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“PUBLIC WORKS ACT, 1876,” ETC.

ORIGINAL ENACTMENTS OF “THE PUBLIC WORKS ACT, 1876,” AND ITS AMENDING ACTS, WHICH REMAIN UNREPEALED BY THE PUBLIC WORKS BILL, 1882.

“The Public Works Act, 1876,” No. 50, s. 222.

1. Whenever, under any of the Acts hereby repealed, or any regulations made thereunder, any moneys shall have been advanced for the purpose of constructing or aiding in the construction of waterworks on gold fields, and for the repayment of which security shall have been taken, as by the said Acts and regulations provided, it shall be lawful for the Governor, on behalf of Her Majesty, to agree with the owner of such waterworks, or with any other person or persons, that the rights and powers and remedies given by any such security shall be postponed for such period and on such terms as the Governor thinks fit.

Governor may vary the security for advances to water-races.

It may be part of any such agreement that the said security shall, in respect of such owners or persons, rank as a subsequent encumbrance, and be postponed accordingly.

“The Public Works Act 1876 Amendment Act, 1878,” s. 10.

2. The provisions of sections one hundred and forty-two and one hundred and forty-three, and of sections one hundred and forty-five to one hundred and fifty, both inclusive, and sections one hundred and fifty-three to one hundred and sixty-two, both inclusive, of the said Act,* shall apply to the branch line of railway lately constructed by the Oamaru Harbour Board constituted by the Ordinance of the Province of Otago intituled “The Oamaru Harbour Board Ordinance, 1874,” between the Macandrew Wharf and the railway station, Oamaru.

Oamaru Harbour Branch Line.

All moneys received by way of rent, tolls, fares, freights, carriage, fines, or penalties, or otherwise accruing from such railway, shall form part of the revenue of the said Oamaru Harbour Board, and may be applied accordingly.

In applying the said provisions, there shall be substituted in those sections, for “Governor” and “Governor in Council,” “Oamaru Harbour Board;” for “Minister,” “Chairman of the Oamaru Harbour Board.”

“The Public Works Act 1876 Amendment Act, 1878,” s. 16.

3. The provisions of sections nineteen, twenty, twenty-one, and twenty-two of “The Immigration and Public Works Act, 1875,” and the preamble to those sections, shall continue in operation, and shall be deemed to have continued in operation, notwithstanding anything contained in “The Public Works Act, 1876.”

Sections 19, 20, 21, and 22 of “Immigration and Public Works Act, 1875,” relating to the Kawakawa Railway, to continue in operation.

Sections referred to in the above Section.

Kawakawa Railway.

Whereas, by a memorandum of agreement made the sixteenth day of March, one thousand eight hundred and seventy-two, between His Honor the Superintendent of the Province of Auckland of the one part, and the Bay of Islands Coal Company, Limited, of the other part, it was witnessed that the said Superintendent should grant, and the said company should take, a mining lease of certain Crown land situate in the Bay of Islands, and being that part of the Ruapekapeka Block delineated by the plan to the said agreement annexed, and also a lease of the railway about to be constructed from the said land to a certain point theretofore fixed on the Harbour of the Bay of Islands, upon the terms and conditions in the said agreement set forth: And whereas the said agreement was approved of and assented to by the then Minister for Public Works, after inquiring into and investigating the subject thereof: And whereas by two Acts of the General Assembly, intituled “The Railways Act, 1871,” and “The Railways Act, 1872,” the sum of forty-two thousand five hundred pounds has been appropriated for the construction of the said railway, by the name of the Kawakawa Railway: And whereas a portion of the said railway has already been constructed by and at the expense of the said Company, and the said railway is now about to be extended or completed: And whereas it is expedient that the whole of the said railway should be vested in Her Majesty the Queen, and that the said Company should be paid the value of that portion which has been constructed at their expense as aforesaid: Be it therefore enacted as follows:—

* “The Public Works Act, 1876.”

Kawakawa Railway vested in Her Majesty the Queen.

"The Immigration and Public Works Act, 1875," s. 19.

(a.) The said railway, so far as the same is already constructed, and such portions thereof as may hereafter be constructed, shall be and the same is and are hereby vested in Her Majesty the Queen, her heirs and successors.

Payment to Bay of Islands Coal Company.

Ib., s. 20.

(b.) It shall be lawful for the Governor to cause to be paid to the said Company, out of the sum so appropriated for the construction of the Kawakawa Railway as aforesaid, the value of that portion of the said railway which has been constructed at their expense.

