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(Hon. Mr. Richardson.)

Immigration and Public Works.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p style="text-align: center;">RAILWAYS.</p> <p>3. Section 47 of "Railway Clauses Consolidation Act, 1845," excepted.</p> <p>4. Erection of fences.</p> <p>5. By-laws for part of railway constructed to extend to entire length of railway when completed. Governor in Council may make by-laws generally applicable to all railways.</p> <p>6. Witnesses may be summoned to give evidence.</p> <p>7. If amount of compensation awarded be less by one-sixth than amount claimed, costs to be paid by claimant.</p> <p>8. Further powers to Governor of acquiring land for railway purposes.</p> <p>9. Claims for compensation how to be determined.</p> <p style="text-align: center;">OFFENCES IN RAILWAYS.</p> <p>10. Warning need not be given to trespassers.</p> <p>11. Part repeal of Section 7 of "Railway Offences Act, 1865."</p> <p>12. Provisions of "Railway Offences Act, 1865," to apply to railways constructed by Superintendent and Provincial Council of a province.</p> <p style="text-align: center;">COST OF MAIN RAILWAYS.</p> <p>13. Repeal of Section 12 of "Immigration and Public Works Act, 1871;" other provisions in lieu thereof.</p> <p>14. "Monthly Working Account" of railways opened for traffic to be prepared.</p> | <p>15. One-twelfth of interest charged by this Act against each province to be deducted out of Land Fund of such province.</p> <p style="text-align: center;">TRAMWAYS.</p> <p>16. Governor may proclaim cities &c. for purposes of tramways.</p> <p>17. Persons may enter into agreement with Governor for constructing tramways.</p> <p style="text-align: center;">KAWAKAWA RAILWAY.</p> <p>18. Penalties for injuries, &c. to roads.</p> <p>19. Kawakawa Railway vested in Her Majesty the Queen.</p> <p>20. Payment to Bay of Islands Coal Company.</p> <p>21. Governor may cause Kawakawa railway to be completed, and thereupon execute to Bay of Islands Coal Company a lease of part of Ruapekapeka block.</p> <p>22. Lease to provide that goods &c. and passengers shall be carried at same rates as those of Government railways.</p> <p>23. Section 7 "Railways Act, 1874," repealed. Colliery Reserve Crown Land.</p> <p>24. Portion of reserve required for railway to be defined by Order in Council.</p> <p>25. Governor may grant compensation to persons in occupation.</p> <p>26. Governor may grant leases to persons in occupation of other portions of reserve.</p> <p>27. Remainder of reserve to be let by auction.</p> <p>28. Rents &c. to be applied towards cost of railway.</p> |
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A BILL INTITULED

AN ACT to amend "The Immigration and Public Works Act, 1870," and the Acts amending the same. Title.

BE IT 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 Immigration and Public Works Act, 1875." Short Title.
2. In this Act "The Immigration and Public Works Act, 1870," is referred to as "the said Act." Interpretation.

RAILWAYS.

3. In addition to the sections of "The Railway Clauses Consolidation Act, 1845," excepted by the seventy-third section of the said Act, there shall also be excepted the section forty-seven, and the said Act No. 120—1. Section 47 of "Railway Clauses Consolidation Act, 1845," excepted.

and the Acts amending the same shall be read and construed as if the said section herein mentioned had never been incorporated under the said Act, and had on the passing of the said Act been mentioned in the said seventy-third section as excepted.

Erection of fences.

4. Whenever in any case the Governor shall have heretofore 5
contracted or agreed with any person to fence any portion of land
adjoining any railway constructed under the said Act or any other
Act amending the same, or to maintain any such fence, and where no
specific kind of fence has been agreed to be erected or maintained, it
shall be a sufficient performance of any such agreement if the fence 10
so agreed to be put up shall come within any one description of fence
authorized to be erected under any law or Ordinance in force, in that
part of the colony where the railway is, and in such last-mentioned
case the option of deciding on the kind of fence to be erected shall be
exercised solely by the Governor. 15

By-laws for part of
railway constructed
to extend to entire
length of railway
when completed.

