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*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
25th October, 1878.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

*Hon. Mr. Macandrew.*

### Railways Construction.

#### ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Act to be deemed a special Act for the construction of certain railways. Incorporation of certain Parts of "The Public Works Act, 1876."</p> <p>3. Power to the Governor to enter into contracts for construction of railways. No contract to be made beyond or without appropriations.</p> <p>4. Governor may purchase Native lands.</p> <p>5. Appropriation for cost of railways.</p> <p>6. Cost of main line to Shag Point to be defrayed by Shag Point Coal Company.</p> <p>7. Out of lands withdrawn from sale under "The</p>	<p>Land Act, 1877," lands of special value may be set apart for sale, &amp;c.</p> <p>8. Moneys to credit of Ellesmere and Forsyth Reclamation and Akaroa Railway Trust Account transferred to Public Account.</p> <p>9. Proceeds of disposal of 50,000 acres mentioned in said Act to be paid into Public Account.</p> <p>10. Proceeds of disposal of land in Second Schedule to be paid into Public Account.</p> <p>11. Application of moneys paid into Public Account as aforesaid.</p> <p>12. Mines and minerals not to be taken. Schedules.</p>
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#### A BILL INTITLED

### AN ACT to provide for the Construction and Extension of Railways. Title.

**B**E 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 Construction Act, 1878." Short Title.
2. This Act shall be deemed to be a special Act authorizing the construction or extension of all or any of the railways mentioned in the First Schedule hereto, and any railway constructed under this Act shall be so constructed under and subject to the provisions of Parts I., II., III., IV., and VI. of "The Public Works Act, 1876," which said Parts, together with the provisions of any Act amending the same, are hereby incorporated with this Act. Act to be deemed a special Act for the construction of certain railways. Incorporation of certain Parts of "The Public Works Act, 1876."
3. The Governor may from time to time, in the name and on behalf of Her Majesty, contract or enter into arrangements to the extent of the money which may be appropriated from time to time by the General Assembly of New Zealand, with any person for the construction, extension, or maintenance of all or any portion of the railway. Power to the Governor to enter into contracts for construction of railways.

ways mentioned in the First Schedule, and for that purpose may do or cause to be done any of the following things:—

- (1.) Cause such inquiries, reports, and surveys to be made, and such acts and proceedings to be done and taken as may be necessary to determine the best line and direction of such railway. 5
- (2.) Take, purchase, or agree to purchase any land necessary or requisite for the construction or extension of any such railway.

*New proviso.*

Provided always that no contract or arrangement shall be entered into except in pursuance of and to the extent of specific appropriations made by Parliament in each financial year for the construction of the railways named in the said Schedule, or any of them respectively, as the case may be; and any contract entered into without or in excess of such specific appropriations shall be null and void: Provided also that in any case where no survey has yet been made, or plans and estimates prepared, for any line named in the said Schedule, no contract shall be entered into for the construction of such line or any part thereof until such survey has been made, and such plans and estimates have been laid before Parliament, and approved by the Governor in Council. 10 15 20

No contract to be made beyond or without appropriations.

Governor may purchase Native lands.

4. The Governor may purchase or agree to purchase or acquire from the Native owners any lands deemed necessary for the construction or extension of any railway mentioned in the First Schedule; and every such purchase or acquisition, or agreement to purchase or acquire any such lands, shall be deemed to be a purchase or acquisition within the meaning of "The Government Native Land Purchases Act, 1877." 25

Appropriation for cost of railways.

5. The cost of construction, extension, or maintenance, of any of the lines of railway mentioned in the First Schedule hereto, or of the purchase or acquisition of any land required for the same, shall be defrayed out of such moneys at credit of the Public Works Fund as shall from time to time be appropriated in that behalf by the General Assembly. 30

Cost of main line to Shag Point to be defrayed by Shag Point Coal Company.

