

Court may award easements in lieu of compensation.

1894, No. 42, sec. 84

Governor may grant surplus land in lieu of compensation.

Ibid, sec. 85

1900, No. 47, sec. 5

Out of what funds compensation to be paid.

1894, No. 42, sec. 86

Power to take.

Ibid, sec. 87

Taking for work other than railway or defence work.

Ibid, sec. 88

85. In any case where the amount of compensation to be paid to any claimant has been or may hereafter be determined by the Court, the respondent may offer, and the Court may award to the claimant, his executors, administrators, assigns, and successors, in satisfaction or part satisfaction or mitigation of the compensation claimed, any easement, right of way, right of occupation, or any other right, privilege, or concession in, upon, over, or under any land taken or reserved for the purpose of any public work; and the Compensation Court may, by its award, declare which (if any) of such easements, rights, privileges, or concessions so offered shall be granted to the claimant in satisfaction or part satisfaction or mitigation of his claim to compensation.

86. In payment or satisfaction or in part payment or satisfaction of the compensation payable for any land which has been or which may hereafter be taken, purchased, or acquired, or for any damage done or which may hereafter be done by reason of the construction or use of a public work, the Governor may grant to the person entitled any Crown land or any land reserved or taken, purchased, or acquired for the use, convenience, or enjoyment of the said public work, but which is not required for such public work:

Provided that, before such land is conveyed, the Minister shall certify that the land to be conveyed has been valued by a competent person, and that the total value (with money compensation, if any) does not amount to more than the sum which would be paid by the Government for the land taken, purchased, or acquired and the damage done if compensation for the same were made wholly in money in the usual way.

87. Moneys payable as compensation or as costs under this Act shall,—

(a.) If payable by the Minister, be paid out of moneys appropriated by Parliament for the works in respect of which the claim for compensation arises;

(b.) If payable by a local authority, be paid out of the fund of such local authority available for such purposes:

but neither the Minister nor any member of a local authority shall be personally liable for any compensation or costs which may become payable under this Act.

PART IV.

NATIVE LANDS.

Taking for Public Works.

88. Notwithstanding anything contained in any law in force to the contrary, any Native land and any land owned by Natives under title derived from the Crown may be taken for any public work in manner hereinafter provided.

89. Whenever it may be necessary to take any such land for any public work other than a railway or than for defence purposes the following provisions shall apply:—