part of the clause.

Mr. Witty moved to amend subclause (3) of clause 8 by the addition of the following words thereto “Provided that nothing in this section shall do away with residential conditions as prescribed in the principal Act.”

Resolved, on the motion of the Right Hon. Sir J. G. Ward, That the clause be postponed for further consideration.

Clause 9. *Resolved*, That clause 9 as printed stand part of the Bill.

Clause 10. Mr. Anderson moved to amend clause 10 by striking out the word “applicant,” in line 44, subsection *v*).

On the question being put, That the word proposed to be omitted stand part of the clause, it was resolved in the affirmative.

Resolved, That clause 10 as printed stand part of the Bill.

Clause 11. *Resolved*, That clause 11 as printed stand part of the Bill.

Clause 12. *Resolved*, That clause 12 as printed stand part of the Bill.

Clause 13. *Resolved*, That clause 13 as printed stand part of the Bill.

Clause 14. *Resolved*, That clause 14 be postponed for future consideration.

Clause 15. *Resolved*, That clause 15 as printed stand part of the Bill.

Clause 16. *Resolved*, That clause 16 as printed stand part of the Bill.

The Right Hon. Sir J. G. Ward gave notice that would move at the next meeting the following amendments Clause 40, subclause (6) To omit the word "five" in line 31, and insert in lieu thereof the word "four." New clause 44A "An owner, from whom land is acquired by the Crown by lease under this Act, either by way of agreement or compulsorily, shall be exempt from the operation of section fifty-three of the Land and Income Assessment Act, 1908, with respect to the land so leased."

Resolved, on the motion of Mr. Lang, That the Committee do now adjourn.

The Committee then adjourned.

TUESDAY, 11TH OCTOBER, 1910.

The Committee met at 11 a.m. pursuant to notice.

Present Mr. Anderson, Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Guthrie, Mr. Hogg, Mr. Lang, Mr. Lawry, Mr. Witty, Right Hon. Sir J. G. Ward.

The minutes of the previous meeting were read and confirmed.

Land Laws Amendment Bill.

Resolved, That clause 17 be postponed for future consideration.

Resolved, That clause 18 be postponed for future consideration.

Resolved, That clause 19 as printed stand part of the Bill.

Resolved, That clause 20 as printed stand part of the Bill.

Resolved, That clause 21 as printed stand part of the Bill.

Resolved, That clause 22 as printed stand part of the Bill.

Clause 23. Mr. Hogg moved to amend clause 23 by the insertion at the beginning of the clause of the words "contingent on the land not being required for subdivision."

Mr. Hogg having withdrawn his motion, it was resolved that the clause as printed stand part of the Bill.

Resolved, That clause 24 as printed stand part of the Bill.

Resolved, That clause 25 as printed stand part of the Bill.

Resolved, That clause 26 as printed stand part of the Bill.

Clause 27 The Right Hon. Sir J. G. Ward moved to amend clause 27 by striking out the word "seven" in line 49, with a view to inserting the word "five" in lieu thereof.

And the question being put, That the word proposed to be omitted stand part of the clause, it passed in the negative.

And the question being put, That the word proposed to be inserted be so inserted, it was resolved in the affirmative.

Resolved, That the clause as amended stand part of the Bill.

Clause 28. On the question being put, That clause 28 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 6.—Hon. Mr. Duncan, Mr. Ell, Mr. Hogg, Mr. Lawry Mr. Witty Right Hon. Sir J. G. Ward.

Noes, 4.—Mr. Anderson, Mr. Forbes, Mr. Guthrie, Mr. Lang.

So it was resolved in the affirmative.

Clause 29. *Resolved*, That subclause (1) as printed stand part of the clause.

Resolved, That subclause (2) as printed stand part of the clause.

Resolved, That subclause (3) as printed stand part of the clause.

Resolved, That subclause (4) as printed stand part of the clause.

Resolved, That clause 29 as printed stand part of the Bill.

Clause 30. *Resolved*, That subclause (1) as printed stand part of the clause.

Resolved, That subclause (2) as printed stand part of the clause.

Resolved, That subclause (3) as printed stand part of the clause.

Resolved, That clause 30 as printed stand part of the Bill.

Resolved, That clause 31 as printed stand part of the Bill.

Resolved, That clause 32 as printed stand part of the Bill.

Resolved, That clause 33 as printed stand part of the Bill.

Resolved, That clause 34 as printed stand part of the Bill.

Resolved, That clause 35 as printed stand part of the Bill.

Resolved, That clause 36 as printed stand part of the Bill.

Resolved, That clause 37 as printed stand part of the Bill.

Resolved, That clause 38 as printed stand part of the Bill.

Resolved, That clause 39 as printed stand part of the Bill.

Clause 40. On the question being put, That subclause (1) as printed stand part of the clause, the Committee divided, and the names were taken down as follow:—

Ayes, 6.—Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry, Mr. Witty, Right Hon. Sir J. G. Ward.

Noes, 3.—Mr. Anderson, Mr. Guthrie, Mr. Lang.

So it was resolved in the affirmative.

Resolved, That subclause (2) as printed stand part of the clause.

Resolved, That subclause (3) as printed stand part of the clause.

