

(2.) The power given by the *last* subsection shall not be exercised by a local authority without the consent of the Minister ; and no instrument executed by or on behalf of a local authority granting or purporting to grant such an easement shall have any effect whatever unless and until the consent of the Minister has been indorsed thereon.

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PART III.

COMPENSATION.

For what and when it may be claimed.

All persons suffering damage entitled to compensation.
1894, No. 42, sec. 34

35. (1.) Every person having any estate or interest in any lands taken under this Act for any public works, or injuriously affected thereby, or suffering any damage from the exercise of any of the powers hereby given, shall be entitled to full compensation for the same from the Minister or local authority, as the case may be, by whose authority such works may be executed or power exercised.

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(2.) No compensation shall be payable in respect of—

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(a.) Any land taken for a road or railway under this Act the right to make a road over which is otherwise reserved to the Crown, and has not lapsed or become barred ;

(b.) Any Crown lands taken or set apart for any public work.

On resumption of land, no compensation payable otherwise than as provided in enabling Act.
Ibid, sec. 35

36. In any case where His Majesty or the Governor may have been or may hereafter be entitled to resume or take possession of land under the authority of any Act of the General Assembly, then, notwithstanding the issue of a Proclamation under this or any Act of a like tenor at any time heretofore in force taking such land for any public purpose, and notwithstanding that any special provisions contained in such authorising Act as to the resumption or taking of such land may not have been complied with, no compensation shall be paid or payable in respect thereof otherwise than as may be specially provided in the Act by virtue of which His Majesty or the Governor, or any person on behalf of His Majesty or the Governor, is entitled to resume or take possession as aforesaid, provided such Proclamation shall have been issued during the currency of such authority.

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Compensation not to be claimed after five years from taking, or one year from other damage suffered.
Ibid, sec. 36

37. (1.) No claim for compensation under this Act, or any of the compiled Acts, or any Act thereby repealed shall be made (in respect of any lands taken) after a period of five years after the date of the Proclamation taking the said lands, or (in respect of any damage done) after a period of twelve months after the execution of the works out of which such claim has arisen or may hereafter arise ; and all right and title to any compensation in respect of such lands or for damage arising out of the execution of such works, as the case may be, shall after such respective periods absolutely cease.

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(2.) The provisions of this section shall also extend and apply to all claims for compensation of any kind which arose before the passing of " The Public Works Act, 1882," or which arose or may arise under that Act or any Act thereby repealed, after the passing of " The Public Works Act, 1894," so far as such Acts or any of them were or are capable of having effect.

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The Claim.

By whom compensation may be claimed.
Ibid, sec. 37

38. A claim for compensation may be made by any person seised, possessed of, or entitled to such lands, or to any estate or interest therein, whether such person has or has not the power to sell and convey the

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