

1909.
NEW ZEALAND.

LANDS COMMITTEE

(REPORT OF) ON THE LAND LAWS AMENDMENT BILL, TOGETHER WITH THE MINUTES OF PROCEEDINGS.

(HON. MR. T. Y. DUNCAN, CHAIRMAN.)

Report brought up, together with Minutes of Proceedings, on the 7th December, 1909, and ordered to be printed.

ORDERS OF REFERENCE.

Extracts from the Journals of the House of Representatives.

FRIDAY, THE 8TH DAY OF OCTOBER, 1909.

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. T. Y. Duncan, Mr. Ell, Mr. Forbes, Mr. Guthrie, Mr. Hogg, Mr. Lang, Mr. Lawry, Mr. Witty, and the mover."—(Right Hon. Sir J. G. WARD.)

TUESDAY, THE 23RD DAY OF NOVEMBER, 1909.

Ordered, "That the Land Laws Amendment Bill be referred to the Lands Committee."—(Right Hon. Sir J. G. WARD.)

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 as shown on the attached copy.

7th December, 1909.

T. Y. DUNCAN,
Chairman.

MINUTES OF PROCEEDINGS.

WEDNESDAY, 1ST DECEMBER, 1909.

The Committee met at 10 a.m., pursuant to notice.

Present: Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward, and Mr. Witty.

The minutes of the previous meeting were read and confirmed.

The order of reference referring the Land Laws Amendment Bill to the Committee was read by the Clerk.

Land Laws Amendment Bill.

Resolved, That clause 1 as printed stand part of the Bill.

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

Resolved, That clause 3 as printed stand part of the Bill.

Clause 4. Mr. Hogg moved to amend clause 4 by striking out the words "continue to" and the word "optional" in line 28, and all the words in the clause after the word "system" in line 28, and to insert the word "renewable" before the word "system" in line 28.

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

Ayes, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward, Mr. Witty.

Noes, 2.—Mr. Forbes, Mr. Hogg.

So it was resolved in the affirmative.

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

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

Ayes, 4.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Lang, Right Hon. Sir J. G. Ward.

Noes, 5.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry, Mr. Witty.

So it passed in the negative.

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

Clause 7. Mr. Witty moved to amend clause 7 by striking out the word "original" in line 20, and inserting the word "present" in lieu thereof.

Mr. Witty withdrew his motion, and, the 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, 4.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Lang, Right Hon. Sir J. G. Ward.

Noes, 5.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry, Mr. Witty.

So it passed in the negative.

Clause 8. On the question being put, That clause 8 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 4.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Lang, Right Hon. Sir J. G. Ward.

Noes, 5.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry, Mr. Witty.

So it passed in the negative.

Clause 9. On the question being put, That clause 9 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 4.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Lang, Right Hon. Sir J. G. Ward.

Noes, 5.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry, Mr. Witty.

So it passed in the negative.

Clause 10. On the question being put, That clause 10 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 4.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Lang, Right Hon. Sir J. G. Ward.

Noes, 5.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry, Mr. Witty.

So it passed in the negative.

Clause 11. On the question being put, That clause 11 stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 4.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Lang, Right Hon. Sir J. G. Ward.

Noes, 5.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry, Mr. Witty.

So it passed in the negative.

Clause 12. Mr. Lang moved to amend clause 12 by striking out the words "within two years" in line 4 after the word "time."

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

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

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

So it was resolved in the affirmative.

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, 4.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Lang, Right Hon. Sir J. G. Ward.

Noes, 5.—Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry, Mr. Witty.

So it passed in the negative.

Clause 13. On the 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. T. Y. Duncan, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

So it was resolved in the affirmative.

Clause 14. On the 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. T. Y. Duncan, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

So it was resolved in the affirmative.

Clause 15. On the 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. T. Y. Duncan, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

So it was resolved in the affirmative.

