

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Wednesday, the 7th day of September, 1881.

NOTICES RELATING TO ORDERS OF THE DAY.

RAILWAYS CONSTRUCTION AND LAND BILL.

Hon. Mr. HALL, in Committee, to move the following amendments:—

To omit clauses 11 and 12.

After clause 14 as printed. To add the following new clause:—

15. Notwithstanding anything hereinbefore contained the Governor in Council may contract, under the provisions of this Act, with companies formed for the construction of the lines of railway mentioned in the *First* Schedule hereto.

Any contract so made shall be valid and effectual to all intents and purposes, and shall not be avoidable by any resolutions passed as aforesaid unless such contract shall be repugnant to any other provisions of this Act; and the company contracted with shall, immediately after the making of such contract, be entitled to proceed with the construction of the line of railway to be constructed by it:

Provided that in case any contract so entered into shall be lawfully avoided by reason of such repugnancy as aforesaid, such company shall not be entitled to any claim for compensation against or from Her Majesty the Queen or the Government of the colony by reason of such avoidance, or by reason of anything done by the company under the provisions thereof, or under the provisions of this Act in respect thereof.

In clauses 28, 29, and 31. To insert "The Public Works Act, 1876," for "The Public Works Act, 1881."

In clause 30. To insert the word "*Second*," before the word "Schedule."

To omit clause 45 as printed, and in lieu thereof the following new clause to be inserted:—

45. As soon as conveniently may be after a contract has become capable of taking effect under this Act, the Governor may, in the name and on behalf of Her Majesty, make and execute to the company a Crown grant in fee-simple of all such Crown lands as may, in the opinion of the Governor, be necessary for the construction thereon of the railway, and all buildings to be used upon the same or in connection therewith, subject, however, to any reasonable conditions or restrictions he may think fit to insert in such grant.

To add to clause 47. "And upon or after such inspection may require that such additions, alterations, or repairs shall be made by the company in such manner as the Governor shall be advised are necessary or desirable for the utility or safety of the line of railway."

To omit clause 48.

To insert the following new clauses, to form

PART IV.

RATING POWERS.

(1.) *Railway Districts and Classification of Lands.*

When a company desires to avail itself of the powers contained in this Part of this Act, it shall, by notification duly published in one or more newspapers circulating in the district proposed to be created under the powers herein contained, notify that it proposes to adopt the provisions of this Part of this Act, and shall also state the area it is proposed to constitute a railway district for the purposes of this Part of this Act, and shall describe the boundaries of such proposed district.

No such district shall extend for more than *twenty* miles on each side of the proposed middle line of the railway.

The company shall also set forth generally in such notice the particulars required by the _____ section of this Part of this Act, and shall state the manner in which it is proposed the lands included in such district shall be classified for the purposes of this Act.

Classification of lands to be made for rating purposes.

The classification of lands for the purposes of this Part of this Act shall be in some one or more of the following classes:—

- (1.) Lands receiving or supposed to receive immediate and direct benefit from the construction of the railway.
- (2.) Lands receiving or supposed to receive less direct benefit.
- (3.) Lands receiving only the benefit incidental to or derived generally from the construction of such railway.
- (4.) All other lands (if any) affected.

Company to apply to County and Borough Councils for approval of proposals.

Within thirty days after such notice, the company shall transmit to the Council of each borough and county, wholly or partly comprised in the proposed district, the following documents and particulars:—

- (1.) A plan and book of reference and an estimate of the cost of the proposed railway and of the equipment thereof;
- (2.) A statement of the maximum rate of tolls and charges for the carriage of animals, goods, merchandise, and passengers, proposed to be charged on such railway;
- (3.) A statement of the maximum rent or charge to be made for the storage of goods, produce, or merchandise;
- (4.) A statement of the minimum number of trains to be run daily;
- (5.) A specification of the rate it is proposed to levy in respect of the various classes of land hereinbefore mentioned under the powers hereinafter contained.

(2.) *Votes of Owners and Ratepayers.*

Ratepayers in railway district to vote whether this Part of the Act may be adopted by the company.

Within sixty days from the deposit of the plan and book of reference, the votes of the ratepayers and owners of property within the proposed district shall be taken, as hereinafter provided; and if a majority of the whole body of ratepayers and owners of property, representing at least *two-thirds* in number and value of the rateable property in the said district, shall consent to the adoption by the company of this Part of this Act, then the company may adopt the provisions of this Part of this Act; but if the majority of such ratepayers and owners representing such proportion in number and value as aforesaid shall not so consent, then the company shall take no further proceedings for the adoption of this Part of this Act.

Who entitled to vote.

The votes of the ratepayers and owners of property shall be ascertained in accordance with the provisions of this Part of this Act, and any regulations made under its authority.

For the purposes of this Part of this Act the whole of the ratepayers and owners of property in the proposed district at the time the votes are taken shall be deemed to be one body, so that the question to be decided under this Act shall be decided by the majority of the votes of such ratepayers and owners of property, in the proportion hereinbefore specified; but in ascertaining such votes the following provisions shall have effect:—

Mode of ascertaining votes.

