

Railways.

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A BILL INTITULED

AN ACT to provide for the construction of certain Railways under the provisions of "The Immigration and Public Works Act, 1870," out of Moneys authorized to be raised under "The Immigration and Public Works Loan Act, 1870."

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 Railways Act, 1870."

2. In the construction of this Act, the expression "the said Act" means "The Immigration and Public Works Act, 1870," and the expression "the said Loan Act" means "The Immigration and Public Works Loan Act, 1870."

3. The Governor may, under the provisions of the said Act, contract or enter into arrangements with any person for the

Schedules by
guarantee of interest.

construction of any or all of the railways mentioned in the First Schedule hereto, by guaranteeing to such person or company for and during a period not exceeding thirty-five years a minimum rate of interest, not exceeding five pounds and ten shillings by the year for every hundred pounds of the cost of construction, at a rate per mile not exceeding that set down in the said First Schedule opposite to the name or title of each railway; and such contract or arrangement when entered into shall be deemed to constitute the said person the promoter of the undertaking. 5

Conditions to be set
forth in contracts
for guarantee.

4. In every such contract there shall be conditions to the effect set forth in the following sub-sections:— 10

- (1.) The Governor to acquire the land for the railway stations works and buildings connected therewith, and to lease the same to the contractors for a period of ninety-nine years, at a nominal rent, or for such other period as may be agreed on, with reasonable conditions of forfeiture, in the event of the contractors failing to fulfil the contract, and the said railway and all stations buildings and works connected therewith to be free from all rates taxes and charges whatever. 15
- (2.) The contractors to pay from time to time to the account of the Government, the money to be spent on the works. 20
- (3.) The Governor or such person or persons as he may appoint to approve of the construction of the works.
- (4.) The contractors to construct the railway with reasonable diligence, and within a period to be specified in the contract. 25
- (5.) The contractors to undertake to keep the railway in repair; to run trains upon the line as often as in the agreement may be mentioned; to maintain such a rate of speed as may be agreed on, but that rate to be not less than ten miles an hour when the guarantee is upon any sum not exceeding three thousand pounds a mile, and to be not less than fifteen miles an hour when the guarantee is upon a sum exceeding three thousand pounds per mile; and to adopt such rates of fares as the Governor may direct, during the period during which the guarantee shall be payable. 30
- (6.) Provision enabling the Governor at some period to be named, not exceeding twenty years, to purchase the railway at a valuation, on giving twelve months' notice in writing that he desires to purchase. 35
- (7.) Provision that a portion being not less than one quarter of the net profits above the amount of the guarantee, shall be paid to the Governor, to recoup any money paid by the Governor on account of the guarantee. 40

Alternative powers
to expend moneys
from Middle Island
Railway Fund and
other moneys
authorized to be
raised under
Loan Act on con-
struction of Dunedin
and Molyneux
Railway.

5. The Governor may if he thinks fit, instead of contracting under the third section of this Act for the construction of the railway from Dunedin to the Molyneux, construct and maintain, or cause to be constructed and maintained, the said railway under the provisions of the said Act, and to meet the cost of such construction there shall and may from time to time be issued and applied any sum or sums of money not exceeding in the whole five thousand pounds for each mile of such railway, and the said sums shall and may be issued and applied out of any moneys for the time being available from the Middle Island Railway Fund for the construction of railways in the Province of Otago; and if and so far as the moneys for the time available from the said fund for such construction are insufficient to meet any of such costs as shall for the time being come in course of payment, then such deficiency shall and may be issued and applied out of any other moneys authorized to be raised under the said Loan Act for the construction of railways. 45 50 55 60

6. The Governor may construct and maintain, or cause to be constructed and maintained under the provisions of the said Act, the several lines or parts of lines of railway in the Province of Canterbury, specified in the Second Schedule hereto, and to meet the cost of such construction there shall and may from time to time be issued and applied any sum or sums of money, not exceeding in the whole two hundred thousand pounds, and such sum or sums shall and may be issued and applied out of any moneys for the time being available from the Middle Island Railway Fund for the construction of railways in the Province of Canterbury; and out of the sum of seven thousand pounds which the Timaru and Gladstone Board of Works has undertaken to contribute towards the costs of the said railway from Timaru to Temuka, which contribution the said Board is hereby authorized to make from the funds at its disposal; and if and so far as the moneys for the time being available from the said several funds for such construction are insufficient to meet any of such costs as shall for the time being come in course of payment, then such deficiency shall and may be issued and applied out of any other moneys authorized to be raised under the said Loan Act for the construction of railways.

