

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,  
9th September, 1890.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Fergus.

WESTPORT-NGAKAWAU RAILWAY EXTENSION.

ANALYSIS.

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A BILL INTITULED

AN ACT to authorise the Extension of the Westport-Ngakawau Railway to the Mokihinui River, and to provide for the Cost of such Extension out of the Funds of the Westport Harbour Board. Title.

5 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 Westport-Ngakawau Railway Extension Act, 1890." Short Title.

*Struck out.*

10 2. The Governor may, in the name and on behalf of Her Majesty, enter into a contract or contracts for the extension of the Westport-Ngakawau Railway to the Mokihinui River; and such extension of the said railway is herein referred to as "the railway."

*New clause.*

15 2. Upon a contract being entered into by the Mokihinui Coal Company (Limited) with the Railway Commissioners constituted under "The Government Railways Act, 1887," conferring upon the said Commissioners power to run trains and rolling-stock for the conveyance of passengers and goods upon and over the present existing Governor may contract for extension to Mokihinui.  
20 railway of the said company extending along the Mokihinui River, upon such terms, for such period, and upon and subject to such conditions as the Commissioners may deem satisfactory, the Governor may, in the name and on behalf of Her Majesty, enter into a contract  
25 or contracts for the extension of the Westport-Ngakawau Railway to the Mokihinui River, and such extension of the said railway is in this Act referred to as "the railway."

Act to be deemed special Act.

3. This Act shall be deemed to be a special Act authorising the construction of the aforesaid railway within the meaning and for the purposes of "The Public Works Act, 1882," which, so far as applicable, is hereby incorporated with this Act.

Extension to be made at cost of Westport Harbour Fund, and to be deemed a harbour work.

4. (1.) The cost of constructing the railway shall be paid out of the Westport Harbour Fund. 5

(2.) It is hereby expressly declared that the railway, being for the purpose of connecting the coalfields at Mokihinui with the port of Westport, is a work which the Westport Harbour Board is authorised to construct or provide for under the provisions of "The Westport Harbour Board Act, 1884," and for such purpose to apply from time to time all necessary funds out of the Westport Harbour Fund to pay for the construction and completion of the railway; and the aforesaid Board are hereby authorised and indemnified for making such payments as and when required by the Minister for Public Works or any other person duly authorised by the said Minister to make any such requisition. 10 15

(3.) The railway, when completed, shall vest in the New Zealand Railway Commissioners appointed under "The Government Railways Act, 1887," and shall be worked by them subject to the provisions of that Act and this Act. 20

Railway Commissioners to make up annual accounts of profits of railway.

5. At the expiration of ~~every~~ *the financial year, reckoning the first year from following* the date on which the whole railway is first opened for traffic, and each *financial year thereafter reckoning from every recurring anniversary of the aforesaid date,* the said Railway Commissioners (hereinafter referred to as "the Commissioners") shall compute the accounts of revenue, working-expenses, and profits arising out of working the said railway during each such year in which such railway is worked by the Commissioners; and if they find that the profits arising from working the railway in any year, after paying the working-expenses of the railway, do not amount to *five* per centum per annum on the whole cost of the railway from the date on which the whole railway is first opened for traffic, they shall ascertain the deficiency, and shall make out a certificate under their seal stating the amount of such deficiency. 25 30 35

(1.) The revenue of the railway shall be deemed to be,—

(a.) When the traffic originates and terminates on the railway, the whole of the rates, fares, and charges derived under the regulations fixing the same made in accordance with "The Government Railways Act, 1887," or any amendment thereof; 40

(b.) When the traffic is carried over the whole or any part of the railway, but does not both originate and terminate on the same, then such part of the receipts derived therefrom under the regulations aforesaid as may be determined by the Commissioners, or if special rates, fares, and charges are fixed for the railway under regulations made as aforesaid, then the whole of such special rates, fares, and charges: 45

(c.) All other revenue arising from the railway, or any part thereof. 50

(2.) The working-expenses of the railway shall be deemed to be,—

All expenses incurred by the Commissioners for operations in working and connected with working the said railway usually comprised under the term "working-expenses," as applied to the New Zealand Government railways.

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Every certificate given by the Commissioners of such deficiency shall be final and conclusive proof in all Courts of the correctness of the amount of the deficiency stated therein for purposes of this Act, or of "The Government Railways Act, 1887."

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6. If there be a deficiency in any year, the Commissioners shall transmit the said certificate to the Land Board of the Land District of Nelson, constituted under "The Land Act, 1885," who shall thereupon determine the proportion of such deficiency to be borne and paid by the several holders of all coal-mining leases within the railway area described in the Schedule hereto, in manner so that the whole of the deficiency shall be distributed amongst them according to the acreage contained in such leases, whether such leases have been obtained before or after the passing of this Act, and shall serve a notice upon the holder of every such coal-mining lease, requiring him to pay, and he shall accordingly pay, to the Receiver of Land Revenue for the Nelson Land District, on behalf of her Majesty, the amount stated in the said notice, in addition to any royalty or rent payable in respect of his lease during the said year.

Coal-mining lease-holders to make up deficit of profits of railway to five per cent.

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And every sum mentioned in any such notice in any year may be recovered as a debt due to Her Majesty the Queen, and when recovered shall be paid into the Public Account to make up the deficiency arising from working the railway.

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"Notice" in this section means a notice in writing served by leaving a copy thereof at the mine with the person in charge thereof, or at the last-known residence or place of business of the leaseholder in New Zealand; or, in the case of a partnership, at the last-known place of business in New Zealand of such partners; and, in the case of a company, at the last-known registered office of the company in New Zealand.

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7. All profits arising from the railway remaining after payment of all the cost of maintenance and working-expenses, and any claims for compensation arising in respect of injuries from accidents on the railway, shall be paid to the aforesaid Harbour Board, as additional endowment for such Board, in manner as the Governor shall from time to time direct.

Profits of railway, after expenses paid, to be harbour endowment.

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8. The powers and functions vested in the Minister of Lands by sections nine, ten, and eleven of "The Westland and Nelson Coal-fields Administration Act, 1877," shall not be exercised by him in relation to any land served by any portion of the railway from Westport to Mokihinui unless he is authorised by a resolution passed in that behalf by both Houses of the General Assembly.

Power of extending coal-mining leases restricted.

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9. In the event of the said Harbour Board being dissolved or ceasing to exist from any cause, all moneys payable to the said Board under this Act shall be paid into the Public Account to the credit of a separate account, therein to be called "The Westport Harbour Account," and the Colonial Treasurer may, until other provision is made by Parliament in that behalf, issue and pay the same out of the said account to defray the cost of any of the works or services which the Governor is empowered under the authority of this Act to execute or employ.

Provision in case Harbour Board dissolved.

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Schedule.

## SCHEDULE.

ALL that portion of the Buller Coalfield Reserve (as defined in "The Westland and Nelson Coalfields Administration Act, 1877") lying to the north of the Ngakawan River, and containing by admeasurement about thirty-four thousand eight hundred acres, as indicated ~~in~~ on the map marked P.W.D. 16360, in the office of the Minister for Public Works, at Wellington, and thereon edged pink.

By Authority: GEORGE DINSBURY, Government Printer, Wellington.—1890.