5. Notwithstanding anything in the said Act or in any of the
Acts incorporated therewith, it shall be lawful for the Governor in
Council, under any authority vested in him, to make regulations and
by-laws for any railway authorized to be constructed by the Governor
under the said Act or any other Act amending the same, and 20
of which a part only shall be open for traffic, and upon the final
completion of the railway such regulations and by-laws shall without
any further order be deemed to extend and apply to the entire length
of such railway. 25

Governor in Council
may make by-laws
generally applicable
to all railways.

The Governor in Council may, under any such authority as afore- 25
said, make regulations and by-laws applicable to all railways con-
structed by him under the authority of the said Act or of any other
Act amending the same, and actually open for traffic, whether the
whole of such railway shall have been completed or not; and when-
ever it shall be necessary to extend the operation of such regulations 30
and by-laws to any particular railway, it shall be lawful for the
Governor, by a notification published in the *New Zealand Gazette*, to
extend the operation of such by-laws to the railway or railways named
therein. From and after a day to be fixed in such notification, the
regulations and by-laws so made as aforesaid shall for all purposes be 35
and be deemed to be the regulations and by-laws in force for the railway
or railways named therein.

Witnesses may be
summoned to give
evidence.

6. Whenever under the provisions of Part VI. of "The Immi-
gration and Public Works Act Amendment Act, 1871," or any Act 40
amending that Part of the last-mentioned Act it shall be necessary
to take the evidence of witnesses, every Court, Judge, or Resident
Magistrate having authority to hear and determine any question arising
under the Acts and Parts of Acts hereinbefore mentioned shall have
the like powers of summoning and examining witnesses, whether on 45
oath or otherwise as may be allowed by law, and all other powers and
authorities in respect of such witnesses as such Court, Judge, or Resi-
dent Magistrate would have in its or their ordinary jurisdiction.

If amount of com-
pensation awarded
be less by one-sixth
than amount claimed,
costs to be paid by
claimant.

7. Notwithstanding anything contained in the thirty-fourth
section of "The Immigration and Public Works Act Amendment 50
Act, 1871," if the amount awarded to any claimant shall be less than
the amount claimed by one-sixth of the amount claimed by the owner
of the land or the person claiming compensation, then the costs of
and occasioned by the inquiry shall be paid by such owner or other
person.

Further powers to
Governor of acquiring
land for railway
purposes.

8. In addition to the powers now vested in the Governor on behalf 55
of Her Majesty the Queen under the said Act or any Act amending
the same or incorporated therewith, it shall be lawful for the Governor,
in the manner prescribed by the said Act, at any time and from time

to time, to acquire permanently any lands adjoining any railway that may be required for the purposes of the construction or maintenance of such railway or of any works connected therewith, although such lands may be without the limits of deviation defined in any Proclamation of such railway.

9. All claims for compensation for lands taken or injuriously affected by the operation of the said Act or any Act amending the same, and whether required permanently or temporarily under the powers conferred upon the Governor under the said Act or any Acts incorporated therewith, or under this Act, shall be heard and determined in manner provided by Part VI. of "The Immigration and Public Works Act, 1871," or any Act amending that Part of the last-mentioned Act.

Claims for compensation how to be determined.

OFFENCES ON RAILWAYS.

10. In order that any person may be rendered liable to the penalty prescribed by the thirty-ninth section of "The Immigration and Public Works Act, 1872," it shall not be necessary to give any warning to any person who may be or pass upon any railway or tramway not to go or pass thereon; and the penalty by the said section hereinbefore mentioned may upon any conviction thereunder be inflicted although such warning was not given.

Warning need not be given to trespassers.

11. So much of the seventh section of "The Railway Offences Act, 1865," as requires that a request shall be made to any person wilfully trespassing upon any railway or any of the stations works or other works or premises connected therewith to quit the same, shall be and the same is hereby repealed.

Part repeal of Section 7 of "Railway Offences Act, 1865."

12. The provisions of "The Railway Offences Act, 1865," shall extend and apply to any railway constructed by the Superintendent or Provincial Government of any province, whether under or by virtue of an Act of the General Assembly, or of an Act or Ordinance of a Provincial Legislature.

Provisions of "Railway Offences Act, 1865," to apply to railways constructed by Superintendent and Provincial Council of a province.

COST OF MAIN RAILWAYS.