Canterbury railways.

7. The Governor and the Superintendents of the Provinces of Canterbury and Otago may enter into an agreement for charging on the revenues of the said Provinces, in some proportion agreed upon by them, the cost of the construction of a railway bridge across the Waitaki River, at some point which shall be made to appear to the Governor to be on the line best suited for a line of railway from Christchurch to Dunedin; and if such agreement be entered into, the Governor may, under the powers contained in the said Act, construct or cause to be constructed a railway bridge at the said point; and the Governor may cause the said bridge to be so constructed that it may be available for ordinary traffic as well as for a railway bridge, but the said bridge shall for the purposes of the said Act be deemed to be a part of a railway. In and about the construction of the said bridge there may be issued and applied out of the moneys authorized to be raised under the said Loan Act for railways any sum or sums not exceeding £35,000.

Agreement entered into for charging cost of construction of bridges over Waitaki.

Governor may construct it.

8. The interest and sinking fund from time to time payable in respect of all moneys raised under the said Loan Act and expended on the said bridge, and the costs of raising such sums, shall be charged against the revenues of the Provinces of Canterbury and Otago in such proportions as shall be agreed upon, but otherwise in the manner provided by the nineteenth section of the said Act.

Expenditure on Waitaki Bridge, how to be charged.

9. The Governor may, under the provisions of the said Act, contract or enter into an arrangement with any person for the construction under the provisions of the said Act of a railway from a point at or near the Town or City of Nelson, to be determined by the Governor, to such point in at or near the Town of Cobden, in the Province of Nelson, as shall be determined by him; and such contract or arrangement, when made, shall constitute such person the promoter of the undertaking, within the meaning of the said Act.

Governor may contract for construction of Nelson and Cobden Railway.

10. The consideration to be given to such person for the construction of such last-named railway shall be a grant or grants of such Waste Lands of the Crown as the Governor may now grant or hereafter may be enabled to grant under the provisions of the said Act, or "The Nelson and Cobden Railway Act Amendment Act, 1869," for the construction of such railway: Provided that, as to so much of such line of railway as lies between the City or Town of Nelson and Foxtown, the Governor may, either instead of contracting to grant land to such person or in addition thereto, contract or enter into an arrangement with such person to guarantee during a period of

Contractor to be compensated for construction by grants of lands; but as to line between Nelson and Foxtown, Governor may guarantee 5½ per cent., or £3,000 per mile, for 35 years.

not exceeding thirty-five years a minimum rate of interest, not exceeding five pounds and ten shillings by the year for every hundred pounds of the cost of the construction of such railway, not exceeding three thousand pounds for every mile.

Contract for guarantee to be subject to conditions in section 4.

11 In the event of any such contract for a guarantee being entered into as in the last section authorized, such contract shall contain similar conditions stipulations and provisions to those set forth in the fourth section of this Act. 5

Governor authorized to cause reports, &c., to be made relating to lines of railway as in Third Schedule, to be laid before General Assembly.

12 The Governor is hereby authorized to cause such inquiries reports and surveys to be made, and such acts and proceedings to be done and taken for enabling him to submit to the General Assembly during the next Session proposals for the construction of the railways specified in the Third Schedule hereto. 10

Governor may adopt any contract entered into by Superintendent under "The Nelson and Cobden Railway Act."