6. The construction of the branch line of railway mentioned in the First Schedule as "Main Line to Shag Point" shall be contingent upon the cost thereof being defrayed by the "Shag Point Coal Company, Limited;" and such branch line, when constructed, shall be managed and worked upon such terms and conditions as shall be agreed upon by the Minister for Public Works and the said Company. 35 40

Out of lands withdrawn from sale under "The Land Act, 1877," lands of special value may be set apart for sale, &c.

7. Out of any Crown lands withdrawn from sale under the provisions of "The Land Act, 1877," the Governor may from time to time set apart lands of special value for sale or disposal under the provisions of the said Act; but no such sale or disposal shall take place until after two months' notice thereof has been gazetted. 45

Moneys to credit of Ellesmere and Forsyth Reclamation and Akaroa Railway Trust Account transferred to Public Account.

8. Notwithstanding anything contained in "The Ellesmere and Forsyth Reclamation and Akaroa Trust Act, 1876," (hereinafter called "the said Act") all moneys now standing to the credit of the special account required to be kept by the sixteenth section of the said Act, or that may be standing to the credit of the Public Trustee for the purposes of the said Act, shall be and the same are hereby transferred to the Public Account. 50

Proceeds of disposal of 50,000 acres mentioned in said Act to be paid into Public Account.

9. The whole proceeds of the sale or disposal of the fifty thousand acres of land mentioned in the said sixteenth section shall, together with all moneys transferred under the last preceding section, be paid into a separate account in the Public Account. 55

Proceeds of disposal of land in Second Schedule to be paid into Public Account.

10. The land described in the Second Schedule hereto shall be and the same is hereby declared to be Crown lands of special value open for sale or disposal as other Crown lands of special value may be sold or

disposed of in the Land District of Canterbury, but the proceeds of such sale or disposal shall be paid into the separate account to be kept under the last preceding section.

11. All moneys transferred, paid, or received under the provisions of sections *eight, nine, and ten*, shall be applied in the construction and maintenance of a line of railway to Little River, and thence to Akaroa, from the main line from Amberley to Waitaki, or from a branch of the said line; and the Colonial Treasurer may from time to time cause all or any part of such moneys to be issued and applied accordingly.

Application of moneys paid into Public Account as aforesaid.

*New clause.*

12. When any land shall be taken under the provisions of "The Public Works Act, 1876," or this Act, for any railway, the Governor shall not thereby acquire any right to any mines of coal, ironstone, or other mineral under any land so taken, except only such parts thereof as shall be necessary to be dug or carried away or used in the construction of such railway; and all such mines (excepting as aforesaid) shall be deemed to have been excepted out of the Proclamation or other instrument under the authority whereof the land is taken.

Mines and minerals not to be taken.

SCHEDULES.

Schedules

FIRST SCHEDULE.

NORTH ISLAND.

Lines of Railway.

Wellington to Foxton, by West Coast.  
 Waitotara River to Upper Patea Crossing.  
 Te Awamutu to New Plymouth.  
 Masterton to Papatu *via* Woodville.  
 Waikato to the Thames.  
 Branch Line to Hamilton.  
 Helensville to Kaukapakapa River.  
 Wangarei to Kamo.

MIDDLE ISLAND.

Otago Central.—Dunedin to Albert Town, Lake Wanaka.  
 Amberley to Brunnerton.  
 Greymouth to Hokitika.  
 Canterbury Interior Main Line, Oxford to Temuka.  
 Main Line to Upper Ashburton.  
 Opawa Branch Extension.  
 Waipahi to Heriot Burn.  
 Edendale to Toitoto.  
 Otautau to Nightcaps.  
 Clutha to Catlin's River.  
 Waimea to Switzers.  
 Lumsden to Mararoa.  
 Palmerston to Waihemo.  
 Oamaru to Livingston.  
 Main Line to Shag Point.  
 Amberley to Cook Strait.  
 Line of Railway to Little River, and thence to Akaroa, from the main line from Amberley to Waitaki, or from a branch of the said line.

SECOND SCHEDULE.

