



TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. L.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>PURCHASE OF LAND IN NORTH ISLAND.</p> <p>3. £500,000 raised under "Immigration and Public Works Loan Act, 1873," to be expended in purchase of lands in North Island.</p> <p>4. Sum to be expended in proportions: Auckland £250,000. Wellington £150,000. Taranaki £50,000. Hawke's Bay £50,000.</p> <p>5. Provisions as to charging on Provinces the expenditure in purchase of lands in North Island repealed.</p> <p>6. Governor to proclaim lands to be waste lands when satisfied that they are free from Native difficulties.</p> <p>RAILWAYS.</p> <p>7. Sections 49, 57, 59, 60, 61, 62, 63, 64, 65, 67, 68, 91, 114, 140, 150 of "Railway Clauses Consolidation Act, 1845," excepted.</p> <p>WATERWORKS.</p> <p>8. For purposes of Proclamation of lands and</p> | <p>streams to be taken for waterworks survey not necessary, but sufficient if they are marked out on the ground.</p> <p>PROVINCIAL RAILWAYS.</p> <p>9. Governor may issue Proclamation relating to Provincial railway. Interpretation of term "Provincial railway." Effect of Proclamation. Interpretation of terms "Railway," &c.</p> <p>10. Moneys paid as compensation to be paid out of moneys appropriated by Provincial Council.</p> <p>11. Part II. of "The Immigration and Public Works Act, 1870," to apply to Provincial railways.</p> <p>ROADS.</p> <p>12. Authority to construct roads extended to the construction of tramroads.</p> <p>13. Person authorized to have power to demand tolls.</p> <p>14. Governor may make regulations.</p> <p>15. Tramways Act to apply.</p> <p>16. Governor may lease or assume management of tramway.</p> <p>17. Invercargill and Winton Railway deemed to be constructed under Act of General Assembly.</p> |
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AN ACT to amend "The Immigration and Public Works Act, 1870," and the Acts amending the same. [30th September, 1873.]

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 shall be "The Immigration and Public Works Act, 1873." Short Title.
2. In this Act, "The Immigration and Public Works Act, 1870," is referred to as "the said Act." Interpretation.

Immigration and Public Works.

PURCHASE OF LAND IN NORTH ISLAND.

£500,000 raised under "Immigration and Public Works Loan Act, 1873," to be expended in purchase of lands in North Island.

Sum to be expended in proportions :

Auckland £250,000.

Wellington £150,000.

Taranaki £50,000.

Hawke's Bay £50,000

Provisions as to charging on Provinces the expenditure in purchase of lands in North Island repealed.

Governor to proclaim lands to be waste lands when satisfied that they are free from Native difficulties.

3. In addition to the sum of two hundred thousand pounds authorized by the third section of the said Act to be issued and expended in the purchase of lands in the North Island of New Zealand, there may be issued and expended for the same purpose, out of the moneys authorized by "The Immigration and Public Works Loan Act, 1873," any sum not exceeding five hundred thousand pounds.

4. Such sum shall and may be issued and applied in the purchase of lands in the several Provinces in the North Island in the proportion following, that is to say,—

In the Province of Auckland, any sum not exceeding two hundred and fifty thousand pounds.

In the Province of Wellington, any sum not exceeding one hundred and fifty thousand pounds.

In the Province of Taranaki, any sum not exceeding fifty thousand pounds.

In the Province of Hawke's Bay, any sum not exceeding fifty thousand pounds.

5. So much of the thirty-fourth section of the said Act as provides that the Governor shall, before contracting for the purchase of such lands, have agreed with the Superintendent of the Province in which the lands are, upon terms for charging against such Province the amount to be expended on the purchase, and the provisions contained in the thirty-seventh and thirty-eighth sections of the said Act, are hereby repealed, and the said Act and all other Acts shall be construed and read as if such provisions had never been contained in the said Act, not only with relation to the said sum of five hundred thousand pounds and the lands purchased therewith, but also with relation to the said sum of two hundred thousand pounds and the lands purchased or to be purchased therewith.

6. The thirty-sixth section of the said Act is hereby repealed, and in lieu thereof it is enacted that whenever the Governor is satisfied that any lands purchased out of the said sums of two hundred thousand pounds and five hundred thousand pounds are free from Native claims and all difficulties in connection therewith, he shall by Proclamation declare such lands to be waste lands of the Crown, subject, except as hereafter provided, to be sold and dealt with according to the provisions of the laws for the time being in force in the Province in which such land is regulating the sale and disposal of waste lands of the Crown within such Province, and thereupon such lands so proclaimed shall become subject to such provisions.

