

1893.

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Friday, the 15th Day of September, 1893.

LAND FOR SETTLEMENTS ACT AMENDMENT BILL.

The Hon. Sir R. STOUT, in Committee, to move the following new clauses:—

1. If any owner objects to the Government acquiring his land under this Act he shall have a right to appeal to the Land Court hereinafter created.

2. There shall be within the colony a Court of Record, to be called "The Land Court," having jurisdiction to investigate and determine all matters in dispute relating to the compulsory acquisition of land under this Act. Land Court constituted. Jurisdiction.

3. The Court shall have in the custody of the Judge a seal of the Court for sealing documents which may require to be sealed. Seal of Court.

4. The Governor in Council may from time to time appoint a Judge of the Court and such other officers as may be required for carrying out its business, the Judge shall hold office during good behaviour, and the officers shall hold office during the Governor's pleasure, and be paid such salaries as may be appropriated by the General Assembly for the purpose. Judge and officers of Court.

The Judge, before proceeding to act, shall take and subscribe before a Judge of the Supreme Court the judicial oath prescribed by "The Promissory Oaths Act, 1873," or an affirmation to the like effect.

5. The Judge shall have like power to compel the attendance of witnesses and production of books, documents, and papers as possessed by Judges of the Supreme Court, and may issue warrants and processes accordingly, and may administer oaths. Judge may compel attendance of witnesses and production of papers.

If the Judge be interested in a matter to be heard, or is absent or incapable of acting, the Governor may appoint some fit person to act in his stead.

6. The Governor in Council may from time to time make, alter, or revoke rules touching the practice and procedure of the Court, and for the conduct of all business under this Act, and for fixing the fees to be paid in respect of applications to or proceedings in the Court, the time and mode of payment, and for enforcing the payment thereof, as may be deemed advisable. Rules of Court.

Such rules shall be gazetted, and thereon have the force of law.

7. The Court, in any proceedings before it, may receive such evidence as it thinks fit, whether the same is legal evidence or not; and no decision of the Court shall be void through any error or omission in matter of form. Court may receive other than legal evidence.

In a case before the Court, where any question of law arises, the Judge may, if he think fit, state a case for the decision of the Supreme Court thereon.

Such decision shall be followed by the Court in its dealing with the case.

8. The Court by its decision,—

(1.) May award that the whole or part only of the land described in the Proclamation may be taken.

(2.) Shall name a day when any land awarded may be taken possession of by Her Majesty. Court may award whole or part only of land.

- (3.) Shall determine on the basis of the valuation thereof; and state the value of the land awarded, and the amount of any damage which it may find the owner of the land will suffer by the taking of such land and not covered by the value aforesaid.

In determining the amount of such damage the Court shall take into account the extent to which any lands in which the owner has an interest, and not taken under this Act, may be injuriously or beneficially affected by anything done under this Act; and shall also take into account, by way of deduction from the amount of the said compensation, any increase in the value of such adjacent lands likely to be caused by the settlement of the lands taken.

9. The decision of the Court shall be final as regards the amount to be paid, but shall not be deemed to be final as regards the right of any person to such amount or any part thereof.

10. The Court shall give its decision in writing, signed by the Judge, and sealed with the seal of the Court. The Judge shall transmit such writing to the Registrar of the Supreme Court for the district wherein the land is situate, to be by him filed in the said Supreme Court, and shall transmit a copy of such writing to the Governor.

11. The Court may fix the costs in any proceeding before it, as between party and party, and direct by and to whom such costs shall be paid, or may refuse to award costs.

12. Costs payable by the owner of the land may be deducted from any moneys payable to him under this Act.

TRAMWAYS ACT AMENDMENT BILL.

Mr. ALLEN, in Committee, to move the following amendments:—

At the end of clause 5 to insert, "But any local authority, company, or person affected by any rule or regulation made by the Commissioner may appeal to the Board of Control against such rule or regulation, and notwithstanding any such delegation the Board of Control may repeal or amend such rule or regulation, or make any new rule or regulation in substitution for or in addition to the same."

Clause 6, line 39, after the word "Act," to insert "or of any Order in Council, which may be issued under the said Act."

Decision of Court final.

Decision to be in writing and filed in Supreme Court.

Power to order costs.

Costs against land-owner or association, how paid.