Resolved, That subclause (4) as printed stand part of the clause.

Subclause (5). On the question being put, That subclause (5) as printed stand part of the clause, the Committee divided, and the names were taken down as follow:—

Ayes, 7.—Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry Mr. Witty Right Hon. Sir J. G. Ward.

Noes, 3.—Mr. Anderson, Mr. Guthrie, Mr. Lang.

So it was resolved in the affirmative.

Subclause (6). The Right Hon. Sir J. G. Ward moved to amend subclause (6) by striking out the word "five" in line 31, with a view of inserting the word "four" in lieu thereof.

And the question being put, That the word proposed to be omitted stand part of the clause, it passed in the negative.

And the question being put, That the word proposed to be inserted be so inserted, it was resolved in the affirmative.

Resolved, That the subclause as amended stand part of the clause.

Resolved, That clause 40 as amended stand part of the Bill.

Resolved, That clause 41 as printed stand part of the Bill.

Clause 42. *Resolved*, That subclause (1) as printed stand part of the clause.

On the question being put, That subclause (2) as printed stand part of the clause, the Committee divided, and the names were taken down as follow :—

Ayes, 7.—Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry Mr. Witty Right Hon. Sir J. G. Ward.

Noes, 3.—Mr. Anderson, Mr. Guthrie, Mr. Lang.

So it was resolved in the affirmative.

Resolved, That clause 42 as printed stand part of the Bill.

The Committee then adjourned.

THURSDAY 13TH OCTOBER, 1910.

The Committee met at 10.30 a.m., pursuant to notice.

Present Mr. Anderson, Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Guthrie, Mr. Hogg, Mr. Lang, Mr. Lawry Mr. Witty, Right Hon. Sir J. G. Ward.

The minutes of the previous meeting were read and confirmed.

Land Laws Amendment Bill.

Clause 43. Mr. Lang moved to amend clause 43 by striking out the word “compulsorily” in line 15.

On the question being put, That the word proposed to be omitted stand part of the Bill, the Committee divided, and the names were taken down as follow :—

Ayes, 7.—Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry, Mr. Witty, Right Hon. Sir J. G. Ward.

Noes, 3.—Mr. Anderson, Mr. Guthrie, Mr. Lang.

So it was resolved in the affirmative.

Resolved, That subclause (a) as printed stand part of the Bill.

Mr. Anderson moved to amend clause 43, subclause (b), by striking out the words “determined by the Court, but shall not exceed,” in lines 20 and 21.

And the question being put, That the words proposed to be omitted stand part of the subclause, the Committee divided, and the names were taken down as follow :—

Ayes, 7.—Hon. Mr. Duncan, Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry Mr. Witty Right Hon. Sir J. G. Ward.

Noes, 3.—Mr. Anderson, Mr. Guthrie, Mr. Lang.

So it was resolved in the affirmative.

Resolved, That subclause (b) as printed stand part of the clause.

Mr. Witty moved to amend subclause (d) by striking out the word “forty,” in line 34, with a view of inserting the word “thirty” in lieu thereof.

Mr. Witty withdrew his amendment, and the question being put, That the subclause stand part of the clause, it was resolved in the affirmative.

Resolved, That subclause (e) as printed stand part of the clause.

Resolved, That subclause (f) as printed stand part of the clause.

Resolved, That clause 43 as printed stand part of the Bill.

Clause 44. *Resolved*, That subclause (1) as printed stand part of the clause.

Resolved, That subclause (2) as printed stand part of the clause.

Resolved, That subclause (3) as printed stand part of the clause.

Resolved, That subclause (4) as printed stand part of the clause.

Resolved, That clause 44 as printed stand part of the Bill.

Resolved, That clause 45 as printed stand part of the Bill.

The Right Hon. Sir J. G. Ward moved to insert the following new clause :—

“44A. An owner from whom land is acquired by the Crown by lease under this Act, either by way of agreement or compulsorily shall be exempt from the operation of section fifty-three of the Land and Income Assessment Act, 1908, with respect to the land so leased.”

The Right Hon. Sir J. G. Ward withdrew his motion, and moved in lieu thereof the following amendment :—

Subsection (7) (an addition to clause 40). “Land acquired by way of lease shall be exempt from the provisions of Part V of the Land and Income Assessment Act, 1908.”

And the question being put, That the new subsection be inserted, it was resolved in the affirmative.

Resolved, That clause 8 as printed stand part of the Bill.

Resolved on the motion of the Right Hon. Sir J. G. Ward, That clause 14 be struck out.

On the Right Hon. the Prime Minister announcing that he would have clauses 17 and 18 redrafted, they were passed *pro forma*.

Resolved pro forma, That clause 17 as printed stand part of the Bill.

Resolved pro forma, That clause 18 as printed stand part of the Bill.

Resolved, That the First Schedule as printed stand part of the Bill.

Second Schedule. *Resolved*, That the words, “Section 177

By repealing the section,”

be struck out of the Schedule.

Resolved, That the Second Schedule as amended stand part of the Bill.

Resolved, That the Bill be reported to the House as amended.

Approximate Cost of Paper.—Preparation, not given; printing (1,500 copies), £2 18s. 6d.