

New Zealand.

ANALYSIS.

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1882, No. 9.—*Local.*

Title. AN ACT to authorize the Tauranga, East Coast, and Hot Lakes District Railway Company (Limited) to reclaim certain Lands in the Harbour of Tauranga, and to construct a Railway across the said Harbour and across certain Rivers, and to provide for the Grant of Lands to the Company, and for other Purposes.

[15th September, 1882.]

Preamble.

WHEREAS, by a contract made on the twenty-first day of August, one thousand eight hundred and eighty-two, under the provisions of "The Railways Construction and Land Act, 1881," between Her Majesty the Queen, of the one part, and the Tauranga, East Coast, and Hot Lakes District Railway Company (Limited), of the other part, it was, amongst other things, agreed that the Company should, within the term of five years, computed from the date of the said contract, construct a line of railway along the line shown by a red colour upon a plan annexed to the said contract, or as near thereto as might be, part of which said line of railway is intended to be constructed across certain tidal waters within the Harbour of Tauranga; and it was by the said contract also, amongst other things, agreed that Her Majesty should grant to the Company the Sections numbered two hundred and thirty-four and two hundred and thirty-five on the plan of the Town of Tauranga, Section one, subject to any rights possessed by the occupiers (if any) of the same, and also, so far as she could lawfully do so, the right to reclaim from the sea the land now covered with water within the Harbour of Tauranga, the outer lines of which were shown by a red border on the map marked B annexed to the said contract, so as to raise the level of the said land to a level to be fixed by the Engineer: And whereas the

land to be reclaimed as aforesaid is the land approximately described in the Schedule hereto: And whereas it is expedient to authorize the said Company to reclaim the said land in manner provided by the said contract: And whereas it is also expedient to authorize the said Company to construct the said railway over that part of the tidal waters of the Harbour of Tauranga which is shown on the said plan, and across the River Kaituna and the river connecting Lake Rotoiti with Lake Rotorua: And whereas provision is made by the said contract for the grant of lands to the Company by way of allocation, under the provisions of "The Railways Construction and Land Act, 1881," and it is expedient that the Company should have certain powers of dealing with the said lands in anticipation of the grant of the same to the Company, as hereinafter mentioned:

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 is "The Tauranga, East Coast, and Hot Lakes District Railway Company (Limited) Empowering Act, 1882." Short Title.

2. In this Act, if not inconsistent with the context,—

"Company" means the Tauranga, East Coast, and Hot Lakes District Railway Company (Limited):

"Contract" means the said contract of the twenty-first day of August, one thousand eight hundred and eighty-two:

"Engineer" has the same meaning as that given to the same words in and by the said contract:

"Minister" means the Minister for the time being for Public Works:

"The said Act" means "The Railways Construction and Land Act, 1881:"

"Undertaking" means the works authorized by this Act and all other works connected therewith as provided by the contract. Interpretation.

3. The Governor may, after the land mentioned in the Schedule hereto has been reclaimed, and after the Company has conveyed to Her Majesty such portion of the land so to be reclaimed as the Governor shall select in accordance with clause eight of the said contract, not exceeding in the whole one rood and thirty-five perches, as a site for a customhouse, grant to the Company the Sections numbered respectively two hundred and thirty-four and two hundred and thirty-five on the plan of Tauranga, Section one, containing one rood and thirty-five perches, for the purposes and to form part of the property of the Company; and the Company may, immediately after such grant, enter into the actual possession of the said sections or of any part of the same, subject nevertheless to any claim for compensation which may lawfully be made by any occupier for the time being of the said sections or any part of the same respectively. Governor may grant certain sections.

4. The Company may fill up and reclaim all or any part of the land described in the Schedule hereto, and, in doing so, is to conform to the provisions of the contract, and to complete such reclamation and all works connected therewith to the satisfaction of the Engineer, and for the purpose of such reclamation may enter upon the said The Company may make reclamation.

Sections two hundred and thirty-four and two hundred and thirty-five and take and remove soil therefrom.

Power to construct railway.

5. The Company may construct the said railway over that part of the Harbour of Tauranga the tidal waters of which are shown on the plan annexed to the said contract along the line shown by a red colour upon the said plan, or as near thereto as may be, but so nevertheless as not to interfere further or otherwise than shall be approved by the Engineer with the navigation of the said harbour.

Power to carry railway across rivers.

6. The Company may construct the said railway across the River Kaituna and the river connecting Lake Rotoiti with Lake Rotorua, at the places shown by a red colour on the plan annexed to the said contract, or as near thereto as practicable, and in such manner as not to interfere further or otherwise than shall be approved by the Engineer with the navigation of the said rivers respectively.

Engineer's certificate of authorization.

7. A certificate in writing given by the Engineer approving of plans for crossing the Harbour of Tauranga and the said rivers respectively shall be deemed to authorize the Company to execute the necessary works according to such plans; and the execution of such works according to such plans shall be deemed to be authorized by the said contract and by this Act.

Restriction as to alteration on plans.

8. The Company shall not at any time after the execution of the works mentioned in the last preceding section make any alteration in the plans of the same without the consent of the Minister for that purpose first had and obtained.

Reclamation to be made in conformity with "The Harbours Act, 1878."

9. In filling up and reclaiming the lands hereby authorized to be reclaimed, and in completing such reclamation and all works connected therewith, and in the execution of the works authorized by the fourth, fifth, and sixth sections hereof, and of all other works that may be carried out under the preceding section, the Company shall in all respects conform to and be bound by the provisions of "The Harbours Act, 1878," or of any Acts amending the same, referring or applicable to similar works, which provisions shall in all respects apply to the works referred to in this section; and the certificate in writing mentioned in section seven as having to be given by the Engineer shall not be so given until the provisions of "The Harbours Act, 1878," or of any Acts amending the same shall have been complied with.

Governor may make grant to the Company.

10. Upon the completion of the railway and other works connected therewith mentioned in the said contract, and of the undertaking, the Governor may grant to the Company that part of the land described in the Schedule hereto which shall have been reclaimed under the provisions of this Act.

Proviso as to compensation.

11. Any person entitled to compensation in respect of any right exercised or thing done by the Company under the provisions of this Act, or pursuant to any power or authority vested in them by this Act or by the said contract, shall be entitled to claim the same, and have such claim thereto ascertained in manner provided by Part III. of "The Public Works Act, 1882."

Saving rights of Crown.

12. Nothing in this Act contained shall prejudice, or be deemed to prejudice or affect, any right, title, or interest of Her Majesty, her heirs or successors, except in so far as such right, title, or interest is directly affected by the provisions of this Act.

SCHEDULE.

Schedule.

ALL that parcel of land forming part of the Harbour of Tauranga, containing 13 acres, more or less. Bounded, on the Northward, 600 links, by a direct prolongation to the eastward of the northern side of Spring Street; on the Eastward by a line drawn southerly at right angles to Spring Street until intersected by the northern side of Elizabeth Street produced; on the Southward by a line to high-water mark at the northern side of Elizabeth Street aforesaid; and on the Westward by the eastern boundary of the town.

WELLINGTON: Printed under authority of the New Zealand Government,
by GEORGE DIBSBURY, Government Printer.—1882.