

LAND FOR SETTLEMENTS ACT AMENDMENT.

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A BILL INTITULED

AN ACT to amend the Law authorising the Acquisition of Private Lands for the 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 Amendment Act, 1897," and it shall be read with and form part of "The Land for Settlements Act, 1894" (hereinafter called "the principal Act"). Short Title.

2. The principal Act and the amendments thereof are hereby extended until and shall expire and be deemed to be repealed on the thirty-first day of March, one thousand nine hundred, anything in section forty-two thereof to the contrary notwithstanding: When principal Act to expire.

Provided that, notwithstanding such expiration and repeal, the principal Act and the amendments thereof shall continue in operation for such period subsequent to the thirty-first day of March, one thousand nine hundred, as may be necessary for the purposes of completing all negotiations or proceedings then pending for the acquisition or taking of land, and of applying in the acquisition or taking of land all moneys then available or authorised to be raised thereunder. Operation continued thereafter for certain purposes.

3. On and after the thirty-first day of March, one thousand eight hundred and ninety-eight, sections twenty-two and twenty-six of the principal Act shall be deemed to be amended by substituting the words "five hundred thousand" in lieu of the words "two hundred and fifty thousand," wherever those words occur therein. Power to borrow extended.

4. The principal Act is hereby further amended as follows:—
30 (1.) As to section two thereof: By repealing the definition of "owner," and substituting in lieu thereof the following: " 'Owner' means any person owning private land in fee- Amendments of principal Act.
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simple, and includes any person who, as trustee, executor, administrator, life-tenant, mortgagee, or otherwise, possesses the legal power of sale of private land, whether with or without the consent of the Supreme Court of New Zealand or of any person having any estate or interest in the land." 5

(2.) As to section four thereof: By repealing the words "or lessee."

(3.) As to section eight thereof: By substituting the word "estate," in lieu of the word "block," at the end of that section. 10

(4.) As to section eleven thereof: By inserting next after the word "owner," in subsection one thereof, the words, "of the land to be taken, and also on every other person having any estate or interest therein, so far as known to the Minister; and every such owner or other person shall, according to his estate or interest in the land to be taken or in land injuriously affected thereby, be entitled to full compensation from Her Majesty in respect thereof." 15

(5.) As to section twelve thereof:— 20

(a.) By substituting at the beginning of that section the words,—

"As soon as conveniently may be after the gazetting of such notice (being not later than *forty-two* days thereafter where the claimant is in New Zealand, or *one hundred and twenty* days thereafter where he is out of New Zealand, at the date of such gazetting), every owner or other person having any estate or interest in the land intended to be taken shall, according to the nature of his estate or interest,"— 25 30

in lieu of the words "Within twenty-one days after the service of the requisition, the owner shall"; and also—

(b.) By substituting in subsection two of that section the word "seven," in lieu of the word "six."

(6.) As to section thirteen thereof: By substituting the words "Every claim for compensation under this Act" in lieu of the words "Such claim," at the beginning of that section. 35

(7.) As to section fourteen thereof: By substituting the words "On the application of the Minister or the claimant," in lieu of the words "On the hearing of the claim." 40

5. In any case where the land to be taken does not exceed two hundred acres in area, and is required for the purposes of close settlement or workmen's homes, the prescribed maximum shall, for the purposes of sections seven and eight of the principal Act, be deemed to be twenty-five acres of any class of land, and those sections shall be construed accordingly. 45

6. With respect to proceedings for the compulsory taking of land, the following provisions shall apply:—

(1.) The gazetting of the notice referred to in section ten of the principal Act shall for all purposes be conclusive evidence that all steps and conditions precedent thereto have been duly taken and complied with. 50

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- 5 (2.) In any case where the person to be served with any requisition is out of New Zealand, or cannot be found in New Zealand, such requisition may be served on him by delivering the same to any attorney or agent in New Zealand of such person, or by posting the same in a registered letter addressed to such person, attorney, or agent at his last known place of business or abode in New Zealand.
- 10 (3.) The proceedings for the taking of the land shall not be in any way questioned or prejudicially affected by reason merely that any requisition or claim was not duly served; and no person's right to claim compensation shall be questioned or prejudicially affected by reason merely that his claim was not served within the prescribed period, or in the prescribed form:
- 15 Provided that in any such case the proceedings may be adjourned by the Court for such period and upon such terms as to costs and otherwise as it thinks fit:
- 20 Provided further, that in no case shall any claim for compensation be made or entertained after the gazetting of the Proclamation referred to in section eighteen of the principal Act.
- (4.) The provisions of section forty of "The Public Works Act, 1894," are hereby extended to cases where the owner fails or neglects to serve his claim for compensation.