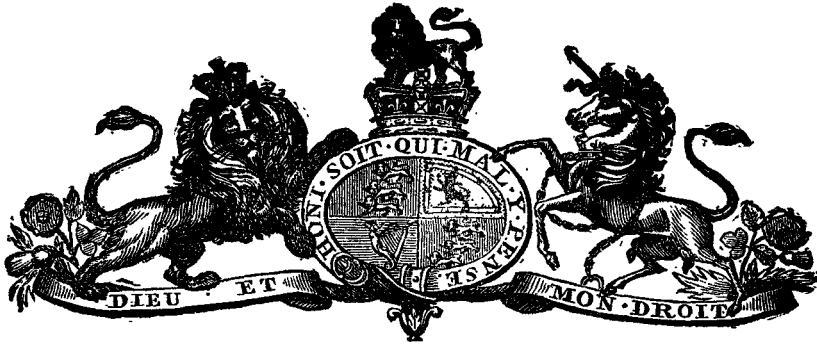


NEW ZEALAND.



TRICESIMO QUINTO

VICTORIÆ REGINÆ.

No. LXXVI.

ANALYSIS.

- | | |
|---|---|
| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Governor may contract for construction of railways in the First and Second Schedules by way of guarantee.</p> <p>4. Conditions to be set forth in contracts for guarantee.</p> <p>5. Total guarantees not to exceed £500,000.</p> <p>6. Alternative powers to expend moneys out of Middle Island Railway Fund Account and Public Works Account on construction of railways.</p> <p>7. Cost of railways not in Auckland Wellington Taranaki and Hawke's Bay charged against Land Fund.</p> <p>8. Cost of railways in Wellington to be charged against Waste Lands described in Fourth Schedule.</p> <p>9. Cost of railways in Hawke's Bay to be charged against Waste Lands described in Fifth Schedule.</p> <p>10. The cost of railways in Auckland to be charged either against Land Fund or Waste Lands to be set apart as may be agreed between Minister and Superintendent.</p> <p>11. Railways in Second Schedule to be deemed Coal Field Railways.</p> | <p>12. Governor may contract for construction of railways in the Third Schedule in the Province of Canterbury.</p> <p>13. Kaipara Railway not to be constructed by Governor until provision made by Province for appropriating to Harbour Board at Auckland £25,000.</p> <p>14. Minister of Works to survey line between Mercer and Cambridge. Appropriation for the purpose.</p> <p>15. Appropriation to meet expenses incurred in surveying railway from Auckland to Waikato.</p> <p>16. Lines of railway to be fixed by Governor.</p> <p>17. Land already taken for lines of railway in First Schedule to be used for railways constructed hereunder.</p> <p>18. Repayment to Provinces of moneys paid by them for land taken for lines of railway.</p> <p>19. Contractors to provide conveyance for military and police free of charge.</p> <p>20. Telegraph may be laid down along line of railway without charge.</p> <p>21. The railways authorized to be constructed held to be railways to be constructed under the said Act.</p> <p>22. Uniformity of gauge.</p> <p>23. Provision substituted for subsection 6 of section 4 of "Railways Act 1870."</p> |
|---|---|

AN ACT to make provision for the construction of certain Railways and other Works under the Immigration and Public Works Acts out of the Moneys authorized to be raised under "The Immigration and Public Works Loan Act 1870." [16th November 1871.]

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 1871."

Supplement to the New Zealand Gazette, No. 60, of the 20th November, 1871.

*Railways.***Interpretation.**

2. In the construction of this Act the expression "the said Act" means "The Immigration and Public Works Act 1870" and the expression the "said amending Act" means "The Immigration and Public Works Act Amendment Act 1871" and the expression "the said Acts" means the said Act and the said amending Act. The expression "the Public Works Account" means the Public Works Account as constituted by the said Act and the word "railway" has the same meaning as attached to the word in the eighteenth section of "The Immigration and Public Works Act 1870" and shall include tramways.

Governor may contract for construction of railways in the First and Second Schedules by way of guarantee.

3. The Governor may under the provisions of the said Acts contract or enter into arrangements with any person for the construction of any or all the railways mentioned in the First or Second Schedules hereto by guaranteeing to such person 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 Schedules opposite the name of the 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 several subsections of the fourth section of "The Railways Act 1870."

Total guarantees not to exceed £500,000.

5. The contracts for the construction of such railways by way of guarantee of interest shall not in the aggregate for all the railways mentioned in the said Schedules exceed guarantees of interest on five hundred thousand pounds.

Alternative powers to expend moneys out of Middle Island Railway Fund Account and Public Works Account on construction of railways.

