

No. XXVI.

An Act to amend the "Lands for Public Purposes Acquisition Act." [20th December, 1881.]

LANDS FOR
PUBLIC PURPOSES
ACQUISITION ACT
AMENDMENT.

WHEREAS it is expedient to amend the "Lands for Public Purposes Acquisition Act" (being the Act forty-four Victoria number sixteen) Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. Section fifteen of the Act forty-four Victoria number sixteen is hereby repealed and the section next following shall be substituted in place of the section so repealed. But nothing in this Act contained shall affect any action for compensation commenced under the said Act before this Act comes into force.

2. In every action of compensation tried after the commencement of this Act pursuant to the provisions of the Act forty-four Victoria number sixteen the jury shall determine the amount of compensation to which the claimant is entitled and without being bound in any way by the amount of the valuation notified to such claimant and without reference to any alteration in such value arising from the establishment of Railway or other public works upon or for which such land was resumed. If the verdict be for a sum equal to or less than the amount of such valuation the costs of the action shall be borne by the claimant but if for a greater sum than the amount of such valuation the costs shall be borne by the Minister. The Judge before whom an action of compensation shall be tried shall in no case have power to direct a reference of the claim to arbitration. Provided always that if either party be dissatisfied with the verdict it shall be open to such party to move for a new trial in accordance with the practice of the Supreme Court.

3. The notice of claim for compensation and abstract of title required by the twelfth section of the Act hereby amended to be sent to the Minister and Crown Solicitor shall be sent to the Minister for Public Works or to the Minister of Public Instruction according to the purpose for which the resumption shall have been made as well as to the Crown Solicitor and not to the Minister for Lands as mentioned in the first Schedule to the said Act.

4. This Act may be cited as the "Lands for Public Purposes Acquisition Act Amendment Act."

Repeal of sec. 15 of
44 Vic. No. 16
saving.Jury to determine
absolutely the amount
of compensation.

As to notices &c.

Short title.