Governor may cause Kawakawa Railway to be completed, and thereupon execute to Bay of Islands Coal Company a lease of part of Ruapekapeka Block.

Ib., s. 21.

(c.) It shall also be lawful for the Governor to cause the said railway, or such part thereof as shall be agreed on between the Minister for Public Works and the said Company, to be forthwith completed or constructed; and, upon the completion or construction thereof, for or in the name or on behalf of Her Majesty the Queen, to make and execute to the said Company a good and valid lease of all that piece or parcel of land part of said Ruapekapeka Block, situate in the district of the Bay of Islands, in the Colony of New Zealand, on which the Kawakawa Coal Mine is situate, and also a lease of the said railway, or so much thereof from time to time as may be completed or constructed, at the rents and royalty, and subject to the conditions, stipulations, and restrictions as by the said agreement is provided (subject, however, to the provisions of this Act), and to do all other acts and things that may be required or necessary to be done for the purpose of giving full and complete effect to the said agreement.

Lease to provide that goods, &c., and passengers shall be carried at same rates as those of Government railways.

Ib., s. 22.

(d.) The lease so to be granted to the Company shall contain a provision to the effect that the Company shall at all times carry and convey on the line of railway passengers, goods, wares, and merchandise of every kind or description, at rates not exceeding the maximum rates from time to time charged or imposed for passengers, goods, wares, and merchandise on railways under the control or management of the General Government in the said colony.

"The Public Works Act, 1880," s. 14.

New agreement to be made in respect of Kawakawa Railway.

4. Whereas by "The Immigration and Public Works Act, 1875," it is, amongst other things, enacted that, to give effect to a certain agreement therein mentioned, the Governor should cause the Kawakawa Railway to be constructed, and, upon the completion and construction thereof, for or in the name or on behalf of Her Majesty the Queen, should make and execute a valid lease to the Bay of Islands Coal Company, Limited, of a certain piece or parcel of land in the Bay of Islands in which the Kawakawa Coal Mine is situate, and also a lease of the said railway, at the rents and royalties, and subject to the conditions, stipulations, and restrictions, as by the said agreement is provided, subject, however, to the provisions of the last-named Act:

And whereas differences having arisen between the Minister for Public Works and the said Company, in reference to the interpretation of the said agreement, and upon an arbitration an award was made, rendering it necessary that a fresh agreement should be entered into between the Governor and the aforesaid Company: Be it therefore enacted as follows:—

Notwithstanding anything contained in sections nineteen to twenty-two of "The Immigration and Public Works Act, 1875," the Governor, in the name of Her Majesty the Queen, may, subject to the right of emption in accordance with the original agreement, enter into a fresh agreement with the Bay of Islands Coal Company, Limited, for a mining lease of certain Crown land situate in the Ruapekapeka Block, in the Bay of Islands, and also a lease of the railway in the course of construction from the said land to a certain point in the Harbour of the Bay of Islands, upon such conditions, stipulations, and restrictions as he may deem advisable: Provided that any proposed agreement shall be laid before both Houses of the General Assembly within thirty days after the beginning of the next session of Parliament, and shall be binding if the same is not disapproved of by both Houses during such session.

"The Public Works Act 1876 Amendment Act, 1878," s. 29.

Tramways may be constructed.

5. The County Council may, by special order, authorize any corporation, company, or person, (herein termed "the promoters,") to construct a tramway along or across a county or district road for the purpose of affording convenient

access to lands lying on either side of any such road, and for such purpose to do the following things:—

- (1.) Dig up, alter the surface of, and temporarily stop the traffic on such road;
- (2.) Alter any drain or culvert upon or under such road, but so that the flow of water shall not be impeded thereby;
- (3.) Use horse, steam, or other power for propelling carriages on such tramway—

on such terms and conditions as the Council and the promoters agree:

Provided that nothing herein contained shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid, whether on or off the tramway, on foot or on horseback, or with carriages not having flange wheels or wheels suitable only to run on the rail of the tramway.

“The Public Works Act, 1879,” s. 6.

6. “The Railways Construction Act, 1878,” except sections eight, nine, ten, and eleven, and the second Schedule thereto, is hereby repealed.

“Railways Construction Act, 1878,” partly repealed.

Sections referred to in the foregoing Section.

Moneys to credit of Ellesmere and Forsyth Reclamation and Akaroa Railway Trust Account transferred to Public Account.