6. The Governor may if he think fit instead of contracting under the third section of this Act for the construction of the said railways or any of them construct and maintain or cause to be constructed and maintained the said railways or any of them under the provisions of the said Acts and to meet the cost of such construction there shall and may from time to time be issued and applied in the construction of each railway mentioned in the said Schedules any sum or sums of money not exceeding in the whole the sum set forth in the third columns of the said Schedules and therein set opposite to the name of the railway to which the sum applies.

As to such of the said railways which are to be constructed in any Province in the Middle Island the said several sums may be issued and applied out of any moneys available from the Middle Island Railway Fund in respect of such Province and so far as the moneys for the time being 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 moneys for the time being standing to the credit of the Public Works Account on account of railways.

As to such of the said railways as are to be constructed in the North Island the said several sums may be issued and applied out of any moneys for the time being standing to the credit of the Public Works Account on account of railways.

Cost of railways not in Auckland Wellington Taranaki and Hawke's Bay charged against Land Fund.

7. The costs of such of the said railways specified in the said First Schedule as are to be constructed within any Province other than the Provinces of Auckland Wellington Taranaki and Hawke's Bay shall as between the Colony and the Province in which the railway is to be charged against the Land Fund of such Province.

Cost of railways in Wellington to be

8. The cost of the construction of such of the railways specified in the said First Schedule as are to be constructed within the Province

Railways.

of Wellington shall as between the Colony and the said Province be charged against the proceeds of the Waste Lands of the Crown described in the Fourth Schedule hereto and the same are hereby taken for the purpose of providing for such cost and the said lands shall be subject to be dealt with under the thirty-ninth fortieth and forty-first sections of the said Act and the sixtieth and sixty-fifth sections of the said amending Act or any of them.

charged against Waste Lands described in Fourth Schedule.

9. The cost of the construction of such of the said railways specified in the said First Schedule as are to be constructed within the Province of Hawke's Bay shall as between the Colony and such Province be charged against the proceeds of the Waste Lands of the Crown described in the Fifth Schedule hereto and the same are hereby taken for the purpose of providing for such cost and the said lands shall be subject to be dealt with under the thirty-ninth fortieth and forty-first sections of the said Act and the sixtieth and sixty-fifth sections of the said amending Act or any of them.

Cost of railways in Hawke's Bay to be charged against Waste Lands described in Fifth Schedule.

10. The cost of the construction of such of the said railways mentioned in the First Schedule hereto as are to be constructed within the Province of Auckland shall be charged either against the Land Fund of the said Province or against the proceeds of Waste Lands of the Crown within the Province as shall be agreed between the Minister and the Superintendent of the Province of Auckland. And if it be agreed that such cost shall be charged against the Waste Lands of the Crown within the Province then the lands to be so charged shall be such as shall be agreed upon between the Minister of Public Works and the said Superintendent and all Waste Lands which shall be so agreed to be charged shall be subject to be dealt with under the thirty-ninth fortieth and forty-first sections of the said Act and the sixtieth and sixty-fifth sections of the said amending Act or any of them.

The cost of railways in Auckland to be charged either against Land Fund or Waste Lands to be set apart as may be agreed between Minister and Superintendent.

11. The railways mentioned in the said First Schedule shall be called and for the purposes of the said amending Act be deemed to be Main Railways and the railways mentioned in the said Second Schedule shall be called and for the purposes of the said amending Act be deemed to be Coal Field Railways and the said Coal Field Railways shall not be commenced until the provisions of the said amending Act have been complied with but may thereupon be constructed.

Railways in Second Schedule to be deemed Coal Field Railways.

12. The Governor may construct and maintain or cause to be constructed and maintained under the provisions of the said Act and this Act the several lines of railway in the Province of Canterbury specified in the Third Schedule hereto and to meet the cost of such construction there shall and may from time to time be issued and applied in the construction of such railways mentioned in the said Schedule any sum or sums of money not exceeding in the whole the sum of one hundred and fifty thousand three hundred and fifty pounds and such sum or sums shall 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 forty-two thousand pounds appropriated or to be appropriated by the Superintendent and Provincial Council of Canterbury towards the cost of the construction of the said railways which sums so appropriated or to be appropriated the Superintendent of the said Province is hereby authorized to pay into the Public Works Account and so far as the moneys for the time being available from the said several funds 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 moneys for the time being standing to the credit of the Public Works Account on account of railways.

Governor may contract for construction of railways in the Third Schedule in the Province of Canterbury.

Railways.

The cost of the construction of such railways and of the maintenance and working thereof so far as the same shall be defrayed out of other moneys than the Middle Island Railway Fund and the said moneys appropriated by the Provincial Legislature of Canterbury shall be charged against the Province of Canterbury in the same manner as provided by the said amending Act with regard to main railways.

Kaipara Railway not to be constructed by Governor until provision made by Province for appropriating to Harbour Board at Auckland £25,000.

