

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,
31st October, 1898.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Mr. J. Hutcheson.

WELLINGTON HIGH LEVELS TRAMWAY.

[LOCAL BILL.]

ANALYSIS.

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| <ul style="list-style-type: none"> Title. 1. Short Title. 2. Interpretation. 3. Authority for Governor in Council. 4. Lands through which tramway may be constructed. Proviso. 5. Power to delegate. | <ul style="list-style-type: none"> 6. Reference to and powers under Public Works Act. 7. Compensation payable. Proviso. 8. No right of way on portions of tramway. 9. Lighting of line by electricity. 10. Land for spoil. 11. Land may be occupied temporarily. |
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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.

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."

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

"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. With the consent of the Governor in Council, such tramway 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, 10 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 :

Proviso

Provided that such consent, if given, shall be deemed to be given 15 subject to the condition that members of the Volunteer, Armed Constabulary, or Police Forces whilst in uniform, and postmen and other Government servants whilst performing any Government service, shall be entitled to the free use of the tramway.

Power to delegate.

5. The Corporation, on obtaining an order authorising the construction of such tramway, may, by deed, and subject to the provisions of the Act, 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 20 upon the Corporation under this Act, *provided that such deed of delegation shall have no legal effect until it has been submitted to and approved by the Governor in Council and published in the Government Gazette.* And the Corporation may, in and by the deed of the delegation, impose all such terms and conditions as it shall think fit, 25 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, and in determining the price at which the Corporation may repurchase nothing shall be allowed for good-will. 30 35

Reference to and powers under Public Works Act.

6. The construction of such tramway, and all roads, ways, and other 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 40 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, *provided that all objections under sections seventeen or eighteen of the Public Works Act shall be submitted to the Minister for Public Works, who shall determine the same in lieu of the local authority or the delegate.* 45

Compensation payable.

7. The Minister for Public Works, on behalf of Her Majesty, in the case of lands of the Crown, and, in the case of other lands, every person having any estate or interest therein, shall be entitled to full compensation from the corporation for all land or subsoil taken, 50 and for all land, and all buildings and improvements thereon, in any way damaged or injuriously affected, in the exercise of the powers

by the Act or this Act conferred upon the corporation or the delegate; and in the event of difference the amount of such compensation shall be ascertained and assessed under the Public Works Act, the provisions whereof shall apply accordingly:

5 Provided that, in the event of any land, or any buildings or improvements thereon, being damaged *or injuriously affected* by reason of, or consequent on, the construction of any tunnel or other work, the claim for compensation in respect thereof may in each instance be made at any time within twelve months after the
10 damage *or injury* occurs, anything in the Public Works Act to the contrary notwithstanding.

Proviso.

8. 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 such tramway
15 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 *in such tunnel, cutting, or on such viaduct*, or on any vacant land on the outer side of either rail
20 of such tramway, as shall be owned or used by the Corporation or such delegate in connection with the tramway.

No right of way on portions of tramway.

9. For the purpose of using electricity for lighting purposes on such tramway where authorised by any Order in Council the Corporation shall have the same rights, powers, authorities, and privileges
25 and be subject to the same duties and liabilities in respect thereof as it would have had, and been subject to, if it had been so authorised 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.

Lighting of line by electricity.

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

Land for spoil.

11. The Corporation may temporarily use and occupy any lands for the purposes of constructing or repairing such tramway, and may
35 do the following things thereon:—

Land may be occupied temporarily.

(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;
40 (4.) ~~May manufacture bricks or other materials thereon;~~
(5.) (4.) 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 *from the*
45 Corporation, to be ascertained under the Public Works Act.