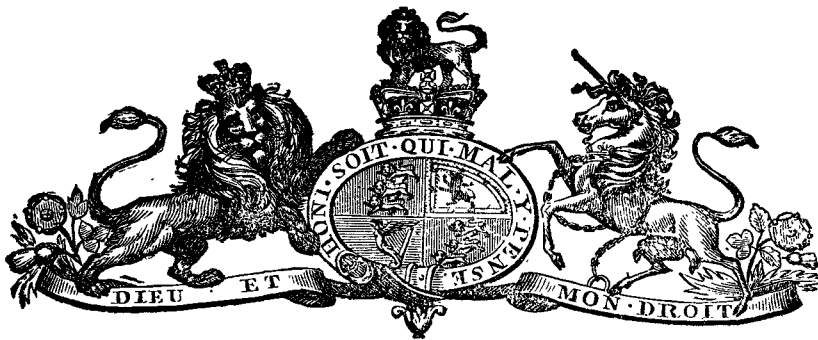


NEW ZEALAND.



TRICESIMO SEXTO

VICTORIÆ REGINÆ.

No. XXI.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. This Act to be read with "The Railways Act, 1871."</p> <p>3. Proclamations of lines specified in Schedule cancelled.</p> <p>4. Lands described in said Proclamations discharged therefrom. Titles to such lands not to be affected by said Proclamations.</p> <p>5. Proclamations not to give right to compensation.</p> <p>6. Railways may be re-proclaimed.</p> <p>7. Branch railway may be constructed from Racecourse to Southbridge. Provisions of former Act to apply.</p> <p>8. Authority to issue and apply additional sums for Railways mentioned in Second Schedule.</p> <p>9. As to Canterbury branch lines if contracts are in excess such excess may be issued out of Provincial appropriations.</p> | <p>10. Authority required for surveys and lines not authorized.</p> <p>11. Governor authorized to purchase Dunedin and Port Chalmers Line. Appropriation thereto out of Public Works Account. Railway, if purchased, to be railway under Immigration and Public Works Acts. Charged against Land Fund.</p> <p>12. Authority to construct continuation of Rakaia Railway across the river on broad gauge.</p> <p>13. Authority to construct continuation to North Kowai of Rangiora Railway on broad gauge.</p> <p>14. Contracts to be submitted to public tender. Former engagements excepted.</p> <p>15. Tenders to be published in <i>Gazette</i>.</p> <p>16. With one exception, no railway to be constructed unless Chief Engineer report it likely to pay working expenses.</p> <p>Schedules.</p> |
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AN ACT to amend "The Railways Act, 1871," and for other purposes. Title.
[25th October, 1872.]

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

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| <p>1. The Short Title of this Act shall be "The Railways Act, 1872."</p> <p>2. Subject to the provisions hereinafter contained, this Act shall be read and construed as part of "The Railways Act, 1871;" and in this Act the expression "the said Act" shall mean "The Railways Act, 1871."</p> <p>3. The several Proclamations of the lines of railway mentioned in the Schedule hereto are hereby respectively revoked and cancelled, and shall be deemed to be revoked and cancelled as effectually as if the same had never been made or published.</p> <p>4. All the lands and hereditaments described in the Schedules to the said Proclamations or any one of them and proposed to have</p> | <p>Short Title.</p> <p>This Act to be read with "The Railways Act 1871."</p> <p>Proclamations of lines specified in Schedule cancelled.</p> <p>Lands described in said Proclamations discharged therefrom.</p> |
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Railways.

been taken for the purposes of the said railways or any of them, shall upon the passing of this Act be wholly released and discharged from the effect or consequences of the said Proclamations, in as full and effectual a manner as if such Proclamations had never been made.

Titles to such lands not to be affected by said Proclamations.

The lands and hereditaments affected by such Proclamation, or comprised or described in the Schedules thereto respectively, shall be deemed to have remained vested in the persons in whom the same were vested at the respective dates of the said Proclamations; nor shall the title to any such lands and hereditaments, or any estate use trust or interest therein whatsoever, be deemed to be or have been prejudicially affected by such Proclamations or any one of them.

Proclamations not to give right to compensation.

5. No person or persons shall have any claim or demand against Her Majesty the Queen or the Governor or the Government of the Colony or otherwise on account of the said lands tenements or hereditaments having been described in the Schedules to any of the said Proclamations as proposed to be taken, nor on account of the same having been in any manner affected by the issue or publication of any of the said Proclamations.

Railways may be re-proclaimed.

6. Nothing herein contained shall be construed to limit or abridge the powers given to the Governor under the said Act or any other Act; but any of the lines of railway in the said Schedule (except the line from Rolleston to Southbridge) may be proclaimed anew, in the like manner as if they had never previously been proclaimed as hereinbefore mentioned.

Branch railway may be constructed from Racecourse to Southbridge.