13. The railway from Kaipara to Riverhead or Auckland shall not be constructed under the authority hereinbefore contained unless and until the Superintendent and Provincial Council of the Province of Auckland have authorized the issue of a sum of not less than twenty-five thousand pounds to the Harbour Board of Auckland for the construction of harbour works in the harbour of Auckland and the Minister for Public Works be satisfied that such sum has been placed at the disposal of the said Board or that proper provision and arrangements have been made for placing such sum at the disposal of the said Board. On the Governor signifying by Proclamation published in the *New Zealand Gazette* his intention to construct or cause to be constructed the said railway from Kaipara to Riverhead or Auckland all the powers of the Superintendent of the said Province authorizing him to construct a railway from Kaipara to Riverhead shall cease and all lands and other property and every right title and interest therein acquired or contracted for by such Superintendent or vested in him for the purposes of a railway from Kaipara to Riverhead shall thereupon vest in the Queen her heirs and successors to be held under the said Act and the said amending Act for the purposes of the said railway.

Minister of Works to survey line between Mercer and Cambridge.

14. The Minister of Public Works 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 recommend to the Governor for submission to the General Assembly during the next Session proposals for the construction of a railway in the Province of Auckland from Mercer to Cambridge or some other further point in that direction and from Dunedin to Moeraki and all necessary expenses in causing such survey to be made not exceeding four thousand pounds shall be defrayed out of any moneys for the time being standing to the credit of the Public Works Account on account of railways.

Appropriation for the purpose.

Appropriation to meet expenses incurred in surveying railway from Auckland to Waikato.

15. Out of any moneys for the time being standing to the credit of the Public Works Account there may be issued and applied any sum not exceeding two thousand five hundred pounds for the purpose of recouping to the Colony the expenses heretofore incurred in and about surveying the line of the railway from Auckland to Waikato.

Lines of railway to be fixed by Governor.

16. The line of the railways hereby authorized to be constructed shall be fixed by the Governor and shall commence and terminate at points to be fixed by the Governor.

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

17. 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 Schedule 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 Acts for the purposes of such railway.

Repayment to Provinces of moneys

18. The Governor may to such extent as to him may seem just repay out of any moneys for the time being at the credit of the Public

Railways.

Works Account on account of railways to any Province any moneys paid by it on account of land taken or acquired by or on behalf of such Province for any railway the construction of which has been or shall hereafter be undertaken by the Governor under the said Acts or this Act.

paid by them for land taken for lines of railway.

19. 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 said Acts and in the event of war or civil commotion the said several persons or companies shall on the requisition of the Governor place the whole of the resources of the railway at his disposal at the charges actually incurred.

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

20. 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.

21. The several railways hereinbefore authorized to be constructed shall for the purposes of the said Acts 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.

22. No railways constructed under the authority of this Act or the said Acts shall have a greater width between the rails than three feet six inches.

Uniformity of gauge.

23. Subsection six of the fourth section of "The Railways Act 1870" is hereby repealed and in lieu thereof it is enacted as follows:—

Provision substituted for subsection 6 of section 4 of "Railways Act 1870."

- (6.) Provision enabling the Governor at some period to be named not exceeding twenty years to purchase the railway at a price to be agreed upon between the Governor and the contractors or in case they do not agree to be determined by arbitration in such manner as shall be agreed on between the Governor and the contractor Provided however that such price shall be the cost of the railway to be ascertained in such manner as shall be agreed on in the contract deducting therefrom the amount by which the railway and plant shall have deteriorated in value through wear and tear or want of repair.

And the said section shall be construed and read as if this subsection had been originally inserted in the said Act in lieu of the said subsection six hereby repealed.

Railways.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

MAIN RAILWAYS.

Line of Railway.	Miles.	Amount on which Interest may be guaranteed per Mile.	Amount appropriated.
Kaipara to Riverhead or if the Governor shall so determine to Auckland in lieu of to Riverhead	17	£ 3,000	£ 51,000
Auckland to Mercer (in lieu of Auckland to Tuskau)	47	4,500	211,500
Napier to Rustaniwha	57	3,000	171,000
Wellington to Masterton	70	5,000	350,000
Tramway Manawatu to Wanganui...	58	2,000	116,000
Railway or Tramway Nelson to Foxhill ...	20½	3,800	76,950
Blenheim to Picton	20	4,000	80,000
Rangiora to North Bank of North Kowai ...	15	5,000	75,000
Rakaia to Ashburton including a bridge over the Ashburton	20	3,250	65,000
Moeraki to Waitaki	40½	4,000	162,000
Invercargill to Mataura	40½	2,750	111,000
Winton to Kingston	70	2,750	192,500
Tokomairiro to Lawrence	20	5,000	100,000
Ashburton to Temuka	32	2,280	72,960
Waitara to Wanganui	140	{ at a rate not exceeding 4,500 }	} 50,000 on account.

SECOND SCHEDULE.