ALL that area in the Provincial District of Canterbury, containing by admeasurement 72,000 acres, more or less, commencing at a point on the coast line, the same being the south-western side of the outlet of Lake Ellesmere; thence along the boundaries of Native Reserves 878, 889, and 806, Bridge's Road, Sections 10462, 9467, 8828, 9189, 9157, 8929, 9600, 9174, and 12142, Reserves 684, 685, and 207, Sections 5879, 9584, 8180, 9738, 10764, 10444, 10875, 9605, 10788, 10591, 9622, 10593, 10592, 17161, 30479, 5173, 5174, 11328, 11258, 11160, 10883, 11158, 14312, 5618, and 6622, Reserve 312,

## *Railways Construction.*

Sections 6622, 6823, 6824, 20610, 10057, 7357, 7354, 7713, 17181, 17182, 11087, 7707, 6699, 11603, 12523, 9512, 7968, 11577, 5999, 4531, 4197, 5551, Reserve 1908, Sections 5551, 10556, 5552, 10557, 5553, Reserve 1907, Sections 12367, 12388, 14122, and the road north thereof, Sections 12342, 12330, 12344, 12588, 12739, 15592, 16464, 8174, 20494, 25565, 11165, 8308, 11166, 31239, 3319, 9643, 15403, Reserve 1107, Sections 15403, 14125, 15402, 2439, 1069, 1879, 7482, 3898, 21229, I.P.Rs. B and A on Run 165, Class 2, Sections 5481, 4395, 2145, 2104, 3854, C.A.P.R. 75, Reserve 1676, Sections 21215, 12129, 21163, 2868, 4134, 21162, Reserve 1104, Sections 21162, 1348, Reserve 1686, Sections 2888, 2700, 2756, 2877, C.A.P.R. 165, Sections 2770, 1860, 2769, Reserve 1103, Sections 18790, 2279, 18789, 3296, Reserves 680 and 1102, Sections 4555, 2264, 6663, 11487, 11486, Reserve 681, Section 11168, and Reserve 1562 to the north-west corner of the latter reserve; thence following along the highest flood-line of Lake Ellesmere to the coast line; and from thence returning along the same to the commencing point; save and except Sections 2443, 2444, 20794, and 20879, Reserves 312, 313, and 1105, and I.P.Rs. C and D on Run 321, Class 2, which are included within the above-described boundaries.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1873.

1023

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- (1.) Cause such inquiries, reports, and surveys to be made, and such acts and proceedings to be done and taken as may be necessary to determine the best line and direction of such railway. 5
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Sections 6622, 6823, 6824, 20610, 10057, 7357, 7354, 7713, 17181, 17182, 11087, 7707, 6699, 11603, 12523, 9512, 7968, 11577, 5999, 4531, 4197, 5551, Reserve 1908, Sections 5551, 10556, 5552, 10557, 5553, Reserve 1907, Sections 12367, 12388, 14122, and the road north thereof, Sections 12342, 12330, 12344, 12588, 12739, 15592, 16464, 8174, 20494, 25565, 11165, 8308, 11166, 31239, 3319, 9643, 15403, Reserve 1107, Sections 15403, 14125, 15402, 2439, 1069, 1879, 7482, 3898, 21229, I.P.Rs. B and A on Run 165, Class 2, Sections 5481, 4395, 2145, 2104, 3854, C.A.P.R. 75, Reserve 1676, Sections 21215, 12129, 21163, 2868, 4134, 21162, Reserve 1104, Sections 21162, 1348, Reserve 1686, Sections 2888, 2700, 2756, 2877, C.A.P.R. 165, Sections 2770, 1860, 2769, Reserve 1103, Sections 18790, 2279, 18789, 3296, Reserves 680 and 1102, Sections 4555, 2264, 6663, 11487, 11486, Reserve 681, Section 11168, and Reserve 1562 to the north-west corner of the latter reserve; thence following along the highest flood-line of Lake Ellesmere to the coast line; and from thence returning along the same to the commencing point; save and except Sections 2443, 2444, 20794, and 20879, Reserves 312, 313, and 1105, and I.P.Rs. C and D on Run 321, Class 2, which are included within the above-described boundaries.

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