7. Whereas among the lines of railway mentioned in the Third Schedule to the said Act is a branch line from Rolleston, on the Canterbury Great Southern Railway, to Southbridge, the same being the line mentioned in the Schedule to this Act as the Rolleston to Southbridge Railway: And whereas it is expedient that the point of departure from the said Great Southern Railway should be altered, as hereinafter provided: Be it therefore enacted—

Instead of the branch railway from Rolleston to Southbridge mentioned in the Third Schedule to the said Act, a branch railway may be constructed and maintained from a point at or near the Racecourse Station, on the said Great Southern Railway, to Southbridge, in the Province of Canterbury.

Provisions of former Act to apply.

All the provisions of the said Act and other Acts applicable to the said branch railway from Rolleston to Southbridge shall be applicable to the line hereby authorized to be constructed from the Racecourse Station to Southbridge, as fully and effectually as if such last-mentioned line had originally been inserted in the said Third Schedule, instead of the said line from Rolleston to Southbridge.

Authority to issue and apply additional sums for railways mentioned in Second Schedule.

8. In addition to the sums specified in the second column of the First, Second, and Third Parts of the Second Schedule hereto, being the sums heretofore authorized to be issued and applied in the construction of the railways and other works mentioned in the said First, Second, and Third Parts of the said Second Schedule, there may be issued and applied in the construction of such railways any sum or sums of money not exceeding in the whole the sums set forth in the third column of the said Part of the said Second Schedule, and therein set opposite to the name of the railway to which the sum applies.

Subject to the special provisions hereinafter contained as to certain branch railways in the Province of Canterbury, the said several sums hereby authorized to be issued and applied to the construction of railways or other works in the Middle Island shall and may, as well as the sums heretofore authorized to be issued and applied to the said railways and other works, be issued and applied out of any moneys available from the Middle Island Railway Fund in respect of such

Railways.

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.

And as to such of the said railways and works as are specified in the Third Part of the said Second Schedule, being Canterbury Branch Railways, such sum or sums hereby authorized to be issued and applied to the construction of the said last-mentioned railways and works shall, as well as the sums heretofore authorized to be expended thereon, be issued and applied out of any moneys available from the Middle Island Railway Fund for the construction of railways in the Province of Canterbury, and out of the sums of forty-two thousand pounds and seven 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 the Superintendent of the said Province is hereby authorized and required to pay into the Public Works Account, when required to do so by the Minister; and so far as the moneys for the time being available from the said several funds last aforesaid 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 and works 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.

The provisions of the seventh, eighth, ninth, and tenth sections of "The Railways Act, 1871," respectively, shall apply to the sums authorized by this section to be issued to the same extent and in like manner as sums heretofore authorized to be issued; and the provisions of the eighth section of "The Railways Act, 1870," as to the charging equally the Provinces of Canterbury and Otago with the cost of the construction of the Waitaki Bridge, shall apply to the additional sums authorized to be issued in the construction of the said bridge by this Act, as well as to the sums heretofore authorized to be issued.

9. If any contract, under the authority contained in the preceding section, be entered into for the construction of any of the branch railways in the Province of Canterbury specified in the Third Schedule to the said Act as amended by this Act, at or for any sum in excess of the sum authorized by the said Act to be issued and applied thereto, in that case any moneys appropriated by the Superintendent and Provincial Council of Canterbury to the construction of such railways shall, so far as such appropriation extends, be applicable to the payment of such sums in excess, as well as to the payment of the sums authorized by the said Act.

10. The Minister for 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, as he may think fit for enabling the Governor to determine what lines of railway he will propose or recommend to the General Assembly for construction; and all necessary expenses in causing such inquiries reports and surveys to be made, not exceeding ten thousand pounds in the whole, shall be defrayed out of any moneys for the time being standing to the credit of the Public Works Account on account of Railways.

As to Canterbury branch lines, if contracts are in excess, such excess may be issued out of Provincial appropriations.

Authority required for surveys and lines not authorized.

Railways.

Governor authorized to purchase Dunedin and Port Chalmers Line. Appropriation thereto out of Public Works Account. Railway, if purchased, to be railway under Immigration and Public Works Acts.

Charged against Land Fund.

Authority to construct continuation of Rakaia Railway across the river on broad gauge.

Authority to construct continuation to North Kowai of Rangiora Railway on broad gauge.

Contracts to be submitted to public tender. Former engagements excepted.

Tenders to be published in *Gazette*.

With one exception, no railway to be constructed unless Chief Engineer report it likely to pay working expenses.

