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Hon. Mr. Hall-Jones.

LAND FOR SETTLEMENTS ACTS AMENDMENT.

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A BILL INTITULED

AN ACT to amend the Law authorising the Acquisition of Private Land 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 Acts Amendment Act, 1899"; and it shall form part of and be read together with "The Land for Settlements Act, 1894" (hereinafter called "the principal Act"). Short Title.

2. For the purpose of continuing in force the principal Act and its amendments ~~until after the close of the first session of the next ensuing Parliament,~~ section two of "The Land for Settlements Act Amendment Act, 1897," is hereby amended by substituting the words "expiration of the fourteenth day after the close of the first session of the next ensuing Parliament," in lieu of the words "thirty-first day of March, one thousand nine hundred," wherever those words occur in that section. Principal Act to continue in force for further period.

3. Section three of "The Land for Settlements Act Amendment Act, 1897," is hereby amended by inserting the words "twenty-three" next after the words "twenty-two." Section 3 of Amendment Act, 1897, amended.

4. In order to remove technical difficulties in the disposal of claims for compensation, whether now pending or hereafter arising, in respect of land taken or proposed to be taken under the principal Act, the provisions of section sixty of "The Public Works Act, 1894," in so far as they relate to Assessors, shall extend and apply and be deemed to have at all times extended and applied to the case of an Assessor who resigns or refuses to act. Provisions applied when Assessor resigns or refuses to act.

How amount of compensation payable to be determined.

5. In determining the compensation payable in respect of land compulsorily taken, or thereby injuriously affected, the Court shall in every case have regard only to the ~~fair actual market value~~ of the land, *and the loss, if any, to the claimant's business occasioned by such compulsory taking :*

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New Proviso.

Provided that this section shall not affect any claim for compensation in respect of land compulsorily taken or thereby injuriously affected if the notice of intention to take the land has been gazetted prior to the time of passing of this Act.

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Repeal.

Land for workmen's homes within or adjacent to boroughs.

6. Section eight of "The Land for Settlements Act Amendment Act, 1897," is hereby repealed, and in lieu thereof it is hereby declared that, for the purposes of providing workmen's homes or workmen's villages, land may be purchased or compulsorily taken within a borough ~~or town district~~ *having a population of not less than fifteen thousand inhabitants according to the latest census returns, or within ~~five~~ a radius of fifteen miles ~~of~~ from the boundary thereof in any other case,* subject however to the following special provisions in every case where the Minister's requisition states that the land is intended to be compulsorily taken for any of the purposes afore-
said:—

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(1.) Not more than one hundred acres shall be so taken in any one year within any one borough, ~~or town district~~ or within ~~five miles of the aforesaid radius~~ from the boundary thereof.

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(2.) Sections seven and eight of the principal Act shall not apply.

(3.) The owner shall have the right to retain, out of the land proposed to be so taken, ~~the area (if any) constituting the site on which his dwelling house is erected, together with the garden and grounds surrounding the same, not exceeding in the whole an area of five not more than ten acres if such area is within a borough, or fifty acres in any other case :~~

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Provided that he asserts such right in his claim under section twelve of the principal Act, and specifies in the claim the area, situation, and boundaries of the land in respect of which the right is asserted :

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New Proviso.

Provided further that if the land intended to be taken from any person under this Act be less than the whole of such person's block, he shall have the right, provided the block be less than fifty acres, to require that the whole of such block be taken.

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New clauses.

Power of sale vested in trustees in certain cases.

6A. In the case of land vested in trustees without power of sale, the following special provisions shall apply, anything in the instrument containing the trust or in section forty-one of the principal Act to the contrary notwithstanding:—

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(1.) Such land may be acquired by Her Majesty by purchase or exchange in the same manner in all respects as if the trustees were the beneficial owners thereof with power of sale.

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(2.) In particular, but without in any way limiting the operation of the foregoing provisions of this section, the trustees may execute valid instruments of assurance for the purpose of vesting the land in Her Majesty, if acquired by purchase or exchange.

(3.) All moneys received by the trustees in respect of the purchase of the land by Her Majesty, and all land vested in them by Her Majesty by way of exchange, shall be held by them upon the same trusts as affected the first-mentioned land immediately prior to its being so purchased or exchanged; and for the purpose of giving effect to the trusts the trustees may when necessary apply the moneys in the purchase of other land:

Provided that this subsection shall not affect the jurisdiction of the Supreme Court to vary or modify the trusts in any case where such jurisdiction would have existed if the land had remained vested in the trustees.

(4.) The land so acquired by Her Majesty shall be deemed to be discharged from the trusts theretofore affecting the same:

Provided that this section shall not apply to lands held in trust for persons of the Native race:

Provided further that this section shall only apply to the area of land taken for workmen's homes under the *preceding* section.

6B. Notwithstanding anything to the contrary in the principal Act the following provisions shall apply with respect to land subject to that Act:—

Power to sell sites for churches, dairy factories, and creameries.

(1.) With the consent in each case of the Minister, land may be sold in fee-simple as sites for churches, dairy factories, or creameries.

(2.) The area of each site shall not exceed one acre in the case of a church, and five acres in the case of a dairy factory or creamery.

(3.) The price shall in each case be fixed by the Minister, and shall be not less than the cost of the land.

(4.) For the purposes of any such sale the provisions of "The Land Act, 1892," relating to declaration, formal application, or public auction shall not apply.

(5.) The proceeds of the sale shall be paid into the Land for Settlements Account.

6c. No land shall be taken compulsorily for the purpose of workmen's homes until after tenders have been called for land suitable for the purpose, nor until, in the opinion of the Land Purchase Board, every other means of obtaining suitable land has been exhausted.

Limitation of compulsory powers of taking land for workmen's homes.

7. The principal Act and its amendments are hereby modified in so far as they are in conflict with this Act, but not further or otherwise.

Acts modified.