

New Zealand.

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

[*Local and Personal.*]

No. 2.

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AN ACT to enable the Superintendent of the Province of Canterbury to construct a Railway between the City of Christchurch and the Northern Bank of the River Rakaia in the said Province. Title.
[13th December 1864.]

WHEREAS it is expedient to construct a Railway between the City of Christchurch and the Northern Bank of the Rakaia in the Province of Canterbury : Preamble.

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

I. The short Title of this Act shall be "The Canterbury Great Southern Railway Act 1864." Short Title.

II. The following words and expressions in this Act and in any Act herein incorporated shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant thereto that is to say : Interpretation.

The word "Person" shall include a Corporation aggregate or sole.

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The word "Lands" shall include messuages lands tenements and hereditaments of any tenure and of any estate or interest therein.

The term "Plan" and the term "Book of Reference" shall mean respectively the plan and the book of reference of the proposed Railway deposited in the Private Bill Office.

The expression "Two Justices" shall mean two or more Justices met and acting together or a Resident Magistrate.

The word "Superintendent" shall mean the Superintendent for the time being of the Province of Canterbury.

The expression "The Railway" shall mean the Railway and the works connected therewith authorised to be constructed by or under the authority of this Act.

Power to the Superintendent to construct Railway and take lands required.

III. It shall be lawful for the Superintendent to make construct and maintain a Railway with proper works approaches and conveniences connected therewith commencing at the Christchurch terminus of the Lyttelton and Christchurch Railway and extending along the line set forth in the plan of the Railway now deposited in the Private Bill Office passing through the several sections enumerated in the Schedule hereto annexed and the several Reserves made for the purposes of the said Railway and terminating at a point shewn on the said plan situate on the Northern bank of the river Rakaia in the said Province in Public Reserve No. 288 in red in the Rakaia district.

Power to enter upon lands.

IV. Subject to the provisions of this Act and of the Acts incorporated herewith the Superintendent may exercise all or any of the powers by this Act or the said incorporated Acts conferred upon him for the construction of the Railway and may enter upon and cause to be entered upon all lands within the Province of Canterbury for the purpose of making such surveys as may be necessary and may take and hold all the lands required for the Railway along the line set forth and described as aforesaid or within the limits of deviation described in the preceding section and may temporarily occupy and use such lands as may be necessary on either side of the Railway during the construction thereof.

How compensation to be awarded and incorporation of "Lands Clauses Consolidation Act 1863."

V. All persons being owners of or having any lesser estate or interest in any lands taken occupied or used under the authority of this Act or which may be damaged by the construction of the said Railway shall be entitled to receive compensation for such land occupation use or damage the amount whereof shall be ascertained in the manner set forth in "The Lands Clauses Consolidation Act 1863" which is hereby incorporated in this Act.

Provision for property belonging to infants.

VI. 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.

Incorporation of "Railways Clauses Consolidation Act 1845."

VII. The Act of the Imperial Parliament called "The Railway Clauses Consolidation Act 1845" excepting the following sections that is to say 7 8 9 11 12 17 25 to 29 both inclusive 107 141 150 159 161 162 163 and 164 shall also be incorporated with and form part of this Act Provided that wherever in such Act the following words are used they shall mean the words hereinafter severally set opposite to them that is to say the words

"Commissioners of Her Majesty's Treasury" shall mean "The Governor of New Zealand."

"Superior Courts" "The Court of Chancery" "The Court of Queen's Bench" "The Court of Exchequer" "General

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- “Quarter Sessions” “Quarter Sessions” shall mean severally
 “The Supreme Court of New Zealand.”
- “The Promoters of the Undertaking” “The Company,” shall
 mean “The Superintendent.”
- “The United Kingdom” “The Kingdom” “The County” shall
 mean “The Province of Canterbury.”
- “The Bank” shall mean “The Bank were the business of the
 said Province of Canterbury shall for the time being be
 transacted at Christchurch or Lyttelton.”
- “Board of Trade” shall mean “The Resident Magistrate at
 Christchurch.”
- “Clerk of the Peace” “One of the Masters of the Court of
 Queen’s Bench” “Accountant General of the Court of
 Chancery in England” “Accountant General of the Court
 of Exchequer in Ireland” “Taxing Master of the Court of
 Chancery” “Master in Chancery” shall mean severally
 “The Registrar or Deputy Registrar at Christchurch of the
 Supreme Court of New Zealand.”