13. The twelfth section of "The Immigration and Public Works Act, 1871," is hereby repealed, and the following is substituted in lieu thereof, and shall be deemed to have been the twelfth section of the said Act at the time of the passing thereof:—

Repeal of Section 12 of "Immigration and Public Works Act, 1871;" other provisions in lieu thereof.

As to railways the cost of construction and equipment of which is to be charged against a province, the following provisions are hereby made:—When any portion of any such railway is finished and open for traffic, the Colonial Treasurer shall cause an account to be prepared with the province in which such railway is situate, in which he shall as nearly as may be show—

- (1.) The total of the sums expended in and about the construction and equipment of the line open for traffic.
- (2.) So much of the moneys carried to the credit of the Stamp Duties Account of the province as shall not have been included in the account hereby required in respect of any other portion of the same or any other railway.
- (3.) So much of the sum standing to the credit of the Middle Island Railway Fund of the province as shall not have been included in the account hereby required in respect of any other portion of the same or any other railway.

And the province shall be debited with the following several sums:—

- (a.) The balance of the expenditure as stated in the first subsection above after deducting the sums specified in the second and third subsections.
- (b.) A proportional part of the cost of the charges of raising the balance last mentioned calculated on the average costs

and charges of raising the several loans under the several
Immigration and Public Works Loans Acts. 1

- (c.) Interest at the rate of five pounds per centum per annum
on the said balance, and the said proportional part of
costs and charges, from the first day of July next after the
letting of the first contract for constructing the said
portion of the line, or after the contract for the purchase
of such portion, to the first day of July next after the
same is opened for traffic: Provided that in the case of
railways opened for traffic before the first day of July,
one thousand eight hundred and seventy-five, such
interest shall be calculated up to such last-mentioned
day. 5 10

And the total of the balance, costs and charges, and interest so
ascertained, shall be the charge against the province in respect of any
railway or portion of railway open for traffic therein, and interest
shall be charged thereon at the rate of six pounds per centum per
annum. 15

Monthly working
account of railways
opened for traffic to
be prepared.

14. In respect of railways open for traffic, the working and
management of which is carried on by the General Government, the
Colonial Treasurer shall in every month cause to be prepared a
"Monthly Working Account," showing the total gross receipts
accruing from all such railways within each province, and the total
issues for the working management and maintenance of the same
during the previous month, and showing the total profit or loss
appearing in such account on all the railways within each province
during the previous month. 20 25

One-twelfth of
interest charged by
this Act against each
province to be
deducted out of
land fund of such
province.

15. After the first day of July, one thousand eight hundred and
seventy-five, the Colonial Treasurer shall every month deduct out of
the Land Fund of each province, or out of the moneys payable under
"The Payments to Provinces Act, 1871," a sum equal to one-twelfth
part of the yearly interest hereby made chargeable against such
province, increased by any loss and decreased by any profit appearing
in the monthly working account, as above provided. 30

TRAMWAYS.

Governor may pro-
claim cities &c. for
purposes of tram-
ways.

16. Whereas it is expedient to encourage private enterprise in
affording facilities of access to railway stations in certain parts of the
colony: Be it enacted, that it shall be lawful for the Governor in
Council from time to time to proclaim such cities towns or places in
the colony as cities towns or places to which the provisions of this and
the next succeeding section of this Act shall extend and apply. 35 40

Persons may enter
into agreement with
Governor for con-
structing tramways.

17. Any person who has obtained an order from a local
authority under the provisions of "The Tramways Act, 1872," may
enter into an agreement with the Governor, and the Governor is
hereby empowered to agree with any such person willing to under-
take the same, for the laying down of any tramway, and the erection
of all necessary works connected therewith, providing for the carriage
of goods and passengers by such person from or to the terminus
of any railway constructed under the said Act or any Act amending
the same, in through or over any lands which may be vested in the
Governor under the said Act, or any Act amending the same, or in
through or over any lands vested in or occupied by any such person as
aforesaid and the rates to be paid for such carriage respectively, and
for the storage of goods, and the charges to be made for the same by
either of the parties to the agreement, and generally upon such terms
and conditions as may be thought necessary to give effect to this
enactment. 45 50 55

ROADS.

