

NEW ZEALAND.

ANNO VICESIMO QUARTO ET VICESIMO QUINTO

VICTORIÆ REGINÆ.

Local and Personal.

No. 4.

ANALYSIS.

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AN ACT to enable the Superintendent of the Province of Marlborough to construct a Railway from Picton Harbour to the Wairau both in the said Province of Marlborough.

[Reserved for the signification of Her Majesty's pleasure.]

WHEREAS it is expedient to construct a Railway from Picton Harbour to the Wairau in the said Province of Marlborough

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 Picton Railway Act 1861."

Short Title.

II. It shall be lawful for the Superintendent of the Province of Marlborough with the sanction of the Provincial Council of the said Province testified by Resolution affirmed at three sittings of the Council in some one Session of the Council or by Act to construct a Railway between the harbour of Picton and the Wairau in the Province of Marlborough according to the description and along the line set forth in the several maps and plans heretofore deposited in the office of the Superintendent at Picton or within the limits of deviation shown on the plans not

Railway to be made.

Picton Railway.

exceeding a distance of six chains on either side of such line Provided that such Railway shall be commenced and duly proceeded with within such time as may be determined in such Act or Resolution.

Superintendent to construct Railway and take Lands required.

III. It shall be lawful for the Superintendent of the said Province of Marlborough to take all necessary steps 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 limits of deviation shown on the plans not exceeding the distance of six chains on either side thereof and also temporarily to use and occupy such lands as may be necessary on either side of the line of the said Railway during the construction thereof.

May take Materials from Waste Lands.

IV. During the construction of the said Railway and other works respectively it shall be lawful for the Superintendent of the said Province of Marlborough and all persons in his employ or by his authority to fell any timber or other trees and use the same and dig take and carry away and use any clay stone rubbish or other material upon and from any part of the Waste Lands of the Crown which may be required for the purposes of the said Railway fencing the same or any other work relating or appertaining to the said Railway.

How Compensation to be awarded.

V. 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 entitled "The Lands Clauses Consolidation Act 1845" and the said Act shall so far as may be consistent with this Act and necessary for and applicable to 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 Exchequer"
 "The Court of Queen's Bench" "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 Marlborough for the time being."

"The United Kingdom" "The Kingdom" "The County" shall mean "the Province of Marlborough."

"The Bank" shall mean "The Provincial Treasury."

"Board of Trade" shall mean "The Resident Magistrate at Blenheim or Picton."

Picton Railway.

“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 of the Supreme Court of New Zealand.”

VI. A copy of the clauses of the said Lands Clauses Consolidation Act which relate to the subject of compensation for land shall be served upon 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.

Certain clauses of “Lands Clauses Consolidation Act 1845” incorporated.

VII. Provided that Section 22 of the said Act shall apply to cases where no claim is made as well as to cases where the compensation claimed shall not exceed Fifty Pounds.

Alteration in Section 22 of the said Act.

VIII. The powers contained in the foregoing clauses shall not be exercised nor shall the said Railway be commenced until a *bonâ fide* provision to the satisfaction of the Auditor of the Public Accounts of the General Government of the Colony be made for obtaining the money necessary for the completion of the work.

Railway not to be commenced until cost of construction provided.

IX. All lands acquired for the purposes of the said Railway and all other property 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 of Marlborough and shall be held by him in trust for the public service of the said Province of Marlborough for the purposes of this Act and managed dealt with and administered as by Act of the Provincial Legislature of the said Province may from time to time be provided for the purposes of this Act.

Property of Railway to be vested in Superintendent.

X. This Act shall cease to have force and shall expire at the expiration of five years from the passing thereof unless the Railway hereby authorised to be made shall have been *bonâ fide* commenced within such period of five years.

Expiration of Act.