- (1.) The ratepayers and owners of property in any borough comprised within the proposed district shall vote only within such borough:
- (2.) The ratepayers and owners of property in a road or highway district comprised as aforesaid shall vote only within such road or highway district:
- (3.) Where any part of the proposed district is not included within a borough, or a road or highway district, the ratepayers and owners of property in the county in such part of the proposed district shall vote therein:
- (4.) No ratepayer who is such ratepayer by virtue of his being a tenant or occupier of any land or premises in respect of which he claims to vote under this Part of this Act shall be entitled so to vote unless such land or premises is held upon a lease which shall at the time of the vote being taken have not less than *seven* years to run, or of which he has been in possession for three years or upwards next before the date of voting:
- (5.) The Governor may from time to time, on the application of a company, by warrant duly gazetted, make general regulations providing for the formation of lists of persons entitled to vote under this Part of this Act, and for ascertaining the names and qualifications of persons so entitled, and for the authentication and use of the lists so to be made, and for the appointment, conduct, and duties of persons before whom votes shall be taken, and generally for carrying out and giving effect to the provisions of this Act:
- (6.) Subject as aforesaid, the Governor may from time to time, by warrant duly gazetted, order and direct at what times and places, and in what manner and form, the ratepayers and owners of property shall vote within the proposed railway district:
- (7.) If from any cause it shall not be practicable to take the votes within the period of sixty days hereinbefore mentioned, the Governor may extend the time for such period as he thinks fit, not exceeding twenty-one days from the expiration of such period of sixty days:
- (8.) All the costs, charges, and expenses of and incidental to the taking of such votes shall be paid and payable by the company.

The Governor shall be the sole judge whether the provisions of the last preceding section have been duly complied with, and may from time to time appoint such person or persons as he thinks fit to ascertain the result of the voting under this Part of this Act, and may direct in what manner the result of such voting shall be made known.

Governor to be sole judge that last section has been complied with.

A notification made in the manner directed by the Governor shall be conclusive evidence that the result therein stated has been arrived at.

(3.) *Special Rate.*

Every company lawfully declared entitled to adopt the provisions of this Part of this Act shall be guaranteed the whole or (as the

Guarantee of interest on cost of railway by a special rate.

case may require) any deficiency of interest on the cost of the railway at a rate not exceeding *five* per centum per annum, and such interest shall be raised by means of a rate, in manner hereafter provided :—

Such guaranteed interest shall be payable as follows :—

- (1.) On the whole cost of the railway from the date on which the whole line shall be opened for traffic ;
- (2.) On the cost of any complete part or section of a railway from the date on which such part or section is opened for traffic, but in the proportion which the cost of such complete part or section bears to the cost of the whole railway ;
- (3.) Such guarantee shall only attach when and so long as the railway is open for traffic ;
- (4.) The guarantee created by this Act shall only subsist for a period of *fifteen* years from the date when the same first becomes payable.

The company shall yearly, as and whenever it may be necessary for the purposes of this Act, forthwith raise, by means of a rate upon all rateable property within the railway district, such sum of money as may be required to make up the whole or the deficiency of interest guaranteed under this Part of this Act : Provided that the sum of money to be so raised shall not in any one year exceed *five* pounds per centum per annum on the cost of the railway.

For the purpose of making, levying, and collecting any and every such rate as aforesaid, the company shall be deemed a local body within the meaning of "The Rating Act, 1876," and of every other Act for the time being in force regulating the making and levying of rates ; and accordingly the provisions of "The Rating Act, 1876," and of every other such amended Act as aforesaid, shall extend to and be made applicable and available for the making, levying, and collecting by the company of any and every such rate as aforesaid, but subject to the following express provisions, that is to say :—

- (1.) That it shall not be necessary for the company to make any valuation roll for the purposes of such rate as aforesaid, but it may adopt for those purposes all such valuation rolls of the several local bodies within the railway district as shall be for the time being in force, and the rate may be made on the basis of the valuation rolls so adopted.
- (2.) That a separate rate-book shall be prepared in respect of each of the classes of land into which the railway district shall have been divided for the purposes of this Part of this Act.
- (3.) That each rate shall be made payable in two equal instalments, on the *thirtieth* day of *June* and the *thirty-first* day of *December* respectively, in the year in which it shall be made.
- (4.) That in every case in which the boundary of the jurisdiction of any local body within the railway district is or shall not be coincident with the boundary of the railway district, so that any rateable property within the jurisdiction of such local body shall be intersected by the boundary of the railway district, then the company shall apportion the rateable value of such property, so that such portion thereof as lies within the railway district may be fairly rated for the purposes of the said Acts and this Act ; and the company shall insert in each rate-book applicable to such portion of the said property as aforesaid the fact and nature of such apportionment, which shall then be binding to and for all intents and purposes.

Rate to be levied
by the company.

Powers of company
for that purpose.

