

Mr. Field.

WELLINGTON HARBOUR BOARD AND CORPORATION
EMPOWERING ACT 1898 AMENDMENT.

[PRIVATE BILL.]

ANALYSIS.

- | | |
|--|---|
| <p>Title.
Preamble.
1. Short Title.
2. Claims directed to be reheard by a fresh Compensation Court.
3. If amount of any fresh award exceeds that of former award, the excess to be paid to the claimant.</p> | <p>4. If amount of any fresh award is less than that of former award, claimant to refund deficiency.
5. If amount of any fresh award is the same as that of former award, claimant to bear the entire costs of the rehearing.</p> |
|--|---|

A BILL INTITULED

AN ACT to amend the Wellington Harbour Board and Corporation Empowering Act, 1898, and authorise certain Compensation Claims for Lands taken under that Act to be reheard under the Provisions of the Public Works Act, 1908. Title.

5 WHEREAS the Wellington Harbour Board, under and by virtue of the provisions of the Wellington Harbour Board and Corporation Empowering Act, 1898, and the Public Works Act, 1894, procured the issue of a Proclamation taking, *inter alia*, certain lands in Grainger Street, Cambridge Terrace, Courtenay Place, and Allen Street, in the City of Wellington, owned by certain private individuals: And whereas such private individuals have respectively duly made claims for compensation for the lands so taken from them respectively, and the claims of certain of the claimants were heard in the month of September, eighteen hundred and ninety-nine, before a Compensation Court consisting of the same persons duly constituted under the Public Works Act, 1894: And whereas upon the hearing by the said Compensation Court of such claims as aforesaid each of the claimants was awarded by the said Compensation Court a much less sum than was claimed, and, being dissatisfied with such award, they forthwith thereupon petitioned the House of Representatives for redress: And whereas the said petition was referred to the Public Petitions A to L Committee, which, on the twenty-third day of October, eighteen hundred and ninety-nine, reported thereupon as follows: "From evidence before the Committee it appears that the Wellington Harbour Board and Corporation Empowering Act, 1898, Preamble.

2 *Wellington Harbour Board and Corporation Empowering Act 1898 Amendment.*

has resulted in hardship to the petitioners, and the Committee therefore recommends the Government to make full inquiry with a view to affording the petitioners relief": And whereas the petitioners in the subsequent session of the said House of Representatives in the year nineteen hundred renewed their said petition, and the same was referred to the Public Petitions A to L Committee, which on the ninth day of October, nineteen hundred, reported thereupon as follows: "That the Committee, having taken the evidence of the petitioners, and having heard counsel on both sides, are of the opinion that the petitioners have suffered loss by the legislation of eighteen hundred and ninety-eight, and that therefore the law should be so amended as to enable them to obtain a rehearing before the Compensation Court": And whereas it is expedient to give further effect to the said two recommendations:

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

Short Title.

1. This Act may be cited as the Wellington Harbour Board and Corporation Empowering Act 1898 Amendment Act, 1909.

Claims directed to be reheard by a fresh Compensation Court.

2. All claims for lands in the said City of Wellington taken by the Wellington Harbour Board under the provisions of the Wellington Harbour Board and Corporation Empowering Act, 1898, which have been previously heard and disposed of by a Compensation Court constituted under the provisions of the Public Works Act, 1894, may be reheard by a fresh Compensation Court to be constituted under the provisions of the Public Works Act, 1908, in the same manner as if a majority of the members of the Court which heard the said claims had been unable to agree upon an award.

If amount of any fresh award exceeds that of former award, the excess to be paid to the claimant.

3. If upon such rehearing the amount awarded to any of the claimants shall exceed the sum awarded on the former hearing, the sum in excess shall be paid by the respondent to such claimant in addition to the amount previously awarded; and such claimant shall also be paid, in addition thereto, such further sum for costs as the fresh Court shall think fit to fix and determine over and above any costs previously awarded.

If amount of any fresh award is less than that of former award, claimant to refund deficiency.

4. If upon such rehearing the amount awarded to any of the claimants shall be less than the amount previously awarded to such claimant, then such claimant shall refund to the respondent the sum in excess already paid by the respondent, and shall also pay to the respondent such further sum for the costs of the rehearing as the fresh Court shall fix.

If amount of any fresh award is the same as that of former award, claimant to bear the entire costs of the rehearing.

5. If upon such rehearing the amount awarded to any of the claimants shall be the same as the amount previously awarded to such claimant, then such claimant shall pay the entire costs of such rehearing, including therein such sum as the fresh Court shall fix as the costs to be paid by such claimant to the respondent in respect of such rehearing.