

NEW ZEALAND.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. 3.

Local and Personal.

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AN ACT to enable the Superintendent of the Province of Southland to make and maintain Branches or Extensions of the Bluff Harbour and Invercargill Railway and for other purposes. Title.
[14th December 1863.]

WHEREAS it is expedient that the Superintendent of the said Province shall be authorised to make and maintain certain extensions of the Bluff Harbour and Invercargill Railway and that he shall be empowered to take certain Lands the property of private persons for the purposes of the said Railway Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows :—

I. The Short Title of this Act shall be “The Bluff Harbour and Invercargill Railway and Extension Act 1863.” Short Title.

II. The following words and expressions in this Act and any Act wholly or partially incorporated herewith shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) : Interpretation.

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- (1.) The word "person" shall include a Corporation aggregate or sole.
- (2.) The word "lands" shall include messuages lands tenements and hereditaments of any tenure and any estate or interest therein.
- (3.) The terms "plan" "section" and "Book of Reference" shall mean the plan section and book of reference respectively of the proposed Railway deposited in the Private Bill Office.
- (4.) The expression "the Railways" shall mean the extension or Branch Railways and the works connected therewith authorised to be constructed by this Act.
- (5.) The expression "two Justices" shall mean two or more Justices met and acting together or a Resident Magistrate.
- (6.) The word "Superintendent" shall mean the Superintendent for the time being of the Province of Southland aforesaid.

Extension of Railways
may be made.

III. It shall be lawful for the Superintendent to make and maintain a Railway leaving the line of the Bluff Harbour and Invercargill Railway at a point four chains north-west from its intersection with the eastern boundary of Section 17 Block 7 Campbelltown District and thence along the sea beach to a point opposite the north-western corner of block No. 5 Campbelltown and thence to a point opposite the north-east corner of block No. 4 Campbelltown and thence along the beach to the terminus thereof at the line shown on the plan of Campbelltown as Palmer's boundary all within the said Province And a Railway leaving the said first-named Railway at a point twenty chains south of the southern Town Belt and thence down Annan-street and thence into or near Crinan-street Ettrick-street Tweed-street and Findhorn-street into through or over the reserve distinguished on the Town Plan as the Public Esplanade to the terminus thereof at the site of the proposed goods' station in that reserve at the back of the Government Buildings in Dee-street all within the said Town of Invercargill in the said Province as the same are more particularly delineated and described in the said plan and section or within the limits of deviation set forth on the said plan and for that purpose and for the other purposes of this Act the Superintendent shall be a Corporation by the name and style of the "Superintendent of Southland" and by that name shall have perpetual succession and a Common Seal.

Power to take Lands.

IV. Subject to the provisions of this Act and the Acts incorporated herewith the Superintendent may exercise all or any of the powers by this Act or the said incorporated Acts conferred upon him for the construction of the said Railways and may enter upon and cause to be entered upon all Lands within the said Province for the purpose of making such surveys as may be necessary and may take and hold all the Lands required for the said Railways along the line so set forth and described or within the said limits of deviation and may temporarily occupy and use such

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Lands as may be necessary on either side of the said Railways during the construction thereof.

V. The Superintendent may also subject as aforesaid take and hold all the Lands described or delineated in the said Plan and Book of Reference required for the said Bluff Harbour and Invercargill Railway along the Line so set forth and described or within the said limits of deviation and may temporarily occupy and use such Lands as may be necessary on either side of the said Railway during the construction thereof and all land so taken shall be held by the Superintendent for the purposes of the "Bluff Harbour and Invercargill Railway Ordinance 1863," of the Provincial Legislature.

Power to take Lands for main Railway.

VI. All persons being owners of or having any lesser Estate or interest in any Lands so taken under authority of this Act or which may be damaged by the construction of the said Railways shall be entitled to receive compensation for such Land or damage the amount whereof shall be ascertained in the manner set forth in "The Lands Clauses Consolidation Act 1863."

Owners to be Compensated.

VII. For the purpose aforesaid and for other purposes of this Act "The Lands Clauses Consolidation Act 1863" shall be incorporated with this Act.

Lands Clauses Consolidation Act 1863 incorporated.