Clause 16. On the question being put, That clause 16 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 5.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

So it was resolved in the affirmative.

Clause 17. On the question being put, That clause 17 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 5.—Mr. Anderson, Mr. T. Y. Duncan, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

And so it was resolved in the affirmative.

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

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.

Resolved, That clause 23 as printed stand part of the Bill.

Clause 24. On the question being put, That clause 24 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

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

Noes, 2.—Mr. Anderson, Mr. Lang.

So it was resolved in the affirmative.

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

Clause 26. Mr. Lang moved to amend clause 26 by striking out subclause (3).

Mr. Lang withdrew his motion, and the Right Hon. Sir J. G. Ward moved to amend the clause by striking out the words "guilty of a crime" in lines 9 and 10, subclause (3).

And, the question being put, it was resolved in the affirmative.

The Right Hon. Sir J. G. Ward moved to further amend the clause by striking out the word "two" in line 13, subclause (3), and inserting in lieu thereof the word "five."

On the question being put, it was resolved in the affirmative.

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

Resolved, That clause 27 as printed stand part of the Bill.

Resolved, That clause 28 as printed stand part of the Bill.

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

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

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

Clause 32. Mr. Anderson moved to amend clause 32 by striking out the words "leased" in line 30, and the word "lease" in line 31.

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

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

Clause 33. Mr. Lang moved to amend clause 33 by striking out the word "not" in line 2.

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. T. Y. Duncan, Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry, Right Hon. Sir J. G. Ward, Mr. Witty.

Noes, 2.—Mr. Anderson, Mr. Lang.

So it was resolved in the affirmative.

Clause 34. Mr. Witty moved to amend clause 34 by inserting the words "primary and secondary education" after the words "purposes of" in line 9.

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

Ayes, 2.—Mr. Hogg, Mr. Witty.

Noes, 7.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Ell, Mr. Forbes, Mr. Lang, Mr. Lawry, 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, 7.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Ell, Mr. Forbes, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

Noes, 2.—Mr. Hogg, Mr. Witty.

So it was resolved in the affirmative.

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

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

Clause 37. Mr. Witty moved to amend clause 37 by inserting the words "is hereby repealed" after the word "Act" in line 43.

Mr. Witty withdrew his motion, and, the 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, 7.—Hon. Mr. T. Y. Duncan, Mr. Ell, Mr. Forbes, Mr. Hogg, Mr. Lawry, Right Hon. Sir J. G. Ward, Mr. Witty.

Noes, 2.—Mr. Anderson, Mr. Lang.

So it was resolved in the affirmative.

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

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

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

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

Resolved, on the motion of the Hon. Mr. T. Y. Duncan, That the following new clause be inserted :—

"41A. The Board may, in the case of any small grazing-run or pastoral run, require the lessee or the licensee to divide by means of a sufficient fence the grazing-area of the run into three approximately even parts, and to so work his run that in each year stock shall not be allowed to depasture in one of such parts in rotation, between the first day of September and the last day of February in the following year."

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

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

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

Clause 45. On the question being put, That clause 45 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow :—

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

Noes, 2.—Mr. Anderson, Mr. Lang.

So it was resolved in the affirmative.

Resolved, That clause 46 as printed stand part of the Bill.

Clause 47. On the 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, 6.—Hon. Mr. T. Y. Duncan, Mr. Ell, Mr. Hogg, Mr. Lawry, Right Hon. Sir J. G. Ward, Mr. Witty.

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

So it was resolved in the affirmative.

Resolved, That clause 48 as printed stand part of the Bill.

Resolved, That clause 49 as printed stand part of the Bill.

Resolved, That clause 50 as printed stand part of the Bill.

Resolved, That clause 51 as printed stand part of the Bill.

Resolved, That clause 52 as printed stand part of the Bill.

Resolved, That clause 53 as printed stand part of the Bill.

Resolved, That clause 54 as printed stand part of the Bill.

Resolved, That the schedule as printed stand part of the Bill.