(a.) Notwithstanding anything contained in “The Ellesmere and Forsyth Reclamation and Akaroa Railway Trust Act, 1876,” (hereinafter called “the said Act,”) all moneys now standing to the credit of the special account required to be kept by the sixteenth section of the said Act, or that may be standing to the credit of the Public Trustee for the purposes of the said Act, shall be and the same are hereby transferred to the Public Account.

“The Railways Construction Act, 1878,” s. 8.

Proceeds of disposal of 50,000 acres mentioned in said Act to be paid into Public Account.

(b.) The whole proceeds of the sale or disposal of the fifty thousand acres of land mentioned in the said sixteenth section shall, together with all moneys transferred under the last preceding section, be paid into a separate account in the Public Account.

Ib., s. 9.

Proceeds of disposal of land in Second Schedule to be paid into Public Account.

(c.) The land described in the Second Schedule hereto shall be, and the same is hereby declared to be, Crown lands of special value open for sale or disposal, as other Crown lands of special value may be sold or disposed of in the Land District of Canterbury, but the proceeds of such sale or disposal shall be paid into the separate account to be kept under the last preceding section.

Ib., s. 10.

Application of moneys paid into Public Account as aforesaid.

(d.) All moneys transferred, paid, or received under the provisions of sections eight, nine, and ten shall be applied in the construction and maintenance of a line of railway to Little River, and thence to Akaroa, from the main line from Amberley to Waitaki, or from a branch of the said line; and the Colonial Treasurer may from time to time cause all or any part of such moneys to be issued and applied accordingly.

Ib., s. 11.

Second Schedule.

ALL that area in the Provincial District of Canterbury, containing by admeasurement 72,000 acres, more or less, commencing at a point on the coast line, the same being the south-western side of the outlet of Lake Ellesmere; thence along the boundaries of Native Reserves 878, 889, and 806, Bridge's Road, Sections 10462, 9467, 8828, 9189, 9157, 8929, 9600, 9174, and 12142, Reserves 684, 685, and 207, Sections 5879, 9584, 8180, 9738, 10764, 10444, 10875, 9605, 10788, 10591, 9622, 10593, 10592, 17161, 30479, 5173, 5174, 11328, 11258, 11160, 10883, 11158, 14312, 5618, and 6622, Reserve 312, Sections 6622, 6823, 6824, 20610, 10057, 7357, 7354, 7713, 17181, 17182, 11087, 7707, 6699, 11603, 12523, 9512, 7968, 11577, 5999, 4531, 4197, 5551, Reserve 1908, Sections 5551, 10556, 5552, 10557, 5553, Reserve 1907, Sections 12367, 12388, 14122, and the road north thereof, Sections 12342, 12330, 12344, 12588, 12739, 15592, 16464, 8174, 20494, 25565, 11165, 8308, 11166, 31239, 3319, 9643, 15403, Reserve 1107, Sections 15403, 14125, 15402, 2439, 1069, 1879, 7482, 3898, 21229, I.P.Rs. B and A on Run 165, Class 2, Sections 5481, 4395, 2145, 2104, 3854, C.A.P.R. 75, Reserve 1676, Sections 21215, 12129, 21163, 2868, 4134, 21162, Reserve 1104, Sections 21162, 1348, Reserve 1686, Sections 2888, 2700, 2756, 2877, C.A.P.R. 165, Sections 2770, 1860, 2769, Reserve 1103, Sections 18790, 2279, 18789, 3296, Reserves 690 and 1102, Sections 4555, 2264, 6663, 11487, 11486, Reserve 681, Section 11168, and Reserve 1562 to the north-west corner of the latter reserve; thence following along the highest flood-line of Lake Ellesmere to the coast line; and from thence returning along the same to the commencing point: save and except Sections 2443, 2444, 20794, and 20879, Reserves 312, 313, and 1105, and I.P.Rs. C and D on Run 321, Class 2, which are included within the above-described boundaries.

“The Public Works Act, 1879,” s. 7.

7. This Act shall be deemed to be a special Act authorizing the construction of each of the railways specified in the First Schedule, and such of them as

Railways deemed to be made under Act.

have been finished shall be deemed to have been made, and such as are unfinished may be completed, under the provisions of the said Act,* "The Public Works Act 1876 Amendment Act, 1878," and this Act.

Railways authorized
to be constructed.

First Schedule.