COAL FIELD RAILWAYS.

Line of Railway.	Miles.	Amount on which Interest may be guaranteed per Mile.	Amount appropriated.
Kawa Kawa to place of shipment	8	£ 5,000	£ 40,000
Brunner to Greymouth	7	3,750	26,250
Mount Rochfort to Westport	12	5,000	60,000

THIRD SCHEDULE.

BRANCH RAILWAYS.

Rangiora to Oxford	21
Kaipoi to Eyretown	10
Rolleston to Southbridge	19
Waimate to Main Line	6
Malvern to Rolleston	35½

FOURTH SCHEDULE.

(296,000 acres Seventy-Mile Bush.)

DESCRIPTION OF WASTE LANDS IN WELLINGTON PROVINCE TAKEN FOR RAILWAY.

ALL that piece or parcel of land bounded on the North by the centre of the Manawatu River, commencing at the Ahuaturanga Gorge to the point of the said

Railways.

river which strikes the boundary line between the Provinces of Hawke's Bay and Wellington, and thence along the said boundary line to Wahatuara. On the East from Wahatuara to Mangapuke by the boundary of the Castle Point Block; thence by the Tiraumea River to the junction of the Mangaone and Tiraumea Rivers; thence by the Mangaone River to the mouth of the Wai-te-horo River; thence by the Wai-te-horo River to its source; and thence by Taki-taki to Ahiaruhe. On the South from Ahiaruhe by lines bearing north-westerly and north-north-easterly (being parts of the boundaries of Blocks known as Ngatapu No. 1 and Ngatapu No. 2), to the source of the Mangaone River; thence by a straight line to Eketahuna on the Makakahi River; thence by the Makakahi River to its source; and thence by a straight line to the summit of the Tararua Range near the source of the Ohau River. On the West by the ridge of the Tararua Range, from the termination of the southern boundary to the starting point at the Ahuaturanga Gorge,—containing about two hundred and ninety-six thousand (296,000) acres, more or less, inclusive of reserves for Natives, and a block of sixty-two thousand (62,000) acres, more or less, known as the Mangatainoko Block, and a block of seven thousand (7,000) acres, more or less, known as the Mangahao Block No. III., both of which said blocks are under negotiation for purchase.

FIFTH SCHEDULE.

(147,800 acres Seventy-Mile Bush.)

DESCRIPTION OF WASTE LANDS IN HAWKE'S BAY PROVINCE TAKEN FOR RAILWAY.

Block I.—All that piece or parcel of land bounded on the South by the centre of the Manawatu River, commencing at the Ahuaturanga Gorge to the point of the said river which strikes the boundary line between the Provinces of Hawke's Bay and Wellington; and thence along the said boundary line to the western boundary of Puketoi Block No. VI.; thence along the said boundary to the southern boundary of Mangatoro Block; thence along the south and south-western boundary of said block to Kaitoki Block; thence along the south-eastern boundary of said block to Otawahao Block; thence along the south-eastern and the southern boundary of said block to the Manawatu River; thence across the said river and along the southern and western boundary of the Oringi-wai-a-ruhe Block to the Tahoraiti Block No. I.; thence along the southern and western boundary of said block to the Tamaki Block; thence along the southern boundary of the said block to the boundary of the Rangitikei-Manawatu Block; thence along the eastern boundary of the said block to the starting point at the Ahuaturanga Gorge,—containing seventy-seven thousand four hundred (77,400) acres, more or less, inclusive of reserves for Natives.

Block II.—All that piece or parcel of land commencing at a point on the boundary line of the Rangitikei-Manawatu Block, being the north-west corner of the Tamaki Block; thence along the northern and eastern boundary of the said block to the Tahoraiti Block No. II.; thence along the western and northern boundary of the said block to the Manawatu No. IVa. Block; thence along the western boundary of the said block to the south-eastern corner of the Manawatu Block No. II.; thence along the southern boundary of the said block to the boundary line of the Rangitikei-Manawatu block; thence along the said line to the starting point at the north-west corner of the Tamaki Block,—containing seventeen thousand (17,000) acres, more or less, inclusive of reserves for Natives.

Block III.—All that piece or parcel of land commencing at the boundary line of the Rangitikei-Manawatu Block at Te Anaowiro; thence along the northern boundary of the Manawatu No. II. Block and of the Manawatu No. IVc. Block to the Manawatu River; thence along the centre of the said river to its source in the Ruahine Range; thence to the northern extremity of the Rangitikei-Manawatu boundary line; thence along the said boundary line to the starting point at Te Anaowiro,—containing fifty-three thousand four hundred (53,400) acres, more or less, inclusive of reserves for Natives.

All the said three blocks containing one hundred and forty-seven thousand eight hundred (147,800) acres, more or less, inclusive of reserves for Natives.

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBUXY, Government Printer.