VIII. A copy of the clauses of the Acts herein incorporated which relate to the subject of compensation for land shall be served or left at the last usual place of abode of every person whose land shall be required for the purposes of this Act if such person shall be resident in the Colony or if not then on the agent of such person or if there be no such agent or no such agent known to the said Superintendent by affixing the same on some conspicuous part of the said land.

Copy of Compensation
 Clauses to be served
 on persons interested.

IX. It shall be lawful for the Superintendent to lease from time to time at such rent and on such conditions as he may think reasonable all or any of the lands which he has acquired or may hereafter acquire by voluntary agreement for the purposes of the Railway or to sell or convey all or any of such lands in such manner and for such conditions as he may deem proper Provided that all leases so to be made shall be deemed to take effect in possession.

Superintendent may
 sell or lease surplus
 lands.

X. The Superintendent is hereby authorised and required to cause all 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 Railway to be paid out of the public revenues of the Province of Canterbury.

Moneys payable by
 virtue of this Act to
 be paid out of public
 moneys in Provincial
 Treasury.

XI. At all times after the passing of this Act a copy of the Plan and Book of Reference shall be kept in the office of the Superintendent and be at all convenient times open for public inspection and all persons may at all convenient times examine the same gratis at such office.

Plans &c. to be kept
 in the Superinten-
 dent’s Office.

XII. No advantage shall be taken of or against the Superintendent or any interruption be given during or after the making of the Railway on account of any error or omission in such Plan or Book of Reference in any case in which it shall appear to two Justices and be certified by writing under their hands that such error or omission proceeded from mistake.

Superintendent not
 responsible for error
 or omission.

XIII. All Lands acquired for the purposes of the Railway and all property real or personal of what description soever belonging or appertaining to the said Railway shall be and are hereby declared to be vested in and shall be deemed to be the property of the Superintendent and shall be held by him in trust for the public service of the said Province and shall be managed dealt with and administered by him for the purposes of this Act.

Lands taken for the
 purposes of this Act
 vested in the Superin-
 tendent.

XIV. All contracts and other engagements to be entered into under authority of this Act or of any Act incorporated herewith shall be entered into in the name of the Superintendent.

All contracts to be
 entered into in the
 name of the Superin-
 tendent.

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Penalty on persons obstructing free course of Railway.

XV. If any person shall throw any gravel stones or rubbish or any matter or thing upon any part of the Railway or shall drive or permit to wander stray or be driven upon the Railway or the approaches thereto any horse ass sheep swine or other beast or cattle of any kind or shall do any other act matter or thing to obstruct the free passage of the Railway or any part thereof every person so offending in any of the cases aforesaid shall forfeit and pay for every such offence any sum not exceeding Fifty Pounds and in default of payment thereof shall be imprisoned with or without hard labour for such period not exceeding six months as the convicting Justice or Justices shall appoint unless the said penalty shall be sooner paid and such penalty may be recovered before any two Justices of the Peace on complaint to them for that purpose exhibited on behalf of the Superintendent.

Any person wilfully placing anything on Railway with intent to injure Railway or endanger safety of persons travelling thereby guilty of a felony.

