

105-3

(Hon. Mr. Ormond.)

Railways.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. This Act to be read with "The Railways Act, 1871."</p> <p>3. Proclamations of lines specified in Schedule cancelled.</p> <p>4. Lands described in said Proclamations discharged therefrom. Titles to such lands not to be affected by said Proclamation.</p> <p>5. Proclamations not to give right to compensation.</p> <p>6. Railways may be re-proclaimed.</p> <p>7. Branch railway may be constructed from Racecourse to Southbridge. Provisions of former Act to apply.</p> | <p>8. If necessary, Governor may enter into contracts for construction of authorized railways at sums in excess of appropriations, and contracts already entered into declared binding.</p> <p>9. As to Canterbury branch lines, if contracts are in excess, such excess may be issued out of Provincial appropriations.</p> <p>10. Authority required for surveys of lines not authorized.</p> <p>11. Governor authorized to purchase Dunedin and Port Chalmers Line. Appropriation thereto out of Public Works Account. Railway, if purchased, to be railway under Immigration and Public Works Acts.</p> <p>Schedule.</p> |
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A BILL INTITLED

AN ACT to amend "The Railways Act, 1871," and for other purposes. 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 Railways Act, 1872." Short Title.
 2. Subject to the provisions hereinafter contained, this Act shall be read and construed as part of "The Railways Act, 1871;" and in this Act the expression "the said Act" shall mean "The Railways Act, 1871." This Act to be read with "The Railways Act, 1871."
 3. The several Proclamations of the lines of railway mentioned in the Schedule hereto are hereby respectively revoked and cancelled, and shall be deemed to be revoked and cancelled as effectually as if the same had never been made or published. Proclamations of lines specified in Schedule cancelled.
 4. All the lands and hereditaments described in the Schedules to the said Proclamations or any one of them, and proposed to have been taken for the purposes of the said railways or any of them, shall upon the passing of this Act be wholly released and discharged from the effect or consequences of the said Proclamations in as full and effectual a manner as if such Proclamations had never been made. Lands described in said Proclamations discharged therefrom.
- The lands and hereditaments affected by such Proclamation, or comprised or described in the Schedules thereto respectively, shall be deemed to have remained vested in the persons in whom the
- Titles to such lands not to be affected by said Proclamations.

same were vested at the respective dates of the said Proclamations; nor shall the title to any such lands and hereditaments, or any estate use trust or interest therein whatsoever, be deemed to be or have been prejudicially affected by such Proclamations, or any one of them.

Proclamations not to give right to compensation.

5. No person or persons shall have any claim or demand against Her Majesty the Queen or the Governor or the Government of the Colony or otherwise on account of the said lands tenements or hereditaments having been described in the Schedules to any of the said Proclamations as proposed to be taken, nor on account of the same having been in any manner affected by the issue or publication of any of the said Proclamations.

Railways may be re-proclaimed.

6. Nothing herein contained shall be construed to limit or abridge the powers given to the Governor under the said Act or any other Act; but any of the lines of railway in the said Schedule (except the line from Rolleston to Southbridge) may be proclaimed anew in the like manner as if they had never previously been proclaimed as hereinbefore mentioned.

Branch railway may be constructed from Racecourse to Southbridge.

7. Whereas among the lines of railway mentioned in the Third Schedule to the said Act is a branch line from Rolleston, on the Canterbury Great Southern Railway, to Southbridge, the same being the line mentioned in the Schedule to this Act as the Rolleston to Southbridge Railway: And whereas it is expedient that the point of departure from the said Great Southern Railway should be altered, as hereinafter provided: Be it therefore enacted—

Instead of the branch railway from Rolleston to Southbridge mentioned in the Third Schedule to the said Act, a branch railway may be constructed and maintained from a point at or near the Racecourse Station, on the said Great Southern Railway, to Southbridge, in the Province of Canterbury.

Provisions of former Act to apply.