VIII. Subject to the provisions of this Act the Act of the Imperial Parliament called the "Railways Clauses Consolidation Act 1845" shall be incorporated with this Act excepting the following sections that is to say 7 8 9 17 25 to 29 both inclusive 107 114 159 and 161.

The like Railways Clauses Consolidation Act 1845.

IX. Provided that wherever in the said Imperial Act the following words are used they shall have the meanings hereinafter severally set opposite to them that is to say the words :

Interpretation of Imperial Act.

"Commissioners of Her Majesty's Treasury" shall mean "The Governor of New Zealand" "Superior Courts" "The Court of Chancery" "The Court of Queen's Bench" "The Court of Exchequer" "General Quarter Sessions" "Quarter Sessions" shall mean severally "The Supreme Court of New Zealand" "The Promoters of the Undertaking" shall mean "The Superintendent" "The United Kingdom" "The Kingdom" shall mean "The Colony" "The County" shall mean "The said Province" "The Bank" shall mean "The Savings' Bank at Invercargill or other Bank to be appointed by the Governor" "The Board of Trade" shall mean "The Superintendent acting with the advice and consent of the Executive Council of the Province" "Clerk of the Peace" "One of the Masters of the Court of Queen's Bench" "Accountant General of the Court of Chancery in England" "Accountant General of the Court of Exchequer in Ireland" "Taxing Master of the Court of Chancery" "Master in Chancery" shall mean severally "The Registrar in Invercargill of the Supreme Court of New Zealand."

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Documents to be open to inspection.

X. At all times after the passing of this Act a copy of the plan section and book of reference shall be kept in the office of the Superintendent and be at all convenient times open for public inspection and all persons may at all convenient times examine the same gratis at such office.

Deviation may be made.

XI. The Superintendent in constructing the Railways may deviate from the line of works laid down in the plan but may not take or use for the purpose of such deviation any lands not comprised within the said limits of deviation before referred to without the consent in writing of the owner of such lands.

Lands &c. vested in Superintendent.

XII. All lands acquired for the purposes of the Railways and all property Real or Personal of what description soever belonging or appertaining to the same shall be and are hereby declared to be vested in and shall be deemed to be the property of the Superintendent and shall be held by him in trust for the public service of the said Province and shall be managed dealt with and administered by him for the purposes of this Act,

Limit to speed in towns.

XIII. Provided always that no engine truck carriage or waggon used on the said Railways shall travel or pass within the boundaries of the town of Invercargill or within the boundaries of the town of Campbelltown at a rate of speed exceeding four miles an hour.

Limits as to hours for running trains.

XIV. Provided also that no train shall pass within the boundaries aforesaid except at such hours as shall from time to time be fixed by the Superintendent in manner provided for the making of Bye-laws.

Penalty on breach of foregoing provisions.

XV. For every breach of the provisions contained in the foregoing two sections the person in charge of the train engine waggon carriage or truck shall be liable to a penalty not exceeding £20.

Railways in town to be fenced and gates provided at crossings.

XVI. The Railways shall within the boundaries aforesaid be effectually fenced and no cart carriage or wheeled vehicle horse mule or other animal shall be allowed to pass along over or across the same except at the crossings of streets and at such crossings gates shall be made and maintained in the manner provided by and subject to the regulations prescribed in the said "Railways Clauses Consolidation Act 1845" with respect to level crossings for Public Highways.

Penalty for leaving trucks &c. on crossings.

XVII. If any person shall leave any truck engine carriage or waggon used upon the Railways upon any such crossing as aforesaid he shall for any such offence forfeit and pay a fine not exceeding Five Pounds.

Curve may be sharpened.

XVIII. In constructing the Railways it shall be lawful for the Superintendent to reduce the radius of the curves in the town of Invercargill to not less than 20 chains radius and it shall not be lawful for the fence on either side of the Railway within the said town to be nearer to any part of a section than 50 feet.

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XIX. This Act shall cease to have force and shall expire at the expiration of three years from the passing hereof unless the Railways hereby authorised to be made shall have been *bona fide* commenced within such period of three years. Expiration of Act.

XX. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or the said Provincial Ordinance authorised to be made from the provisions of any General Act relating to Railways which may hereafter pass during this or any future Session of Parliament or from any future revision and alteration under the authority of the General Assembly of the maximum rates and charges authorised. General Clause.