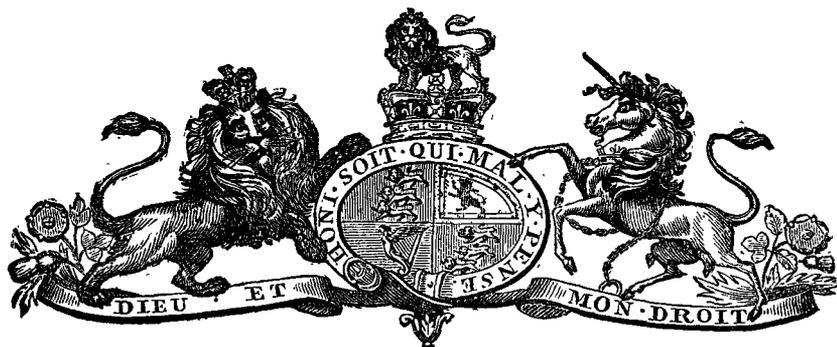


## NEW ZEALAND.



TRICESIMO TERTIO ET TRICESIMO QUARTO

## VICTORIÆ REGINÆ.

No. LXXVIII.

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## ANALYSIS.

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AN ACT to provide for the construction of certain Railways under the provisions of "The Immigration and Public Works Act 1870" out of Moneys authorized to be raised under "The Immigration and Public Works Loan Act 1870."

[13th September 1870.]

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 Railways Act 1870."
2. In the construction of this Act the expression "the said Act" means "The Immigration and Public Works Act 1870" and

*Railways.*

the expression "the said Loan Act" means "The Immigration and Public Works Loan Act 1870."

Governor may contract for construction of the railways in First Schedule by guarantee of interest.

3. The Governor may under the provisions of the said Act contract or enter into arrangements with any person for the construction of any or all of the railways mentioned in the First Schedule hereto by guaranteeing to such person or company for and during a period not exceeding thirty-five years a minimum rate of interest not exceeding five pounds and ten shillings by the year for every hundred pounds of the cost of construction at a rate per mile not exceeding that set down in the said First Schedule opposite to the name or title of each railway and such contract or arrangement when entered into shall be deemed to constitute the said person the promoter of the undertaking.

Conditions to be set forth in contracts for guarantee.

4. In every such contract there shall be conditions to the effect set forth in the following sub-sections—

- (1.) The Governor to acquire the land for the railway stations works and buildings connected therewith and to lease the same to the contractors for a period of ninety-nine years at a nominal rent or for such other period as may be agreed on with reasonable conditions of forfeiture in the event of the contractors failing to fulfil the contract and the said railway and all stations buildings and works connected therewith to be free from all rates taxes and charges whatever
- (2.) The contractors to pay from time to time to the account of the Government the money to be spent on the works
- (3.) The Governor or such person or persons as he may appoint to approve of the construction of the works
- (4.) The contractors to construct the railway with reasonable diligence and within a period to be specified in the contract
- (5.) The contractors to undertake to keep the railway in repair to run trains upon the line as often as in the agreement may be mentioned to maintain such a rate of speed as may be agreed on but that rate to be not less than ten miles an hour when the guarantee is upon any sum not exceeding three thousand pounds a mile and to be not less than fifteen miles an hour when the guarantee is upon a sum exceeding three thousand pounds per mile and to adopt from time to time such rates of fares as the Governor may direct during the period during which the guarantee shall be payable
- (6.) Provision enabling the Governor at some period to be named not exceeding twenty years to purchase the railway at a valuation on giving twelve months' notice in writing that he desires to purchase
- (7.) Provision that a portion being not less than one quarter of the net profits above the amount of the guarantee shall be paid to the Governor to recoup any money paid by the Governor on account of the guarantee
- (8.) The Governor to frame regulations and by-laws for the maintenance of order and securing the safety of the public.

Alternative powers to expend moneys from Middle Island Railway Fund and other moneys authorized to be raised under Loan Act on the con-

5. The Governor may if he thinks fit instead of contracting under the third section of this Act for the construction of the railway from Dunedin to the Clutha construct and maintain or cause to be constructed and maintained the said railway under the provisions of the said Act and to meet the cost of such construction there shall and may from time to time be issued and applied any sum or sums of money not

*Railways.*

exceeding in the whole five thousand pounds for each mile of such railway and the said sums shall and may be issued and applied out of any moneys for the time being available from the Middle Island Railway Fund for the construction of railways in the Province of Otago and if and so far as the moneys for the time available from the said fund for such construction are insufficient to meet any of such costs as shall for the time being come in course of payment then such deficiency shall and may be issued and applied out of any other moneys authorized to be raised under the said Loan Act for the construction of railways.

struction of Dunedin  
and Clutha Railway.

