

(Hon. Mr. Peacock.)

Lake Ellesmere Drainage.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Interpretation. 3. Superintendent may construct works for draining Lake Ellesmere. 4. Definition of works authorized. 5. Superintendent may take lands. 6. Superintendent may treat for lands. Amount of purchase money, how ascertained. 7. Word "guardian" defined in case of infants. 8. Superintendent may take materials.</p>	<p>9. Compensation for injury caused by works, how determined. 10. Superintendent to pay compensation out of Provincial Revenue. 11. Superintendent may reserve lands described in Schedule. 12. Superintendent may enter into contract for works authorized. 13. Superintendent may delegate powers, &c. 14. Lands to be reserved. Schedule.</p>
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A BILL INTITULED

AN ACT to enable the Superintendent of the Province of Canterbury to drain Lake Ellesmere, in the said Province. Title.

WHEREAS the parcel of land described in the Schedule hereto, commonly known or designated as Lake Ellesmere, is frequently overflowed or flooded with water, whereby the pasturage thereof is greatly injured, and it will be of great public benefit and advantage if the said land were embanked drained or otherwise improved, and provision made for the future support of the banks and the drainage thereof: And whereas it is expedient to give such powers to the Superintendent of the Province of Canterbury as will enable him to contract for the draining of the same: Preamble.

BE IT THEREFORE 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 Lake Ellesmere Drainage Act, 1873." Short Title.

2. In the construction of this Act, the words "the Superintendent" shall mean the Superintendent of the Province of Canterbury for the time being, acting by and with the advice and consent of his Executive Council. Interpretation.

3. It shall be lawful for the Superintendent to make execute and construct any improvements and works which may be necessary in order to drain and improve all that portion of land described in the Schedule hereto, whether within or without the highest flood line of the said Lake Ellesmere. Superintendent may construct works for draining Lake Ellesmere.

Definition of works authorized.

4. The improvements and works by this Act authorized comprise the following, to wit:—

- (a.) The making and maintaining all necessary embankments viaducts walls piers arches culverts drains waterways approaches and other conveniences and works. 5
- (b.) The enclosing and filling up the bed of all or any part of the said Lake Ellesmere, as may be required for constructing any works authorized by this Act.
- (c.) The altering diverting stopping-up enclosing using destroying altering or appropriating all or any parts of any road lane or way, or any stream drain watercourse waste lands of the Crown or other property which in the judgment of the Superintendent is necessary to be so dealt with for the purposes of this Act, the Superintendent making compensation to all persons having any interest in any property injuriously affected by such works or other the exercise of the powers of this Act. 10 15

Superintendent may take lands.

5. The Superintendent may enter upon take and use, or cause to be entered upon taken and used, for the purposes of this Act, all or any lands which may be required for the purposes of the works authorized by this Act. 20

Superintendent may treat for lands.

6. It shall be lawful for the Superintendent, and he is hereby authorized and empowered, to treat with all and every person or persons who may be seized entitled or possessed of any estate and interest or easement in any lands tenements or hereditaments, the absolute or temporary possession of which may be required in any way whatsoever for any purpose whatsoever connected with the said drainage works, for the absolute purchase of any such lands tenements or hereditaments, or for the purchase of any limited estate or interest therein, or for the purchase of the right to the temporary possession of the same; and the amount of such purchase money shall be ascertained in the manner set forth in "The Lands Clauses Consolidation Act, 1863," and "The Lands Clauses Consolidation Act Amendment Act, 1866," and "The Lands Clauses Consolidation Act Amendment Act, 1872," which are hereby incorporated in this Act. 25 30 35

Amount of purchase money, how ascertained.

Word "guardian" defined in case of infants.

7. The word "guardian," when used in "The Lands Clauses Consolidation Act, 1863," shall be held to mean the Registrar or Deputy Registrar at Christchurch of the Supreme Court, in case any infant whose lands are taken or injuriously affected under this Act has no legal guardian resident in the Colony. 40

Superintendent may take materials.

8. For the purpose of the works authorized by this Act, it shall be lawful for the Superintendent to dig raise and take from any lands, in any places he may think fit, gravel sand soil or other materials, and to lay and deposit the said gravel sand soil or other materials so raised in such places as he may think fit, and may enter upon and temporarily use any land for such purpose. 45

Compensation for injury caused by works, how determined.

9. All persons being owners of or having any lesser estate or interest in any land which may be injuriously affected in any way whatsoever by the construction or maintenance of such drainage works, shall be entitled to receive compensation for such injury, the amount whereof shall be ascertained in the manner set forth in "The Lands Clauses Consolidation Act, 1863," and "The Lands Clauses Consolidation Act Amendment Act, 1866," and "The Lands Clauses Consolidation Act Amendment Act, 1872," which are hereby incorporated in this Act. 50 55

Superintendent to pay compensation out of Provincial Revenue.

10. The Superintendent is hereby authorized and required to cause all such sums which may be agreed upon or be awarded or otherwise payable under the provisions of this Act, as compensation for land taken or for damage done in the construction of the said works, to be paid out of the public revenues of the said Province of Canterbury. 60

11. It shall be lawful for the Superintendent to reserve all or any portions or portion of the parcel of land described in the Schedule hereto, being waste lands of the Crown, for the purposes of this Act.

Superintendent may reserve lands described in Schedule.

12. It shall be lawful for the Superintendent to contract with any person or company for the construction or maintenance of the whole or any part of such works or improvements upon such terms as the said Superintendent shall think fit, and to provide for the payment to such person or company for the performance and maintenance of such works or any part thereof in such way and upon such conditions as may be agreed upon or sanctioned by the Provincial Council of the said Province, either by payment therefor in money out of the public revenues of the said Province or by agreeing to convey to him or them all or any part of the said land authorized to be reserved as aforesaid, or by grant of any portion of the waste lands of the Crown situated in the Province of Canterbury; and it shall be lawful for the Governor of New Zealand at any time and from time to time, in the name and on behalf of Her Majesty, to grant to the Superintendent and his successors, or to any such person or company as aforesaid contracting as aforesaid, all or any of the lands hereby authorized to be reserved, or such portion or quantity of the waste lands of the Crown as may be comprised or referred to in any such contract.

Superintendent may enter into contract for works authorized.

13. The Superintendent from time to time may order that any or all of the powers functions authorities or acts vested or conferred on or authorized to be performed by him (except those conferred by sections ten eleven and twelve of this Act) shall be done performed or exercised by such person or company as the Superintendent may think fit, subject, however, to any limitations or restrictions as he may think fit; and thereupon such functions powers authorities or acts may by such person or company be done performed or exercised, and the Superintendent may from time to time revoke or alter any such order.

Superintendent may delegate powers, &c.

14. The said land hereby authorized to be reserved shall, subject to the provisions of this Act, be considered as reserved for purposes of public utility within the meaning of "The Public Reserves Act, 1854," and shall, subject as aforesaid, be managed administered and alienated in pursuance of the provisions of the said last-mentioned Act.

Lands to be reserved.

SCHEDULE.

Schedule.

ALL that parcel of land, containing 70,000 acres or thereabouts, situate in the Province of Canterbury, and being the lands comprised within the highest flood line of Lake Ellesmere.