18. Every person who shall commit any of the offences next hereinafter specified, shall for every such offence forfeit and pay a sum not less than ten shillings nor exceeding five pounds, that is to say—

Penalties for injuries
&c. to roads.

- 5 (a.) Every person who shall (without permission in writing from the Minister for Public Works or some officer for that purpose appointed by him) haul or draw any timber stone or other load otherwise than upon a wheeled carriage or rollers along any road or part of a road constructed or in
- 10 course of construction under the said Act or any Acts amending the same.
- (b.) Every person who shall negligently and carelessly suffer any load conveyed upon a wheeled carriage or rollers to drag or trail or hang over such carriage so as to displace the material of which such road is composed, or so as to injure or destroy any culvert drain watercourse or other work upon any such road, or lock the wheels of any cart or wagon passing along or over such road except with a proper shoe.
- 15 (c.) Every person who shall impede the traffic or endanger the safety of passengers by a load unduly projecting from the side of any wheeled cart or beast of burden carrying the same.
- 20 (d.) Every person who shall (without permission in writing from the Minister for Public Works or some officer for that purpose appointed by him) lay and permit to remain on such road for a longer space than twenty-four hours any timber logs stones stores or any other article or thing whereby the traffic on such road may be impeded or the
- 25 safety of passengers endangered.
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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

35 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

40 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

45 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

50 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

55 expense as aforesaid:

Kawakawa Railway vested in Her Majesty the Queen.

19. Be it therefore enacted as follows :—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.

20. 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 Ruapckapeka Block.

21. 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 Ruapckapeka 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.

22. 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 merchandize of every kind or description at rates not exceeding the maximum rates from time to time charged or imposed for passengers goods wares and merchandize on railways under the control or management of the General Government in the said colony.

Whereas by an Act of the General Assembly, intituled "The Railways Act, 1874," section seven, it is enacted that the Governor in Council may declare certain lands situate at Westport, and known as "The Colliery Reserve," and the proceeds thereof, to be security for the whole or any portion of the cost of the construction of the railway from Mount Rochfort to Westport: And whereas certain persons are in the occupation or possession of certain allotments portions of the said Colliery Reserve, and have erected buildings and made other improvements thereon: And whereas it is expedient to repeal the said seventh section and make other provisions in lieu thereof: Be it therefore enacted as follows :—

Section 7 "Railways Act, 1874," repealed. Colliery Reserve Crown Land.

23. The said seventh section of "The Railways Act, 1874," is hereby repealed, and it is hereby declared that the said Colliery Reserve is Crown land free from all incumbrances.

Portion of reserve required for railway to be defined by Order in Council.

24. Such portions of the said reserve as are required for the said railway and for a railway station, and other purposes connected with the said railway, shall be forthwith defined by an Order of the Governor in Council, and thereafter the same shall be reserved and held for the said purposes and no other.

Governor may grant compensation to persons in occupation.

25. It shall be lawful for the Governor, if he think fit, to grant to the persons in occupation or possession of the said lands so to be defined and set apart as aforesaid such compensation as he may deem just and reasonable, either in money or by granting leases of other lands, part of the said Colliery Reserve, for such terms not exceeding twenty-one years, at such rents and upon such conditions, as the Governor may think fit.

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26. It shall also be lawful for the Governor, if he think fit, to demise and lease to the several persons in occupation or possession of other portions of the said land the allotments of which they are respectively in occupation or possession, for such term not exceeding
5 twenty-one years, for such rent and upon such conditions, as the Governor may think fit.

Governor may grant leases to persons in occupation of other portions of reserve.

27. All the remaining portions of the said Colliery Reserve may from time to time be let by auction, for the best rents that can be obtained for the same, for any term not exceeding twenty-one years,
10 upon such conditions as the Governor may think fit.

Remainder of reserve to be let by auction.

28. The said Colliery Reserve shall be a security to the colony for the cost of the construction of the said railway and station, and works connected therewith; and all rents profits and proceeds which may be received and arise shall from time to time be paid into the
15 Public Account, and shall be applied in or towards the liquidation of the said cost.

Rents &c. to be applied towards cost of railway.

All leases granted under this Act shall be executed by the Governor in the name and on behalf of Her Majesty, and shall be valid and effectual against Her Majesty and all persons whomsoever.