

## New Zealand.



### ANALYSIS.

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1903, No. 85.

AN ACT to authorise the Acquisition by Purchase or Reclamation of certain Lands for the Purpose of improving the Wellington-Hutt Railway and Road, the Disposal of Surplus Lands, and to provide for the Control of the New Hutt Road.

[23rd November, 1903.]

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 Hutt Railway and Road Improvement Act, 1903.”

2. (1.) For the purpose of enabling the construction of certain improvements on the Wellington-Hutt Railway and of other works authorised by this Act, the Minister for Railways (hereinafter referred to as “the Minister”) is hereby authorised to reclaim from the sea the land described in the First Schedule hereto, or any part or parts thereof, and to do and execute all such works and things as are necessary for that purpose.

(2.) The Minister may from time to time, with the consent of the owner and occupier of the land, take or cause to be taken from any land any soil or other material necessary for such reclamation.

3. The Governor may from time to time acquire on behalf of His Majesty as for a public work such land as he deems necessary for the purpose of such reclamation and improvements or of facilitating the disposal of any surplus lands as hereinafter mentioned.

4. On the land so reclaimed or otherwise acquired for the purposes of this Act the Minister may lay off and construct such railways, roads, and streets as he deems expedient, and shall in

Title.

Short Title.

Land to be reclaimed.

Land may be acquired.

Railways, roads, &c., may be laid and constructed.

particular lay off and construct in such position as he thinks fit a road or street of a width not less than eighty feet in lieu of the road or street now known as the Hutt Road.

Power to raise money.

5. (1.) For the purpose of providing funds for the aforesaid works the Colonial Treasurer is hereby empowered from time to time to raise by the creation or issue of inscribed stock under "The New Zealand Consolidated Stock Act, 1877," or of debentures or other Government securities, as he thinks fit, such sums of money not exceeding in the whole the sum of one hundred thousand pounds, and not exceeding in any financial year ending the thirty-first day of March the sum of twenty-five thousand pounds:

Provided that to the extent to which the full sum of twenty-five thousand pounds is not raised in any one financial year, to the same extent the sums raised in any subsequent financial year may exceed twenty-five thousand pounds.

(2.) The provisions of "The Aid to Public Works and Land Settlement Act, 1903," relating to the raising of the loan authorised under that Act, and the creation and issue of the securities therefor, shall, *mutatis mutandis*, apply to the raising of the loan authorised by this section, and to the creation and issue of the securities therefor.

Disposal of surplus lands.

6. (1.) The Minister may from time to time dispose of any part of the land reclaimed or otherwise acquired under this Act, and not required for the purposes of section four hereof, by public auction in such manner and subject to such terms and conditions as he thinks fit.

(2.) The proceeds of any such sale may from time to time be applied towards the cost of construction of the works authorised by this Act, and, subject thereto, shall be paid to the Public Trustee to the credit of an account to be called "The Wellington-Hutt Railway and Road Improvement Account."

(3.) The Public Trustee shall from time to time invest the moneys to the credit of such account in such lawful securities as will return the highest rate of interest, and shall apply the same, together with all interest accruing thereon, in or towards the redemption of any debentures or other securities issued under section five hereof.

Cost of constructing new Hutt Road.

7. The cost of forming and constructing the road or street particularly mentioned in section four hereof (hereinafter called "the new Hutt Road") shall be borne by the local authorities mentioned in the Second Schedule hereto, in such proportions as may be determined under the next succeeding section.

Proportion of cost to be borne by local authorities.

8. (1.) The Minister shall appoint some fit person to inquire into and report to him as to the proportions in which such cost should be borne by the local authorities aforesaid.

(2.) The person so appointed shall have and may exercise all the powers conferred on a Commission by "The Commissioners Act, 1903."

(3.) On receipt of the report of the person so appointed the Minister shall, by notice in the *Gazette*, declare the proportions in which such cost shall be borne by the local authorities aforesaid.

9. (1.) On completion of the new Hutt Road the Minister may in writing demand from the several local authorities aforesaid payment of the amount to be contributed by each such local authority, and such amount shall be a charge on the revenues of such local authority, and may be recovered as a debt due to the Crown. Payment of proportion of cost.

(2.) In order to provide the money so demanded the local authority may, by special order, raise a special loan for the amount of the demand, or any lesser amount, without taking the steps provided by sections seven to thirteen of "The Local Bodies' Loans Act, 1901," and such loan shall be deemed to be for the purpose of undertaking a public work within the meaning of subsection three of section fourteen of the last-mentioned Act.

10. (1.) On the completion of the said road the Governor shall, by notice in the *Gazette*, declare that such road shall be under the control of such local authority or local authorities as he thinks fit. Control of the new road.

(2.) On the gazetting of such notice—

(a.) The existing Hutt Road shall be deemed to be closed, and the land shall vest in His Majesty, and may be disposed of in the manner provided by section six hereof with respect to surplus lands, save that the proceeds thereof shall, as and when they arise, be credited to the local authority in whose district the land so disposed of is situate as part of the contribution payable by such local authority under the last preceding section. Disposal of old road.

(b.) "The Hutt Road Act, 1903," shall be deemed to be repealed and cease to have effect: Provided that such repeal shall not affect— Repeal.

(i.) The right of the constructing local authority under that Act to recover any contribution then payable by any contributing local authority; or

(ii.) The rights of any creditor of the said constructing local authority or of any contributing local authority in respect of any special loan raised under that Act.

11. The cost of maintaining the new Hutt Road from time to time shall be borne by the local authorities mentioned in the Second Schedule hereto, in the same proportions as are declared by the Minister under section eight hereof as the proportions in which the same local authorities shall bear the cost of forming and constructing the said road. Authorities to contribute to maintenance.

12. (1.) After expending any money on the maintenance of the said road the local authority in which the control of the road is vested (hereinafter called "the controlling authority") may make a demand in writing on the other local authorities liable to contribute thereto (hereinafter called "the contributing authorities"), showing in detail the whole amount so expended, and calling for payment of the proportion thereof that the contributing authority addressed is liable to pay. Payment of contributions.

(2.) Such demand shall be deemed to be duly served on any contributing authority if sent by registered letter addressed to the clerk of such authority.

(3.) Each such contributing authority shall forthwith after service of the demand pay to the controlling authority the amount so demanded as if it were the cost of works duly constructed by such contributing authority in its own district, and if default is made in payment thereof for three months from the service of such demand the same, or such part thereof as remains unpaid, may be recovered by the controlling authority in any Court of competent jurisdiction.

Onslow Borough  
boundaries.

13. At any time after the passing of this Act the Governor may, by notice in the *Gazette*, fix the boundaries of the Borough of Onslow across the land reclaimed under the authority of this Act.

Schedules.

## SCHEDULES.

### FIRST SCHEDULE.

#### LAND TO BE RECLAIMED.

(1.) So much of the Wellington Harbour lying to the east of the Thorndon Esplanade and the Government Railway, and between Davis Street, in the City of Wellington, and the Kaiwarra Stream, as is shown on plan No. 12131 in the Government Railway Offices, Wellington, and thereon coloured red.

(2.) So much of the Wellington Harbour lying to the east of the Government Railway, between the Kaiwarra Stream and Petone, and within the limits of deviation as shown on plan No. 12195 in the Government Railway Offices, Wellington.

### SECOND SCHEDULE.

#### CONTRIBUTING AUTHORITIES.

Wellington City Council.  
Onslow Borough Council.  
Hutt County Council.  
Petone Borough Council.  
Lower Hutt Borough Council.