Short Title.	Description.
NORTH ISLAND.	
Kawakawa ...	From Kawakawa Coal Mine to the Shipping Place.
Whangarei-Kamo ...	From Kamo Coal Mine to the Shipping Place.
Kaipara-Waikato ...	From Kaukapakapa to Te Awamutu, with a branch from Auckland to Onehunga.
Waikato-Thames ...	From Waikato to the Thames, being a line from a junction with the line from Kaukapakapa to Te Awamutu, at a point near Hamilton, to Grahamstown, passing by Hamilton, Te Aroha, and Ohinemuri.
Wellington-Napier ...	From Wellington to Napier, by Woodville, with a branch from Woodside to Greytown.
Wellington-Foxton ...	From Wellington to Foxton, by Johnsonville and Porirua.
Foxton-New Plymouth ...	From Foxton to New Plymouth, with branches from the Main Line, as follows:— From Bunnythorpe to Woodville. From the Taonui Siding to the Feilding Gorge Road. From Greatford to Bulls. From a point near Kakaramea to Carlyle. From Sentry Hill to Waitara.
MIDDLE ISLAND.	
Nelson-Greymouth ...	The Section from Nelson to Roundell, and the Section from Greymouth to Nelson Creek, with Harbour Works at Greymouth.
Greymouth-Hokitika ...	From Greymouth to Hokitika.
Westport-Ngakawau ...	From Westport to the Ngakawau River.
Picton-Hurunui ...	The Section from Picton to Awatere.
Hurunui-Waitaki ...	From the Hurunui River to the Waitaki River, passing by Amberley, Rangiora, Kaiapoi, Christchurch, Ashburton, and Timaru, with branches from the Main Line as follows:— From Rangiora to Oxford. From Kaiapoi to Eyreton. From Christchurch to Lyttelton. From the Racecourse to Southbridge, with a sub-branch to Little River and thence to Akaroa. From Rolleston to Springfield Colliery, with a sub-branch to the White Cliffs. From the Main Line to Upper Ashburton. From the Washdyke to Opawa, Fairlie Creek, and Burke's Pass. From the Main Line to Waimate.
Canterbury Interior Main Line	The Section from Amberley to Waikari. From Oxford to Temuka.
Waitaki-Bluff ...	From the Waitaki River to the Bluff, passing by Oamaru, Palmerston, Port Chalmers, Dunedin, Balclutha, and Invercargill, with branches from the Main Line as follows:— From Main Line to Duntroon. From Main Line to Ngapara, with a sub-branch to Livingston. From Main Line to Port Moeraki. From Main Line to Shag Point.

* "The Public Works Act, 1876."

"The Public Works Act, 1879," First Schedule—*continued*.

Short Title.	Description.
Waitaki-Bluff— <i>continued</i>	From the Waitaki River to the Bluff, &c.— <i>continued</i> . From Main Line at Palmerston to Waihemo. From Sawyer's Bay to Port Chalmers. From Main Line to the Brighton Road. From Mosgiel to Outram. From Clarksville (Tokomairiro) to Lawrence. From Main Line to Catlin's River. From Waipahi to Heriot Burn. From Edendale to Toitois.
Otago Central ...	From Dunedin to Albert Town, Lake Wanaka.
Waimea-Switzers ...	From Waimea Plain to Switzers.
Invercargill-Kingston ...	From Invercargill to Kingston (Lake Wakatipu), passing by Winton, Lumsden, and Athol, with a branch from Lumsden to the Mararoa River.
Western Railways ...	From the Invercargill-Kingston Line at the Makarewa River to Riverton and Orepuki, with a branch to Otautau and the Nightcaps Coal Field.

"The Public Works Act, 1879," s. 18.

8. This Act shall be deemed to be a special Act authorizing the construction of each of the water-races specified in the Third Schedule, and such of them as have been finished shall be deemed to have been made, and such as are unfinished may be completed, under the provisions of "The Public Works Act, 1876," "The Public Works Act 1876 Amendment Act, 1878," and this Act.

Water-races deemed to be made under Act.

Third Schedule.

Water-races authorized to be constructed by the Government.

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| 1. Thames. | 4. Mount Ida. |
| 2. Waimea, including extension to Kumara. | 5. Waipori Sludge Channel. |
| 3. Nelson Creek. | 6. Four-Mile. |
| | 7. Mikonui. |

"The Public Works Act, 1879," s. 22.