13 If any contract shall have been or shall be entered into for the construction of such last-named railway under the powers conferred by "The Nelson and Cobden Railway Act, 1868," the Governor may, with the consent of the Superintendent and Executive Council of Nelson, and any person with whom such last-named contract may have been entered into, adopt such contract as a contract under the ninth section of this Act: Provided that if any contract for such guarantee as aforesaid be entered into, such contract shall contain the conditions stipulations and provisions set forth in the fourth section of this Act. 15 20

Appropriation of £25,000 for purchase of plant for railways to be authorized next Session.

14. If it shall appear to the Governor expedient that provision should be made for commencing without delay, after the obtaining the authority of the General Assembly, the construction of any railways which it is proposed to ask the General Assembly in its next Session to authorize to be constructed under the said Act, the Governor may arrange for the importation into New Zealand of such material and plant as he may think fit, to the extent of not exceeding twenty-five thousand pounds. 25 30

Land already taken for lines of railway in First and Second Schedules to be used for railways constructed hereunder.

15. All lands taken or acquired by the Superintendent of any Province under any Act of the General Assembly or otherwise for the purposes of any line of railway from and to any places mentioned in the First or Second Schedules hereto, may be surrendered by the Superintendents of the Provinces in which such lands are to Her Majesty, for the purposes of the line of railway hereby authorized to be constructed from and to such places, and such lands may be used for the purposes of such last-mentioned line of railway, and shall be held and dealt with as if acquired under the said Act for the purposes of such railway. 35 40

"The Picton Railway Act, 1865," continued in operation.

16 "The Picton and Blenheim Railway Act, 1865," shall not cease to have force at the expiration of five years from the passing thereof, but shall cease to have force at the end of six years from the passing thereof, unless the railway thereby authorized to be made shall have been commenced within such period of six years. 45

Contractor to provide conveyance for military and police free of charge.

17 The several persons who under this Act contract for the construction and maintenance of any railway shall be bound to provide conveyances for and convey all military police and other forces, when proceeding on duty, and all public mails, in the ordinary trains, free of charge, subject in other respects to "The Immigration and Public Works Act, 1870;" and in the event of war or civil commotion, the said several persons or companies shall, on the requisition of the Governor, place the whole of the resources of the railway at his disposal at the charges actually incurred. 50 55

Telegraph may be laid down along line of railway without charge.

18 The Governor, or such person as shall be duly authorized for that purpose, shall have power at all reasonable times to enter into and upon any such railway, and to establish and lay down a line of electric telegraph for Her Majesty's service, and to use the same without any charge: Provided that the work to be done in laying down such 60

line shall be done in such a manner as not to obstruct the working of the railway.

19. The several railways hereinbefore authorized to be constructed shall, for the purposes of the said Act, be deemed to be railways determined to be constructed thereunder.

The railways authorized to be constructed held to be railways to be constructed under the said Act. Schedules.

FIRST SCHEDULE.

Lines of Railway.	Maximum Rate of Cost of Construction.
From Auckland to Waikato, commencing from and terminating at a point to be determined by the Governor in Council	Four thousand pounds sterling per mile.
From Blenheim to Picton, commencing from and terminating at a point to be determined by the Governor in Council	Three thousand pounds sterling per mile.
From Dunedin to Molyneux, commencing from and terminating at a point to be determined by the Governor in Council	Four thousand pounds sterling per mile.

SECOND SCHEDULE.

Lines of Railway.	Sums Appropriated.
That part of the Great Northern Railway, in the Province of Canterbury, between Addington Station and the Town of Rangiora, at a point to be fixed by the Governor	Any sum or sums not exceeding ninety-two thousand pounds sterling.
That portion of the Great Southern Railway, in the Province of Canterbury, which lies between the present terminus of the line now in operation and the bridge now in course of construction by the Provincial Government over the River Rakaia	Any sum or sums not exceeding forty-eight thousand pounds sterling.
That portion of the Southern Trunk Line between the Town of Timaru and Temuka	Any sum or sums not exceeding sixty thousand pounds sterling.

THIRD SCHEDULE.

From Invercargill to the Mataura.
 From Moeraki to the Waitaki.
 From Wellington to Seventy Mile Bush; thence diverging East and West to Napier and to New Plymouth.