6. The Governor may construct and maintain or cause to be constructed and maintained under the provisions of the said Act the several lines or parts of lines of railway in the Province of Canterbury specified in the Second Schedule hereto and to meet the cost of such construction there shall and may from time to time be issued and applied any sum or sums of money not exceeding in the whole two hundred and seven thousand pounds and such sum or sums shall and may be issued and applied out of any moneys for the time being available from the Middle Island Railway Fund for the construction of railways in the Province of Canterbury and out of the sum of seven thousand pounds which the Superintendent and Provincial Council of Canterbury have appropriated towards the costs of the said railway from Timaru to Temuka which sum the Superintendent of the said Province is hereby authorized to pay from the funds so appropriated and if and so far as the moneys for the time being available from the said several funds for such construction are insufficient to meet any of such costs as shall for the time being come in course of payment then such deficiency shall and may be issued and applied out of any other moneys authorized to be raised under the said Loan Act for the construction of railways.

Canterbury railways.

7. The Governor shall equally charge the revenues of the Provinces of Otago and Canterbury with the cost of the construction of a railway bridge across the Waitaki River at some point which shall be made to appear to the Governor to be on the line best suited for a line of railway from Christchurch to Dunedin and the Governor may under the powers contained in the said Act construct or cause to be constructed a railway bridge at the said point and the Governor may cause the said bridge to be so constructed that it may be available for ordinary traffic as well as for a railway bridge but the said bridge shall for the purposes of the said Act be deemed to be a part of a railway. In and about the construction of the said bridge there may be issued and applied out of the moneys authorized to be raised under the said Loan Act for railways any sum or sums not exceeding thirty-five thousand pounds.

Agreement entered  
into for charging cost  
of construction of  
bridge over Waitaki.

8. The interest and sinking fund from time to time payable in respect of all moneys raised under the said Loan Act and expended on the said bridge and the costs of raising such sums shall be equally charged against the revenues of the Provinces of Canterbury and Otago in the manner provided by the nineteenth section of the said Act.

Governor may  
construct it.

Expenditure on  
Waitaki Bridge how  
to be charged.

9. The Governor may under the provisions of the said Act contract or enter into an arrangement with any person for the construction under the provisions of the said Act of a railway from a point at or near the Town or City of Nelson to be determined by the Governor to such points in at or near the Towns of Cobden and Westport in the Province of Nelson as shall be determined by him and such contract or arrangement when made shall constitute such person the promoter of the undertaking within the meaning of the said Act.

Governor may  
contract for  
construction of  
Nelson and Cobden  
Railway.

*Railways.*

Contractor to be compensated for construction by grants of lands but for twenty-four miles Governor may guarantee 5½ per cent. on £3,000 per mile for thirty-five years.

**10.** The consideration to be given to such person for the construction of such last-named railway shall be a grant or grants of such Waste Lands of the Crown as the Governor may now grant or hereafter may be enabled to grant under the provisions of the said Act or "The Nelson and Cobden Railway Act Amendment Act 1869" for the construction of such railway. Provided that for twenty-four miles of such line of railway the Governor may either instead of contracting to grant land to such person or in addition thereto contract or enter into an arrangement with such person to guarantee during a period of not exceeding thirty-five years a minimum rate of interest not exceeding five pounds and ten shillings by the year for every hundred pounds of the cost of the construction of such railway not exceeding three thousand pounds for every mile. Provided that no such guarantee or contract shall be entered into by the Governor until the contract for the remainder of the line from Cobden to Foxhill shall have been concluded and the works connected therewith be in course of construction.

Contract for guarantee to be subject to conditions in section 4.

**11.** In the event of any such contract for a guarantee being entered into as in the last section authorized such contract shall contain similar conditions stipulations and provisions to those set forth in the fourth section of this Act.

Governor authorized to cause reports &c. to be made relating to lines of railway as in Third Schedule to be laid before General Assembly.

**12.** The Governor is hereby authorized to cause such inquiries reports and surveys to be made and such acts and proceedings to be done and taken for enabling him to submit to the General Assembly during the next Session proposals for the construction of the railways specified in the Third Schedule hereto.

