

New Zealand.



ANALYSIS.

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1895, No. 63.

AN ACT to authorise Her Majesty to purchase the Fernhill Railway. Title.
[1st November, 1895.]

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

1. The Short Title of this Act is “The Fernhill Railway Purchasing Act, 1895.” Short Title.

2. In this Act, if not inconsistent with the context,—

Interpretation.

“The said railway” means the branch line of railway from the main line of the Waitaki-Bluff Railway to the Fernhill Colliery at Chain Hills, commonly known as “the Fernhill Railway,” as more particularly described in the Schedule hereto, and includes the land upon which the said railway is constructed, and any land or interest therein taken, purchased, agreed to be purchased, acquired, or used for the purposes of the said railway, and all buildings and erections and permanent works of every kind thereon, or used therewith, together with all powers, rights, privileges, and easements belonging or appertaining thereto.

3. The Governor, in the name and on behalf of Her Majesty, may enter into a contract with the owner of the said railway to purchase the same at a price not exceeding one thousand one hundred and fifty pounds. The purchase-money shall be paid out of the Public Works Fund; and the Colonial Treasurer may, without further appropriation, pay the same, and all expenses incidental thereto, out of the Public Account.

Governor may purchase Fernhill Railway.

4. (1.) For the purpose of vesting the said railway in Her Majesty, and completing the purchase thereof as aforesaid, the Governor is hereby empowered to issue a Proclamation formally taking the said railway under the provisions of “The Public Works Act, 1894,” the

Proclamation may be issued formally taking railway.

middle line of the said railway having been defined by a Proclamation dated the twentieth day of May, one thousand eight hundred and eighty-two.

(2.) No person whomsoever shall have any claim to the payment of compensation in respect of the issuing of the Proclamation taking the said railway, or in respect of the taking of the land thereby.

(3.) The Proclamation to be issued under this Act, as aforesaid, shall, when gazetted, be conclusive evidence that the land therein referred to is vested in Her Majesty in fee-simple, and that the said railway is likewise vested in Her Majesty absolutely as her property, freed and discharged from all estates, interests, mortgages, charges, and claims of what kind soever.

(4.) A copy of such Proclamation, and of the map of the land thereby taken, certified by the Surveyor-General, shall be deposited as provided by section twenty-three of "The Public Works Act, 1894," and the like proceedings shall be taken, and the like consequences shall ensue, subject to the express provisions of this Act, as in cases provided by that section.

(5.) No such Proclamation as aforesaid shall be impeached or be defeasible on any ground whatsoever.

5. The said railway, when purchased by the Governor under the provisions of this Act, shall be deemed to be a railway within the meaning of "The Public Works Act, 1894," and of any other Act for the time being affecting railways the property of Her Majesty; and all the provisions of such Acts and all by-laws from time to time in force thereunder shall apply to such railway.

Railway, when
purchased, to be a
Government
railway.

Schedule.

SCHEDULE.

THAT branch line of railway in the Provincial District of Otago, known as the Fernhill Railway, commencing at a point on the main line of the Waitaki-Bluff Railway near Abbotsford Station, and proceeding in a northerly direction for a distance of about 1 mile 60 chains to the Fernhill Colliery, at Chain Hills; the middle line of the said Fernhill Railway being described in a Proclamation, dated the 20th May, 1882, and published in the *New Zealand Gazette* No. 50, of the 25th May, 1882; as the same is delineated on the plan referred to in the said Proclamation as being marked P.W.D. 8901, and deposited in the office of the Registrar of the Supreme Court, at Dunedin, in the said Provincial District of Otago.