

If Court unable to agree.
1894, No. 42, sec. 66

67. If the Court is unable by a majority to agree upon an award, the President shall discharge the Assessors, and cause notice thereof to be given to the claimant and respondent; and a fresh Court shall be constituted in the manner provided by this Act, which shall hear the case *de novo*.

5

When questions of law alone to be determined, President may sit alone and determine the same.
Ibid, sec. 67

68. (1.) In any case brought before a Compensation Court, where any question of law arises, the President may hear and determine the same without the Assessors; or he may, if he think fit, state a case for the decision of the Supreme Court thereon.

(2.) Such determination or decision shall be followed by the Compensation Court on making its award.

10

The Award.

How compensation to be estimated.
Ibid, sec. 68

69. In determining the amount of compensation to be awarded the Court shall take into account severally the value of the land or interests in land (including riparian rights) taken, and the extent to which any lands in which the claimant has an interest are or are likely to be injuriously affected, either by severance or by the nature of the works in question, and shall also take into account, by way of deduction from the amount of compensation to be awarded, any increase in the value of such lands likely to be caused by the execution of such works.

20

Value of land taken to be assessed at its value when first entered upon.
Ibid, sec. 69

70. The value of land taken or injuriously affected shall be assessed for the purpose of ascertaining the amount of compensation, if any, at its value at the time when it was first entered upon for the purpose of constructing or carrying out a public work thereon.

Anything done by claimant to make execution of work more costly to be taken into account.
Ibid, sec. 70

71. (1.) If the Court is of opinion that the claimant in respect of any land taken for a public work has, at any time after the date prescribed in subsection *two* hereof, done anything upon or under such land with the purpose and effect of rendering the execution of such work more difficult or costly, the Court shall take into account, by way of deduction from the amount of compensation to be awarded, any increase in the cost of executing such work caused or likely to be caused thereby; and if, in the opinion of the Court, such increase in cost exceeds the value of the land taken, the award shall be for the payment by the claimant to the respondent of the amount of such excess and the costs of the inquiry.

35

(2.) The date mentioned in subsection one hereof shall be, in the case of a railway, the date of the first gazetting of the Proclamation defining the middle line thereof; and, in the case of any other work, the date of the first publication of the notice mentioned in paragraph (c) of section *eighteen* hereof.

40

Gross sum, or separate sums, may be awarded, and conditions attached.
Ibid, sec. 71

72. The Court may award one gross sum as the compensation to be paid to the claimant on all accounts, or it may award a particular sum in respect of any one or more of the items of the claim, and subject respectively to such conditions as it may think equitable, or it may determine that no compensation is payable in respect of the whole claim or any particular item or items thereof.

45

Fees to Assessors hearing claims.
Ibid, sec. 72

73. Every Assessor shall be entitled to a fee for every day upon which he attends a sitting of the Court in respect of each claim heard therein, the amount of such fee to be fixed by the President in each case, regard being had to the length of the sitting and the importance of the case.

50