

# Hammond Fencing-Claims Compensation Act 1887

Local Act 1887 No 9  
Date of assent 23 November 1887

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**An Act to provide for the Maintenance of Railway Fences on the  
Lands of Richard Hammond which were taken under The Public  
Works Act 1882.**

### Preamble

WHEREAS at a sitting of a Compensation Court held at Wanganui on the twenty-second day of October, one thousand eight hundred and eighty-six, under the provisions of The Public Works Act 1882, wherein Richard Hammond was claimant, and the Minister for Public Works was respondent, the said Compensation Court, *inter alia*, awarded as follows, that is to say,—

That, as compensation for the cost of maintaining the fences erected on each side of the railway-line where the same is taken through the freehold land of the claimant, the sum of four hundred and forty-six dollars be allowed to the claimant, and the sum of sixteen dollars and twenty-seven and a half cents for the like cost in respect of such fences where the line is taken through the leasehold land of

the claimant, subject, however to the following proviso (to which proviso the claimant has expressly assented), that is to say, that the said sums of four hundred and forty-six dollars and sixteen dollars and twenty-seven and a half cents be paid into the Public Trust Office under the provisions of section sixty-four of The Public Works Act 1882, and that, if within twelve calendar months from the first day of November, one thousand eight hundred and eighty-six, the Crown shall, by virtue of any Act passed by the General Assembly of New Zealand, be placed under obligation to maintain fences for ever thereafter on each side of the said railway-line where it passes through the claimant's land, as good as those now erected on each side of the said line, then and on the passing of any such Act as aforesaid the said sums of four hundred and forty-six dollars and sixteen dollars twenty-seven and a half cents respectively shall be paid to the Minister for Public Works for the time being by the Public Trustee. Should no such Act as aforesaid be passed within the said period of twelve months, then at the expiration of that period the said sums shall be paid to the claimant:

And whereas owing to the short duration of the session of the General Assembly, held in the early part of the present year, no such Act as aforesaid was passed within the time limited by the said Compensation Court, and such time has now expired, and it is expedient, notwithstanding, that provision should be forthwith made for maintaining the said fences by Her Majesty:

The references to "four hundred and forty-six dollars", and "sixteen dollars twenty-seven and one half cents" were substituted, as from 10 July 1967, for references to "two hundred and twenty-three pounds", and "eight pounds two shillings and ninepence" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

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

**1 Short Title**

The Short Title of this Act is The Hammond Fencing-claims Compensation Act 1887.

**2 Crown to maintain fences**

Her Majesty the Queen shall henceforth, during the existence of the railway, maintain the fences erected on each side of the railway-line where it passes through the freehold and leasehold lands described in the Schedule hereto held or occupied by Richard Hammond which were the subject of the awards made by the Compensation Court held at Wanganui on the twenty-second day of October, one thousand eight hundred and eighty-six, in manner following; that is to say,—

- (1.) So far as respects lands of the said Richard Hammond which are held by him in fee-simple, the liability by this Act imposed upon Her Majesty shall extend to the reversion and inheritance of such lands in the hands of the said Richard Hammond, his heirs, and assigns;
- (2.) So far as respects the leasehold lands which are held by the said Richard Hammond such liability shall extend for and during the residue of the term vested in the said Richard Hammond, or his legal or personal representatives as the case may be;

but in either case so that the said fences shall be kept in as good order, condition, and repair as they were at the time of the making of the said award on the said twenty-second day of October, one thousand eight hundred and eighty-six.

**3 Right of entry**

Her Majesty and her officers, servants, or workmen shall have a right of ingress, egress, and regress, from time to time, on the said lands or any part thereof for the purpose of maintaining or repairing all or any of the fences aforesaid, and for doing thereon all such acts and things as may be necessary for the purposes aforesaid.

**4 Passing of Act to be a sufficient compliance with award of Court**

This Act shall take effect and operate as if it had come into force previous to the first day of November, one thousand eight hundred and eighty-seven, and shall be deemed to be a sufficient compliance with the proviso contained in the said award, and the Public Trustee is hereby authorised to pay to

the Minister for Public Works the several sums of four hundred and forty-six dollars and sixteen dollars twenty-seven and a half cents mentioned in the said award; and in case such sums shall have been paid to him by the Public Trustee at any time before the passing of this Act the said Richard Hammond shall refund to Her Majesty the said several sums.

The references to “four hundred and forty-six dollars”, and “sixteen dollars twenty-seven and one half cents” were substituted, as from 10 July 1967, for references to “two hundred and twenty-three pounds”, and “eight pounds two shillings and ninepence” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

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### **Schedule**

PORTIONS of Section No 8, Block III, Rangitoto Survey District, in the Provincial District of Wellington, as the same is delineated on a plan marked P W D 15193, deposited in the office of the Minister for Public Works, Wellington.