

A BILL INTITULED

AN ACT to repeal the Nelson Cobden and Westport Title.
Railway Land Act 1866 and the Nelson Cobden
and Westport Railway Land Act Amendment Act
1867 and to make other provisions in lieu thereof.

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 Nelson and Cobden Railway Act Short Title.
1868.”

2. “The Nelson Cobden and Westport Railway Land Act 1866” and “The Nelson Repeal of former
Acts.
Cobden and Westport Railway Land Act Amendment Act 1867” are hereby repealed.

3. When any contract shall have been entered into for the construction of a Waste lands in the
Province of Nelson
may be reserved from
sale and granted for
construction of
Railway.
railway from the city of Nelson to the towns of Cobden and Westport and security given
for its due fulfilment according to the provisions of this Act it shall be lawful for the
10 Governor in Council to reserve from sale such portions of the waste lands of the Crown
in the said Province as may be agreed upon between the Superintendent and the
contractor and from time to time upon the completion of each twenty miles of
such railway commencing at either terminus according to the terms of such contract and
the provisions of this Act being certified to the Waste Lands Board of the Province of
15 Nelson by the Superintendent the Commissioner of Crown Lands and the Provincial
Engineer by writing under their hands the Governor may grant any such portion of the
land so reserved as shall be agreed upon between the Superintendent and the
Contractor not exceeding five thousand acres for every mile of the Railway which shall
have been finished and then be in good working order and on the completion of the
20 whole railway being certified as aforesaid may grant the residue of the land agreed to
be given for the construction of the Railway.

4. When the whole of the Railway shall have been made and the completion Railway may be
leased or granted.
thereof certified as hereinbefore provided it shall be lawful for the Governor to execute
a grant or lease of the Railway to the person constructing the same for such estate and
25 upon such terms and conditions as in such contract shall be specified.

5. Provided always that in any grant to be made under the authority of this Act Roads to be reserved.
there shall be reserved the right of taking lands from time to time for the purpose of
making Public Roads not exceeding one chain in width through any part of the land so
granted such right to be exercised within fourteen years from the date of the grant of
30 the land through which such road shall pass.

And sites for public buildings &c.

6. There shall also be reserved in any such grant the right of taking all such unsold lands as shall from time to time be required by the Superintendent as sites for Buildings for Judicial Administrative and Educational purposes.

Agent may be appointed in England who may make contract for construction of Railway.

7. It shall be lawful for the Superintendent acting under the advice of his Executive Council by any deed in writing under his hand and sealed with the Public Seal of the Province to appoint an agent in England for the said Province and to authorize such agent at any time within three years from the passing of this Act to enter into a contract with any person willing to undertake the same for the construction by such person of a Railway from the City of Nelson to the Towns of Cobden and Westport and such agent from time to time in like manner to remove and to appoint another in his place if he shall see fit Provided always that any such contract shall be in accordance with the provisions of this Act and with the instructions which shall be contained in or annexed to such appointment.

Security to be given for performance of contract.

8. At the time of the signing of such contract the Contractor shall give such security to the Agent for the punctual fulfilment of the contract as in the opinion of such agent shall be deemed sufficient.

Selection of line of Railway.

9. The Contractor may select the line of such Railway subject to the approval of the Superintendent.

Roads may be altered &c.

10. The Contractor shall have power to alter divert raise or lower any public road or way for the purpose of crossing the Railway Provided that no gradient in any road so altered shall be more than one foot in twenty-five and that the Railway may cross any road upon a level.

Gauge and gradient of Railway.

11. The gauge of the Railway shall not be less than three feet six inches and no gradient thereon shall exceed one foot in sixty without the sanction of the Superintendent and the Railway when completed shall be fit for locomotive engines and trains travelling at the rate of fifteen miles per hour at the least.

Railway to be completed in five years.

12. The whole of the railway with all necessary sidings and stations shall be completed and certified as hereinbefore provided within five years from the signing of the contract and in default thereof the contractor shall pay a penalty to be agreed upon and inserted in such contract.

Railway to be kept in repair by contractor.

13. The Railway and stations shall be kept in good working order and repair by the Contractor or his assigns for the period of fourteen years from the completion thereof.

Waste Lands may be given for construction of Railway.

14. The payment for the construction of such Railway shall be made in Waste Lands of the Crown situated within the present boundaries of the Province of Nelson having a drainage to the valleys through which the railway shall pass and shall not exceed ten thousand acres for every mile of railway constructed and the land shall be taken in such places and in such blocks as may be agreed upon between the Superintendent and the Contractor.

Private lands to be purchased by contractor.

15. All private land required for the construction of the railway and stations shall be purchased by and at the expense of the Contractor Provided always that if the total sum expended in the purchase thereof shall exceed twenty thousand pounds the Contractor shall be entitled to land scrip available over the whole of the Province for two-thirds of the amount of such excess.

Land not to be liable to rates when unsold or unoccupied.

16. No local or general rates or taxes shall be charged upon the land granted in payment for the construction of the Railway which shall be unsold so long as the same shall be unlet and unoccupied.

Differences to be referred to arbitration.

17. All differences which shall at any time arise between the Superintendent and the Contractor as to the terms or fulfilment of the contract shall be settled by arbitration within the Colony and in the manner to be expressed in such contract.

Interpretation.

18. The word "person" shall include within its meaning any company or body of persons incorporated or unincorporated and the word "contractor" shall mean the person company or body of persons contracting with the Superintendent to construct such Railway and the word "Superintendent" shall mean the Superintendent of the Province of Nelson acting by and with the advice of his Executive Council for the time being.