Governor may adopt any contract entered into by Superintendent under "The Nelson and Cobden Railway Act."

**13.** If any contract shall have been or shall be entered into for the construction of such last-named railway under the powers conferred by "The Nelson and Cobden Railway Act 1868" the Governor may with the consent of the Superintendent and Executive Council of Nelson and any person with whom such last-named contract may have been entered into adopt such contract as a contract under the ninth section of this Act.

Appropriation of £25,000 for purchase of plant for railways to be authorized next Session.

**14.** If it shall appear to the Governor expedient that provision should be made for commencing without delay after the obtaining the authority of the General Assembly the construction of any railways which it is proposed to ask the General Assembly in its next Session to authorize to be constructed under the said Act the Governor may arrange for the importation into New Zealand of such material and plant as he may think fit to the extent of not exceeding twenty-five thousand pounds.

Land already taken for lines of railway in First and Second Schedules to be used for railways constructed hereunder.

**15.** All lands taken or acquired by the Superintendent of any Province under any Act of the General Assembly or otherwise for the purposes of any line of railway from and to any places mentioned in the First or Second Schedules hereto may be surrendered by the Superintendents of the Provinces in which such lands are to Her Majesty for the purposes of the line of railway hereby authorized to be constructed from and to such places and such lands may be used for the purposes of such last-mentioned line of railway and shall be held and dealt with as if acquired under the said Act for the purposes of such railway.

Contractor to provide conveyance for military and police free of charge.

**16.** The several persons who under this Act contract for the construction and maintenance of any railway shall be bound to provide conveyances for and convey all military police and other forces when proceeding on duty and all public mails in the ordinary trains free of charge subject in other respects to "The Immigration and Public Works Act 1870" and in the event of war or civil commotion the said several persons or companies shall on the requisition of the

*Railways.*

Governor place the whole of the resources of the railway at his disposal at the charges actually incurred.

17. The Governor or such person as shall be duly authorized for that purpose shall have power at all reasonable times to enter into and upon any such railway and to establish and lay down a line of electric telegraph for Her Majesty's service and to use the same without any charge. Provided that the work to be done in laying down such line shall be done in such a manner as not to obstruct the working of the railway.

Telegraph may be laid down along line of railway without charge.

18. The several railways hereinbefore authorized to be constructed shall for the purposes of the said Act be deemed to be railways determined to be constructed thereunder.

The railways authorized to be constructed held to be railways to be constructed under the said Act.

19. No railways constructed under the authority of this Act or "The Immigration and Public Works Act 1870" shall have a greater width between the rails than three feet six inches. Provided always that the railway from Christchurch to the Rakaia River may be constructed with a gauge of five feet three inches.

Uniformity of gauge.

Exception.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

| Lines of Railway.   | Maximum Rate of Cost of Construction.                 |
|---|---|
| From Auckland to Tuakau on the Waikato River, with branch to Onehunga, commencing from and terminating at a point to be determined by the Governor in Council | Four thousand pounds sterling per mile.               |
| From Blenheim to Picton, commencing from and terminating at a point to be determined by the Governor in Council   | Three thousand five hundred pounds sterling per mile. |
| From Dunedin to Clutha, commencing from and terminating at a point to be determined by the Governor in Council  | Five thousand pounds sterling per mile.               |

Sections 3, 15.

SECOND SCHEDULE.

| Lines of Railway.   | Sums Appropriated.  |
|---|---|
| That part of the Great Northern Railway in the Province of Canterbury between Addington Station and the Town of Rangiora, at a point to be fixed by the Governor  | Any sum or sums not exceeding ninety-two thousand pounds sterling.  |
| That portion of the Great Southern Railway in the Province of Canterbury which lies between the present terminus of the line now in operation and the bridge now in course of construction by the Provincial Government over the River Rakaia | Any sum or sums not exceeding forty-eight thousand pounds sterling. |
| That portion of the Southern Trunk Line between the Town of Timaru and Temuka   | Any sum or sums not exceeding sixty-seven thousand pounds sterling. |

Sections 6, 15.

THIRD SCHEDULE.

From Invercargill to the Mataura.  
 From Moeraki to the Waitaki.  
 From Wellington to Seventy Mile Bush; thence to Napier.  
 From New Plymouth to Wanganui, and thence to the Wellington and Napier Line.

Section 12.