9. Notwithstanding anything contained in a certain contract, bearing date the thirtieth day of July, one thousand eight hundred and seventy-eight, for the construction of the Tapanui Section of the Waipahi to Heriot Burn Branch Railway, it shall be lawful for the Governor in the name of Her Majesty the Queen to enter into an agreement to modify the said contract, upon such terms and conditions as he may deem advisable for the completion of the said contract.

Governor may agree to modify contract for construction of Tapanui Extension Railway.

"The Public Works Act, 1879," s. 23.

10. The Minister may agree with the Emigrant and Colonists' Aid Corporation, Limited, for the formation of the Taonui Siding Extension or Branch Railway to the Feilding Gorge Road, provided that the payment for the same be a charge on the moneys payable to the said Corporation for roads and works in the Manchester Block.

Minister may agree with Emigrant and Colonists' Aid Corporation for construction of branch railway to Feilding Gorge Road.

"The Public Works Act, 1879," s. 25.

11. All the property and estate vested in Her Majesty the Queen, and all the principal moneys and interest due or to become due to Her said Majesty on the security of three several deeds of mortgage, made under the authority of "The Immigration and Public Works Act Amendment Act, 1871," and the amendments thereof, between the Carrick Range Water-Supply Company (Registered) of the one part, and Her said Majesty of the other part, and bearing dates respectively the thirteenth day of April, one thousand eight hundred and

Transfer of the debt to the Crown of the Carrick Range Water-Supply Company to the County of Vincent.

seventy-four, the twenty-first day of April, one thousand eight hundred and seventy-six, and the twenty-fifth day of July, one thousand eight hundred and seventy-seven, together with all other the right, title, interest, and remedies at law or in equity of Her Majesty under the aforesaid mortgage securities, are hereby vested in, assigned, and transferred to the Chairman, Councillors, and Inhabitants of the County of Vincent; and, subject to the approval of the Governor, it shall be lawful for the Council of the County of Vincent to sell or otherwise dispose of and assign all the right, title, and interest, and remedies at law or in equity under the aforesaid mortgage securities, to any person or persons whomsoever, upon such terms and conditions as to the said Council may seem advisable.

"The Public Works Act, 1879," s. 32.

Governor may guarantee debentures or mortgages, to be given by any railway company mentioned in Fourth Schedule, for a sum not exceeding 75 per cent. upon construction, &c., of railway.

12. It shall be lawful for the Governor in Council from time to time, on being satisfied that the expenditure on any of the district railways specified in the Fourth Schedule hereto, by the company constituted for the purpose of constructing the same, has been economically expended, to guarantee, upon such terms, conditions, and subject to receiving such security as the Governor in Council may approve, the debentures or mortgages to be given by any such company, for a sum in the aggregate not exceeding seventy-five per centum of the expenditure of the company upon the construction and laying of any railway line constructed by them, and the erecting and building of any buildings and erections, and the purchase of rails or rolling-stock in connection therewith, being the property of the company; and the Governor may execute any instrument for completing or perfecting such guarantee on behalf of the colony: Provided always that the total amount of debentures or mortgages so guaranteed shall not exceed in the aggregate the sum of sixty thousand pounds.

Fourth Schedule.

Waimea Plains Railway Company (Limited).
Duntroon and Hakateramea Railway Company (Limited).
Waimate Railway Company (Limited).
Rakaia and Ashburton Forks Railway Company (Limited).

"The Public Works Act, 1880," s. 15.

Thames County Council may contribute towards drainage of mines. Borough Council may contribute.

13. It shall be lawful for the Council of the Thames County to contribute out of the County Fund such sums as they may from time to time think fit, towards the expenses incurred by any company or person in draining any gold mines, situate either within the county or adjacent thereto.

The Council of the Borough of the Thames shall have a like power of contribution out of the Borough Funds.

"The Public Works Act, 1880," s. 21.

Minister may construct tramway to Ocean Beach for purposes of reclamation of Dunedin Harbour.

14. For the purpose of completing the reclamation of a portion of Dunedin Harbour for a railway station at Dunedin, now in progress, it shall be lawful for the Minister to construct a temporary line of tramway from the said station to the sand-hills at the Ocean Beach, along and across the intervening public roads and streets, and to use the said tramway so long as may be necessary for the purposes of the said reclamation without being subject to the payment of compensation for the occupation or use of such roads and streets: Provided that any damage occasioned by the construction of such tramway to any public road or street be made good by the Government on the removal of such tramway.