XVI. If any person shall wilfully and maliciously put place cast or throw upon or across the Railway any wood stone or other matter or thing or shall wilfully and maliciously take up remove or displace any rail sleeper or other matter or thing belonging to the Railway or shall wilfully and maliciously make or show hide or remove any signal or light upon or near to the Railway or shall wilfully and maliciously do or cause to be done any other matter or thing with intent in any of the cases aforesaid to obstruct upset overthrow injure or destroy any engine tender carriage or truck or to endanger the safety of any person travelling or being upon the Railway every such offender shall be guilty of felony and being convicted thereof shall be liable at the discretion of the Court to be sentenced to hard labour on the roads or other public works of the Colony for any term not exceeding fifteen years or to be imprisoned with or without hard labour in any gaol or house of correction for any term not exceeding four years.

Punishment for destroying works.

XVII. If any person shall wilfully and maliciously and to the prejudice of the public break injure damage throw down or destroy any part of the Railway or other works connected therewith every such person shall be judged guilty of misdemeanor and every person so offending and being thereof lawfully convicted shall be liable at the discretion of the Court to be sentenced to hard labour on the roads or other public works of the Colony for any term not exceeding ten years or to be imprisoned with or without hard labour in any gaol or house of correction for any period not exceeding three years.

Punishment of persons employed on Railway guilty of misconduct.

XVIII. It shall be lawful for any Railway Officer or Agent or for any special or common Constable and all such persons as they may call to their assistance to seize and detain any engine-driver wagon-driver guard porter servant or other person employed upon the Railway or in repairing and maintaining the works of the Railway who shall be found drunk whilst so employed upon the Railway or who shall commit any offence against any of the regulations or by-laws made in pursuance of this Act or who shall wilfully maliciously or negligently do any act or shall be guilty of any omission of duty whereby the life or limb of any person passing along or being upon the Railway or the works thereof respectively shall be or might be injured or endangered or whereby the passage of any engine carriage or train shall be or might be obstructed or impeded and to convey such engine-driver guard porter servant or other person so offending or any person counselling aiding or assisting in such offence with all convenient dispatch before any two or more Justices of the Peace without any other warrant or authority than this Act to be dealt with according to law and every person so offending as aforesaid and every person counselling aiding or assisting therein shall upon conviction

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before such Justices (upon a complaint in writing) in the discretion of such Justices be imprisoned with or without hard labour for any term not exceeding six months or shall in the like discretion forfeit any sum not exceeding Fifty Pounds and in default of payment thereof shall be imprisoned with or without hard labour for such period not exceeding six months as such Justices shall appoint unless the penalty be sooner paid.

XIX. Tolls fares and charges for passengers animals carriages goods merchandise minerals articles matters and things conveyed on the Railway shall be payable to and receivable by the Superintendent at rates not exceeding a maximum to be from time to time fixed by an Ordinance of the Provincial Legislature of Canterbury and shall be deemed to be tolls fares and charges authorised by this Act.

Tolls and charges to be fixed by Provincial Ordinance.

XX. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorised to be made from the provisions of any general Act relating to Railways now in force or which may hereafter pass during this or any future Session of Parliament or from any future revision and alteration under the authority of the General Assembly of the maximum rates of fares and charges authorised by this Act.

Railway not exempt from any general Act relating to Railways.

XXI. This Act so far as concerns the management of the said Railway and the exercise of the powers hereby or by any Act incorporated herewith vested in the Superintendent and all matters incidental thereto may be altered by any Ordinance of the Superintendent and Provincial Council of the Province of Canterbury.

Management of Railway may be provided for by Provincial Legislature.

XXII. All regulations and bye-laws to be made by the said Superintendent under and by virtue of this Act or of any Act herein incorporated shall be made by and with the advice and consent of the Executive Council of the said Province and not otherwise.

All regulations and Bye-laws made by Superintendent to be with advice and consent of Executive Council.

SCHEDULE.

LIST OF RURAL SECTIONS THROUGH WHICH THE GREAT SOUTHERN RAILWAY PASSES.

No. 79	No. 180	No. 1677
17	240	885
66	215	1686
72	139	1659
9	275	1688
113	1773	2077
118	1858	1983
128	3058	1440
145	1637	