The Right Hon. Sir J. G. Ward gave notice that, considering all members of the Committee are not present at this meeting, he would move at the next meeting that clauses 5, 7, 8, 9, 10, 11, 12, and 13 be recommitted for consideration.

The Committee then adjourned until 10.30 a.m., Thursday, the 2nd December, 1909.

THURSDAY, 2ND DECEMBER, 1909.

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

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

The minutes of the previous meeting were read and confirmed.

Land Laws Amendment Bill.

The Right Hon. Sir. J. G. Ward moved, That clauses 5, 7, 8, 9, 10, 11, 12, and 13, inclusive, be recommitted for further consideration.

Mr. Hogg moved, as an amendment, That the opinion of Mr. Speaker be taken whether it is competent to recommit a Bill before a Select Committee, after it had been dealt with, and divisions taken on its clauses.

The Chairman ruled the amendment out of order, and, the original question being put, That the clauses be recommitted, the Committee divided, and the names were taken down as follow:—

Ayes, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Guthrie, Mr. Lang, Mr. Lawry, 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. Ell moved to amend clause 5 by striking out the words “or renewable lease system” in lines 33 and 34.

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

Ayes, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Guthrie, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

So it was resolved in the affirmative.

Mr. Witty moved to amend clause 5 by striking out the words “whether settlement land or” in line 34.

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

Ayes, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Guthrie, Mr. Lang, Mr. Lawry, 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 the clause as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Guthrie, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

So it was resolved in the affirmative.

Clause 7. Mr. Witty moved to amend clause 7 by striking out the word “original” in line 20, and inserting in lieu thereof the word “present.”

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, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Guthrie, Mr. Lang, Mr. Lawry, 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 clause 7 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Guthrie, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

So it was resolved in the affirmative.

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

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

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

Clause 11. Mr. Witty moved to amend clause 11 by striking out the word “lease” in line 15, and inserting the word “purchase” in lieu thereof.

And, 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, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Guthrie, Mr. Lang, Mr. Lawry, 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 the clause as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Guthrie, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

So it was resolved in the affirmative.

Clause 12. Mr. Ell moved to amend clause 12 by striking out the words “settlement land or” in line 2.

On 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, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Guthrie, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

So it was resolved in the affirmative.

Mr. Witty moved to amend the clause by inserting the words "the land would fetch in the open market at the time of sale" after the word "price" in line 7.

On the question being put, That the words proposed to be inserted stand part of the clause, it passed in the negative.

Mr. Witty moved to amend the clause by striking out the words "the lease" in line 11, and inserting in lieu thereof the word "purchase."

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

Ayes, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Guthrie, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

So it was resolved in the affirmative.

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

Clause 13. Mr. Witty moved to amend clause 13 by striking out the words "it may also be disposed of by sale of the fee-simple" in subclause (1).

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

Ayes, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Guthrie, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

So it was resolved in the affirmative.

Mr. Witty moved to amend clause 13 by striking out the words "it shall also be opened for purchase of the fee-simple" in lines 36 and 37.

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

Ayes, 6.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Guthrie, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

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

So it was resolved in the affirmative.

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

Resolved, on the motion of Mr. Witty, That clause 46 be recommitted.

Mr. Witty moved to amend clause 46 by inserting after the word "Act" in line 19 the words "Section 109 of the Land Act is hereby amended by striking out the word 'five' and inserting the word 'ten' in lieu thereof."

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

Ayes, 3.—Mr. Ell, Mr. Hogg, Mr. Witty.

Noes, 7.—Mr. Anderson, Hon. Mr. T. Y. Duncan, Mr. Forbes, Mr. Guthrie, Mr. Lang, Mr. Lawry, Right Hon. Sir J. G. Ward.

So it passed in the negative.

Resolved, That clause 46 as printed stand part of the Bill.

Resolved, That the preamble as printed stand part of the Bill.

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

The Committee then adjourned.

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