

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE, 3RD AUGUST, 1898.]

Mr. J. Hutcheson.

WELLINGTON HIGH LEVELS TRAMWAY.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to enable the Mayor, Councillors, and Citizens of the City of Wellington to acquire Power to construct a Tramway above and below Ground, and under and over the Public Reserves of the City of Wellington, and to delegate such Power. 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 is "The Wellington High Levels Tramway Act, 1898." Short Title.

2. In the construction of this Act, if not inconsistent with the context,— Interpretation.

"The Corporation" means the Mayor, Councillors, and Citizens of the City of Wellington incorporated under "The Municipal Corporations Act, 1886":

"The Act" means and includes "The Tramways Act, 1894":

"Tramway" means a tramway as defined in "The Tramways Act, 1894":

"The Public Works Act" means "The Public Works Act, 1894," and any amendments thereof:

"Delegate" means the person or company to whom the Corporation shall delegate any of the authorities granted to it by Order in Council under "The Tramways Act, 1894," and under this Act:

"Plan" means the plan referred to in subclause three, clause twelve, in the Second Schedule to "The Tramways Act, 1894."

3. The Governor in Council may, in addition to the powers vested in him under the Act by Order in Council, authorise the construction by Authority for Governor in Council.

the Corporation of a tramway partly on, and partly above, and partly below the surface of the earth, and so that part or parts of such tramway may be in a tunnel or tunnels, and may authorise the use of electricity for the purpose of lighting such tramway; and may also authorise the Corporation to deviate the middle line of the tramway a distance not exceeding one hundred feet on each side of the line of works laid down in the plan. 5

Lands through which tramway may be constructed.

4. Tramways, with the consent of the Governor in Council, may be constructed under, over, or upon the Town Belt of the City of Wellington, the public streets of the said city, the Botanical Gardens, and any public reserve in or adjoining the said city, and any lands vested in Her Majesty the Queen, and any lands vested in trustees for any public or private purpose whatever, whether general, local, or otherwise. 10

Power to delegate.

5. The Corporation, on obtaining an order authorising the construction of a tramway, may, by deed, and subject to the provisions of the Act, ~~but without taking any poll of ratepayers or other persons,~~ delegate not only the powers, rights, privileges, and obligations referred to in section ten of the Act, but also the powers vested in it under section six, subsection two, of the Act, and all powers, rights, privileges, and obligations vested in or imposed upon the Corporation under this Act. And the Corporation may, in and by the deed of the delegation, impose all such terms and conditions as it shall think fit, ~~including any option in favour of the Corporation of purchasing or otherwise acquiring or leasing the tramway or any part thereof.~~ *provided that such deed shall contain a power of repurchase by the Corporation at the expiration of periods of seven, fourteen, and twenty-one years respectively from the date of completion of such tramway.* 15 20 25

Reference to and powers under Public Works Act.

6. The construction of a tramway authorised in the Second Schedule to the said Act and by this Act, and all roads, ways, and approaches thereto shall be deemed a public work within the meaning of the Public Works Act; and the Corporation may, in lieu of taking lands, take under the provisions of the Public Works Act so much only of the subsoil of any lands as will enable it to construct tunnels. And this Act shall be deemed to be a special Act within the meaning of the Public Works Act, and the expression "local authority" in the Public Works Act shall extend to and include the delegate. 30 35

No right of way on portions of tramway.

7. Notwithstanding anything to the contrary contained in the Act or in the Second Schedule thereto, no person shall, without the consent of the Corporation, or if the authority to construct a tramway shall be delegated by the Corporation, then no person shall, where such tramway shall be constructed in a tunnel or a cutting on a viaduct or embankment, without the consent of the delegate, pass in, through, or along any part of such tramway, or on any vacant land on the outer side of either rail of such tramway, as shall be owned or used by the Corporation or such delegate in connection with the tramway. 40 45

Lighting of line by electricity.

8. For the purpose of using electricity for lighting purposes on any tramway where authorised by any Order in Council the Corporation shall have the same rights, powers, authorities, and privileges in respect thereof as it would have had if it had been so authorised 50

to use electricity as a motive-power, and the Board of Control referred to in the Act shall have power to supervise the use of electricity for lighting purposes.

9. Any lands required for the deposit of spoil shall be deemed Land for spoil.
5 for the purposes of the Act and this Act to be included in the term "tramway."

10. The Corporation may temporarily use and occupy any lands Land may be occupied temporarily.
for the purposes of constructing or repairing a tramway, and may do the following things thereon:—

- 10 (1.) May take therefrom stone, gravel, earth, and other materials;
(2.) May deposit thereon any such material;
(3.) May form and use temporary roads thereon;
(4.) May manufacture bricks or other materials thereon;
15 (5.) May erect workshops, sheds, and other buildings of a temporary nature thereon.

Any person suffering any damage from the exercise of the powers given by this section shall be entitled to compensation, to be ascertained under the Public Works Act.