

NEW ZEALAND.



ANNO VICESIMO QUARTO
VICTORIÆ REGINÆ.

Local and Personal,
No. 1.

ANALYSIS:

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AN ACT to enable the Superintendent of the Province of Canterbury, to construct a Railway between the Towns of Lyttelton and Christchurch in the said Province. [28th September, 1860.]

WHEREAS it is expedient to construct a Railway between the Towns of Lyttelton and Christchurch, in the Province of Canterbury,

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

I. A Railway shall be constructed and maintained between the Towns of Lyttelton and Christchurch, in the said Province, according to the description and along the line set forth in the

Lyttelton and Christchurch Railway.

Schedule to this Act, and the several Maps and Plans thereto annexed, or within a distance of 10 chains on either side of such line.

Superintendent to construct Railway, and take Lands required.

II. It shall be lawful for the Superintendent of the said Province of Canterbury, to take all steps necessary for the construction of the said Railway, and to 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 to take possession of all the Lands required for the use of the said Railway along the line so set forth and described, or within the distance of 10 chains on either side thereof; and also temporarily to occupy and use such Lands as may be necessary on either side of the line of the said Railway during the construction thereof.

How compensation to be awarded, and certain sections of "Lands Clauses Consolidation Act" incorporated.

III. 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 Railway shall be entitled to receive compensation for such Land or damage; the amount whereof shall be ascertained in the manner set forth in an Act of the Imperial Parliament, intituled "The Lands Clauses Consolidation Act, 1845," and the said Act shall, so far as may be necessary for the settlement of all questions arising in respect of any such compensation, be incorporated into and shall form part of this Act: Provided that wherever in the said Act the following words are used they shall mean the words hereinafter severally set opposite to them; that is to say, the words,—

"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 of the Province of Canterbury for the time being."

"The United Kingdom;" "The Kingdom;" "The County;" shall mean "The Province of Canterbury."

"The Bank" shall mean "The Union Bank of Australia at Christchurch or Lyttelton."

"Board of Trade" shall mean "The Resident Magistrate at Christchurch."

"Clerk of the Peace;" "One of the Masters of the Court of Queen's Bench;" "Accountant General"

Lyttelton and Christchurch Railway.

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 of the Supreme Court of the Southern District of New Zealand, Province of Canterbury."

A copy of the Clauses of the said Lands Clauses Consolidation Act, which relate to the subject of compensation for land, shall be served or left at the last usual place of abode of every person whose land shall be required for the purposes of this Act, if such person shall be resident in the Colony, or if not, then on the agent of such person, or if there be no such agent, by affixing the same on some conspicuous part of the said land.

IV. Provided that Section 22 of the said Act shall apply to cases where the compensation offered shall not exceed £50, as well as to cases where the compensation claimed shall not exceed that amount.

Alteration in Section 22 of said Act.

V. The Superintendent is hereby authorised and required to cause all sums which may be agreed upon or awarded under the provisions of this Act, as compensation for Land taken or for damage done in the construction of the said Railway, to be paid to the several persons entitled to receive the same out of the Public Revenues of the Province of Canterbury.

Compensation to be paid out of Public Revenues.

VI. The Superintendent shall so soon as possible after the passing of this Act execute a Deed Poll, and shall cause the same to be sealed with the Public Seal of the Province, and to be Registered under the provisions of an Ordinance of the Governor and Legislative Council of New Zealand, intituled "The Land Registration Ordinance, Sess II., No. 9," and to be deposited amongst the Public Records of the Province, and the said Deed shall contain a description of all the Lands so taken under the authority of this Act, and the names of the persons from whom they shall have been so taken, and thereupon all estate and interest in such Lands of any persons who may theretofore have had any estate or interest in the same shall absolutely cease and determine: Provided always that no such Deed Poll shall include any Land in respect of which the compensation to be paid shall not have been ascertained and paid to the parties entitled to receive the same or deposited as provided in the Act of the Imperial Parliament, intituled "The Lands Clauses Consolidation Act, 1845."

Superintendent to execute a Deed Poll.

VII. All the Lands described in the Deed Poll as aforesaid, and all property Real or Personal of what description soever belonging or appertaining to the said Railway shall be and are hereby declared to be vested in and shall be deemed to be the property of the Superintendent for the time being of the said Province, and shall be held by him in trust for the Public Service of the said Province.

Property of Railway to be vested in Superintendent.

Lyttelton and Christchurch Railway.

Short Title:

VIII. The Short Title of this Act shall be "The Lyttelton and Christchurch Railway Act, 1860."

 SCHEDULE.

 DESCRIPTION OF PROPOSED LINE OF RAILWAY.

The proposed Line of Railway commences at the South side of the Town of Christchurch at a point 5 chains South and 55.50 chains West of the South-eastern corner of the Town Reserve, thence passing in an Easterly direction 24.46 chains parallel to the Town Belt; thence curving to the right at a radius of 40 chains for a distance of 25.35 chains; thence in a straight line three miles 26.19 chains; thence curving to the right at a radius of 80 chains for a distance of 51.25 chains, thence in a straight line to Norwich Quay, Lyttelton, a distance of one mile 52.60 chains, passing through a tunnel under the Port Hills 2838 yards in length; thence on a curve to the left at a radius of 10 chains for a distance of 9.15 chains; and thence in a straight line 11.50 chains to the Government Jetty at Lyttelton—the whole length of Line inclusive of Stations being six miles 40.50 chains.