All the provisions of the said Act and other Acts applicable to the said branch railway from Rolleston to Southbridge shall be applicable to the line hereby authorized to be constructed from the Racecourse Station to Southbridge, as fully and effectually as if such last-mentioned line had originally been inserted in the said Third Schedule, instead of the said line from Rolleston to Southbridge.

If necessary, Governor may enter into contracts for construction of authorized railways at sums in excess of appropriations, and contracts already entered into declared binding.

8. If it shall be found that the sums authorized by the said Act to be issued and applied for the construction of any of the railways specified in the several Schedules to the said Act as amended by this Act are insufficient, the Governor may nevertheless enter into contracts for the construction of the said railways or any of them, or any part or parts thereof, at and for such sum or sums as he may think fit, notwithstanding that such sum or sums may be in excess of the sums so authorized to be issued; and all contracts heretofore entered into by the Governor for the construction of any of the said railways or any part or parts thereof at or for any sum or sums in excess of the sums authorized by the said Act to be issued and applied thereto shall nevertheless be valid and binding on the Colony: Provided that in the case of the Wanganui and Waitara Railway no contract for the construction of any part thereof shall be in excess of sixty thousand pounds without the further appropriation of the General Assembly.

As to Canterbury branch lines, if contracts are in excess, such excess may be issued out of Provincial appropriations.

9. If any contract, under the authority contained in the preceding section, be entered into for the construction of any of the branch railways in the Province of Canterbury specified in the Third Schedule to the said Act as amended by this Act, at or for any sum in excess of the sum authorized by the said Act to be issued and applied thereto, in that case any moneys appropriated by the Superintendent and Provincial Council of Canterbury to the construction of such railways shall, so far as such appropriation extends, be applicable to the payment of such sums in excess, as well as to the payment of the sums authorized by the said Act.

1055

10. The Minister for Public Works is hereby authorized to cause such inquiries reports and surveys to be made and such acts and proceedings to be done and taken as he may think fit, for enabling the Governor to determine what lines of railway he will propose or recommend to the General Assembly for construction ; and all necessary expenses in causing such inquiries reports and surveys to be made, not exceeding ten thousand pounds in the whole, shall be defrayed out of any moneys for the time being standing to the credit of the Public Works Account on account of Railways.

Authority required for surveys and lines not authorized.

11. The Governor is hereby authorized to purchase in the name and on behalf of Her Majesty the railway now constructed or in course of construction between the City of Dunedin and Port Chalmers, and the plant and rolling stock appertaining thereto at and for such sum and on such terms as he may think fit, and the sum or sums agreed to be paid as purchase money thereof may be issued and applied thereto out of any moneys available from the Middle Island Railway Fund for the construction of railways in the Province of Otago ; and so far as the moneys so available are insufficient for the payment of such purchase money, then the deficiency may be issued and applied out of any moneys standing to the credit of the Public Works Account on account of Railways ; and the seventh section of the said Act shall apply to any moneys applied out of the Public Works Account to the payment of such purchase money.

Governor authorized to purchase Dunedin and Port Chalmers Line. Appropriation thereto out of Public Works Account. Railway, if purchased, to be railway under Immigration and Public Works Acts.

Charged against Land Fund.

If the said last-named railway be so purchased by the Governor, the same shall be deemed a railway within the meaning of "The Immigration and Public Works Act, 1870," and the Acts amending the same as if constructed thereunder.

SCHEDULE.

Schedule.

Name of the Line of Railway.	Main or Branch Railway.	Date of Proclamation and of Publication.
Rangiora to North Bank of Kowai	Main Railway ...	15th April, 1872, and published in the <i>New Zealand Gazette</i> of 24th April, 1872.
Rangiora to Oxford	Branch Railway ...	20th April, 1872, and published in the <i>New Zealand Gazette</i> of 24th April, 1872.
Rolleston to Southbridge ...	Branch Railway ...	12th April, 1872, and published in the <i>New Zealand Gazette</i> of 16th April, 1872.