11. The Governor is hereby authorized to purchase, in the name and on behalf of Her Majesty, the railway now constructed or in course of construction between the City of Dunedin and Port Chalmers, and the plant and rolling stock appertaining thereto, at and for such sum and on such terms as he may think fit, and the sum or sums agreed to be paid as purchase money thereof may be issued and applied thereto out of any moneys available from the Middle Island Railway Fund for the construction of railways in the Province of Otago; and so far as the moneys so available are insufficient for the payment of such purchase money, then the deficiency may be issued and applied out of any moneys standing to the credit of the Public Works Account on account of Railways; and the seventh section of the said Act shall apply to any moneys applied out of the Public Works Account to the payment of such purchase money.

If the said last-named railway be so purchased by the Governor, the same shall be deemed a railway within the meaning of "The Immigration and Public Works Act, 1870," and the Acts amending the same, as if constructed thereunder.

12. Notwithstanding anything in "The Railways Act, 1870," or "The Canterbury Gauge Act, 1870," to the contrary, the railway from Christchurch to the Rakaia may be continued across the said river to the south bank thereof, and such continuation may be constructed with a gauge of five feet three inches.

13. And notwithstanding anything in the said last-mentioned Acts to the contrary, the continuation to the north bank of the North Kowai of the railway between Addington Station and the Town of Rangiora may be constructed with a gauge of five feet three inches, if the Superintendent and Provincial Council of Canterbury appropriate a sufficient sum to meet the excess of cost of constructing such continuation to North Kowai with a gauge of five feet three inches instead of three feet six inches.

14. All contracts for the construction of new railway works to be executed under authority of this or any previous Act shall be submitted to public tender: Provided that this shall not be construed to include or apply to works already contracted for, or to preclude the Government from completing any engagements they may have entered into with Messrs. Brogden and Sons.

15. So soon as may be after any contract is entered into and duly signed, the Government shall cause to be published in the *New Zealand Gazette*, and in the *Gazette* of the Province where the works to be executed are situated, a list of the successful and unsuccessful tenderers, with the amount of each tender.

16. Nothing in this Act contained shall authorize the Governor to construct any of the railways in the Schedules of this Act, except that portion of the Wanganui and Waitara Railway which lies between New Plymouth and Waitara, unless the Chief Engineer shall officially report that such railways are likely to pay working expenses from the date of their construction; and it shall be the duty of the Minister for Public Works, at the commencement of each Session, to lay upon the Table of both Houses of the General Assembly such official reports within ten days of the meeting thereof.

Railways.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Name of the Line of Railway.	Main or Branch Railway.	Date of Proclamation and of Publication.
Rangiora to North Bank of Kowai	Main Railway ...	15th April, 1872, and published in the <i>New Zealand Gazette</i> of 24th April, 1872.
Rangiora to Oxford	Branch Railway ...	20th April, 1872, and published in the <i>New Zealand Gazette</i> of 24th April, 1872.
Rolleston to Southbridge ...	Branch Railway ...	12th April, 1872, and published in the <i>New Zealand Gazette</i> of 16th April, 1872.

SECOND SCHEDULE.

FIRST PART.

Name.	Previous appropriation.	Additional appropriation required.	Total.
	£	£	£
Kaipara Railway	51,000	...	51,000
Riverhead to Auckland	60,000	67,500	127,500
Auckland to Mercer	211,500	132,500	344,000
Napier to Waipukurau	171,000	29,000	200,000
Waitara to Wanganui	50,000	10,500	60,500
Wellington to Masterton	350,000	38,500	388,500
Manawatu to Wanganui	116,000	90,000	206,000
Nelson to Foxhill	76,950	24,550	101,500
Picton to Blenheim	80,000	46,000	126,000
Rangiora to North Bank of North Kowai	75,000	20,500	95,500
Addington to Rangiora	92,000	10,000	102,000
Selwyn to Rakaia	48,000	40,000	88,000
Rakaia to Ashburton	65,000	24,000	89,000
Ashburton to Temuka	72,960	115,040	188,000
Temuka to Timaru	67,000	7,000	74,000
Moeraki to Waitaki	162,000	99,000	261,000
Dunedin to Clutha	255,500	70,500	326,000
Tokomairiro to Lawrence	100,000	56,000	156,000
Invercargill to Mataura	111,000	37,000	148,000
Winton to Kingston	192,500	51,500	244,000
Waitaki Bridge	35,000	25,000	60,000
	2,442,410	994,090	3,436,500

Railways.

SECOND PART.

Coal Field Railways.

Name.	Previous appropriation	Additional appropriation required.	Total.
	£	£	£
Kawa Kawa	40,000	2,500	42,500
Brunner to Greymouth	26,250	28,150	54,400
Mount Rochfort	60,000	10,500	70,500
	126,250	41,150	167,400

THIRD PART.

Branch Railways.

Rangiora to Oxford			
Kaiapoi to Eyreton			
Racecourse to Southbridge			
Waimate to Main Line			
Malvern to Rolleston			
	150,350	132,650	283,000

WELLINGTON, NEW ZEALAND:

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