NEW ZEALAND.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XIV.

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AN ACT to repeal "The Nelson Cobden and Westport Railway Land Act 1866" and "The Nelson Cobden and Westport Railway Land Act Amendment Act 1867" and to make other provisions in lieu thereof. [30*th September* 1868.] Title.

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 shall be "The Nelson and Cobden Railway Act 1868." Short Title.

2. "The Nelson Cobden and Westport Railway Land Act 1866" and "The Nelson Cobden and Westport Railway Land Act Amendment Act 1867" are hereby repealed. Repeal of former Acts.

3. When any contract shall have been entered into for the construction of a Railway from the City of Nelson to the Towns of Cobden and Westport and security given for its due fulfilment according to the provisions of this Act it shall be lawful for the Governor in Council to reserve from sale such portions of the waste lands of the Crown in the said Province as may be agreed upon between the Superintendent and the Contractor and from time to time Waste lands in the Province of Nelson may be reserved from sale and granted for construction of railway.

upon the completion of each twenty miles of such railway commencing at either terminus according to the terms of such contract and the provisions of this Act being certified to the Waste Lands Board of the Province of Nelson by the Superintendent the Commissioner of Crown Lands and the Provincial Engineer by writing under their hands the Governor may grant any such portion of the land so reserved as shall be agreed upon between the Superintendent and the Contractor not exceeding five thousand acres for every mile of the railway which shall have been finished and then be in good working order and on the completion of the whole railway being certified as aforesaid may grant the residue of the land agreed to be given for the construction of the railway.

Railway may be leased or granted.

4. When the whole of the railway shall have been made and the completion thereof certified as hereinbefore provided it shall be lawful for the Governor to execute a grant or lease of the railway to the person constructing the same for such estate and upon such terms and conditions as in such contract shall be specified.

Roads to be reserved.

5. Provided always that in any grant to be made under the authority of this Act there shall be reserved the right of taking lands from time to time for the purpose of making public roads not exceeding one chain in width through any part of the land so granted such right to be exercised within fourteen years from the date of the grant of the land through which such road shall pass.

And sites for public buildings &c.

6. There shall also be reserved in any such grant the right of taking all such unsold lands as shall from time to time be required by the Superintendent as sites for buildings for judicial administrative and educational purposes.

Agent may be appointed in England who may make contract for construction of railway.

7. It shall be lawful for the Superintendent acting under the advice of his Executive Council by any deed in writing under his hand and sealed with the Public Seal of the Province to appoint an Agent in England for the said Province and to authorise such Agent at any time within three years from the passing of this Act to enter into a contract with any person willing to undertake the same for the construction by such person of a Railway from the City of Nelson to the Towns of Cobden and Westport and such Agent from time to time in like manner to remove and to appoint another in his place if he shall see fit Provided always that any such contract shall be in accordance with the provisions of this Act and with the instructions which shall be contained in or annexed to such appointment.

Security to be given for performance of contract.

8. At the time of the signing of such contract the Contractor shall give such security to the Agent for the punctual fulfilment of the contract as in the opinion of such Agent shall be deemed sufficient.

Selection of line of railway.

9. The Contractor may select the line of such railway subject to the approval of the Superintendent.

Roads may be altered &c.

10. The Contractor shall have power to alter divert raise or lower any public road or way for the purpose of crossing the railway Provided that no gradient in any road so altered shall be more than one foot in twenty-five and that the railway may cross any road upon a level.

Gauge and gradient of railway.

11. The gauge of the railway shall not be less than three feet six inches and no gradient thereon shall exceed one foot in sixty without the sanction of the Superintendent and the railway when completed shall be fit for locomotive engines and trains travelling at the rate of fifteen miles per hour at the least.

Railway to be completed in five years.

12. The whole of the railway with all necessary sidings and stations shall be completed and certified as hereinbefore provided within five years from the signing of the contract and in default thereof the Contractor shall pay a penalty to be agreed upon and inserted in such contract.

Railway to be kept in repair by Contractor.

13. The railway and stations shall be kept in good working order and repair by the Contractor or his assigns for the period of fourteen years from the completion thereof.

Waste Lands may be given for construction of railway.

14. The payment for the construction of such railway shall be made in waste lands of the Crown situated within the present boundaries of the Province of Nelson having a drainage to the valleys through which the railway shall pass and shall not exceed ten thousand acres for every mile of railway constructed and the land shall be taken in such places and in such blocks as may be agreed upon between the Superintendent and the Contractor.

Private lands to be purchased by Contractor.

15. All private land required for the construction of the railway and stations shall be purchased by and at the expense of the Contractor Provided always that if the total sum expended in the purchase thereof shall exceed twenty thousand pounds the Contractor shall be entitled to land scrip available over the whole of the Province for two-thirds of the amount of such excess.

Land not to be liable to rates when unsold or unoccupied.

16. No local or general rates or taxes shall be charged upon the land granted in payment for the construction of the railway which shall be unsold so long as the same shall be unlet and unoccupied.

Differences to be referred to arbitration.

17. All differences which shall at any time arise between the Superintendent and the Contractor as to the terms or fulfilment of the contract shall be settled by arbitration within the Colony and in the manner to be expressed in such contract.

Interpretation.

18. The word "person" shall include within its meaning any company or body of persons incorporated or unincorporated and the word "Contractor" shall mean the person company or body of persons contracting with the Superintendent to construct such railway and the word "Superintendent" shall mean the Superintendent of the Province of Nelson acting by and with the advice of his Executive Council for the time being.

Service of notices.

19. The Contractor shall furnish the Superintendent with the name of some person resident in the Province upon whom all notices and documents may be served on behalf of the Contractor and in default thereof the insertion of such notices in the Government *Gazette* of the Province shall be deemed sufficient without personal service.

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