The amount in the pound of every rate authorized to be levied as before provided shall vary proportionately according to the class in which the rateable property in respect whereof it is made shall be comprised under the classification of lands for the purposes of the railway district, but so that the amount in the pound levied shall not exceed in respect of each class that proposed by the company in respect thereof under the _____ section of this Act.

Rate to vary according to classification of land.

The costs, charges, and expenses of making, levying, and collecting every such rate as aforesaid shall be borne and paid by the company on whose behalf the same was made, and the amount of such costs, charges, and expenses shall, for the purpose of determining the amount of guaranteed interest to be raised in any year, be deemed part of the working expenses of the railway for the year immediately preceding that in which the rate was made.

Cost of levying rate to be paid by company.

All moneys received by the company under any such rate as aforesaid shall be applied first in or towards payment of the costs, charges, and expenses of making, levying, and collecting such rate; secondly, in or towards payment of all existing arrears (if any) of principal or interest secured by any mortgage, debenture, or coupon issued by the company, and the surplus, if any, shall be retained by such company.

Application of rate.

Part IV. as printed to stand as Part V.

In clause 77. To omit the words from "contract," on line 1 of the clause, to "forthwith," in line 3, and to insert in lieu thereof, "company has been formed for any of the purposes authorized by this Act the Governor in Council may, on the application of the company."

In the same clause to omit the words "and set apart for the purpose of giving effect to any such contract."

In clause 79. To insert before the word "The," in line 1 of the clause, the words "Whenever a contract has become capable of taking effect under this Act."

In clause 82. After the word "thereof" in line 8, to insert "can be usefully worked for public traffic."

In clause 85. After the word "Surveyor-General," to insert "on behalf of the Governor and some person to be appointed by the company, and in case of their disagreement, by some person to be chosen by the Surveyor-General, and such first-mentioned person."

On line 35, same clause. To omit the words "his certificate," and insert "their certificate, or that of any two of them."

In clause 88. To omit the whole of paragraph 2 of the clause, and insert in lieu thereof:—

- (1.) If any land comprised in any such grant shall at any time be found to contain coal, then the company shall pay to Her Majesty, in respect of every ton of coal raised or gotten thereout, a royalty or sum not exceeding a maximum sum to be specified in the grant.
- (2.) If any such land shall be found to contain gold or silver, such land shall be subject in all respects to the provisions of "The Resumption of Land for Mining Purposes Act, 1873," but the value of the gold or silver in or on such land shall not be taken into account in ascertaining or allowing compensation to the company.

In clause 93. To insert "Public Works Act, 1876," for "Public Works Act, 1881," and to insert "one hundred and fifty" for "one hundred and fifty-three."

Part V., as printed, to stand as Part VI., and Part VI., as printed, to stand as Part VII.

In clause 99. To omit subsection (1.)

In clause 106. To insert before the last paragraph in that clause: "Or the Governor may restore the possession of the railway to the

company, or waive any breach in any contract as aforesaid, upon such terms and conditions as he may think fit."

To insert a new clause :—

If the Governor shall exercise the powers vested in him by the last preceding section, any company interested or affected by the action of the Governor may apply to the Supreme Court as hereinafter provided.

Every such application shall be heard and determined by a Judge of the Supreme Court in a summary way ; and such application shall be limited to the question whether there has been such unreasonable or inexcusable delay, or such a wilful breach of any contract as aforesaid, as to justify the exercise of such powers by the Governor, or any of them.

The Judge shall, in such manner as he thinks fit, hear and receive evidence either oral or by affidavit as to the matters upon which his decision is sought ; and any order made by a Judge shall set forth whether in his opinion the power conferred by the section was rightly exercised, and every such order shall be final and conclusive on the Governor and the company. In all other respects the procedure and practice in force for the time in the Supreme Court shall apply to all proceedings authorized by this provision.

In clause 107. To insert "Public Works Act, 1876," for "Public Works Act, 1881."

To insert following new Schedules :—

FIRST SCHEDULE.

SCHEDULE OF LINES, FOR THE CONSTRUCTION OF WHICH GOVERNMENT MAY CONTRACT UNDER NEW CLAUSE 15.

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|---------------------------|--|-------------------------------------|
| Morrinsville to Rotorua. | | East and West Coast, Middle Island, |
| Wellington to Manawatu. | | by Waiau and Reefton. |
| Belgrove to Nelson Creek. | | Otago Central. |

SECOND SCHEDULE.

ORDER BY COMPENSATION COURT.

WHEREAS, under the provisions of "The Railways Construction and Land Act, 1881," the land described in the plan drawn in the margin of this order [*or* indorsed upon the order, *or* attached thereto] was taken by the [*Name of Company*] for the purposes of a railway from to : And whereas the compensation payable in respect of the interest of [*Owner of Land*] in the said land has been assessed at £ , and such compensation has been paid by the Company [*State mode of payment*] : In exercise of the authority conferred upon it by the said Act, this Court doth therefore order that the parcel of land described in the said plan shall be vested in the said Company for the purposes of the said Act.

Dated this day of 188 .

A.B.,

(Plan.)

President of the Compensation Court.

To alter numbers of other Schedules as printed where necessary.