None of the said lands so purchased and proclaimed shall, if sold otherwise than at auction, be sold at a less price than one pound per acre, or, if sold at auction, be put up for sale or sold at auction at a less price than ten shillings per acre; nor shall any of such lands be open for selection under any scrip, or be awarded or granted as compensation on any account whatever.

All lands heretofore proclaimed under the thirty-sixth section of the said Act shall be deemed to have been proclaimed under this section of this Act.

RAILWAYS.

7. In addition to the sections of "The Railway Clauses Consolidation Act, 1845," excepted by the seventy-third section of the said Act, there shall also be excepted the following sections, that is to say,—forty-nine, fifty-seven, from fifty-nine to sixty-five both

Sections 49, 57, 59, 60, 61, 62, 63, 64, 65, 67, 68, 91, 114, 140, 150 of "Railway Clauses Consolida-

inclusive, sixty-seven, sixty-eight, ninety-one, one hundred and fourteen, one hundred and forty, and one hundred and fifty, and the said Act and the Acts amending the same shall be construed and read as if the said sections hereinbefore enumerated had never been incorporated in the said Act, and had on the passing of the said Act been mentioned in the said seventy-third section as excepted.

tion Act, 1845,"
excepted.

WATERWORKS.

8. It shall be sufficient, in any Proclamation under and for the purposes of Part III. of the said Act, to describe in general language the waterworks to be constructed and the lands and streams of water proposed to be taken, and it shall not be necessary that such waterworks lands and streams shall have been surveyed, or be specified by name or boundaries or area; but it shall be necessary that before the publication of the Proclamation the centre line of any proposed aqueduct or water race shall have been marked out on the ground along the length of so much thereof as it is proposed to take through any lands granted or leased by the Crown, or contracted to be granted or leased, or any Crown lands occupied under license for any purpose whatever, by pegs driven into the ground at a distance from each other not greater than one chain.

For purposes of Proclamation of lands and streams to be taken for waterworks survey not necessary, but sufficient if they are marked out on the ground.

PROVINCIAL RAILWAYS.

9. Whenever the Superintendent of any Province, on the recommendation of the Provincial Council thereof, applies to the Governor to proclaim any railway, not being a railway which the Governor is authorized to construct, the Governor may issue such and the like Proclamation of such railway and relating thereto as he is by the thirteenth section of the said Act authorized to issue in the case of a railway which the Governor is authorized to construct. The term "Provincial railway," when used in this Act, means any railway so proclaimed.

Governor may issue Proclamation relating to Provincial railway.

Upon the publication of any such Proclamation, the provisions and regulations contained or incorporated in Part VII. of the said Act, and Parts VI. and VII. of "The Immigration and Public Works Act Amendment Act, 1871," and Parts III., IV., V., and VI. of "The Immigration and Public Works Act, 1872," shall be applicable to the railway and the lands to which the Proclamation shall relate.

Interpretation of term "Provincial railway."
Effect of Proclamation.

In the application of the said provisions and regulations, the word "railway" shall mean any Provincial railway and the works connected therewith, and the word "Governor" shall, with reference to any Provincial railway, mean the Superintendent for the time being of the Province in which the railway is or is intended to be constructed; but the expression "Governor in Council" shall mean the Governor in Council at the request of the Superintendent of such Province.

Interpretation of terms "railway," &c.

And in the application of the said provisions and regulations, a Superintendent of a Province shall be deemed to have been authorized to construct a railway whenever an Ordinance of the Provincial Council of such Province shall have appropriated money for the purposes of such construction.

10. All moneys payable as compensation for land taken or injuriously affected shall in the case of a Provincial railway be paid out of such moneys as shall be appropriated for the purpose by the Provincial Council of that Province at the request of the Superintendent of which the railway has been proclaimed.

Moneys paid as compensation to be paid out of moneys appropriated by Provincial Council.

11. The provisions of Part II. of "The Immigration and Public Works Act, 1872," shall apply to any proposed line of railway which, on the application of any Superintendent of a Province, the Governor may by Proclamation declare to be "an authorized survey;"

Part II. of "The Immigration and Public Works Act, 1870," to apply to Provincial railways.

Immigration and Public Works.

but in the application of the said Part II. to such cases the terms "Minister for Public Works" and "Minister" shall mean the Superintendent of the Province, and the expression "Public Works Account" shall mean the Provincial Account of such Province; and the term "Colonial Treasurer" shall mean the Provincial Treasurer of such Province, or any person acting as such.

ROADS.

12. The authority given by Part I. of the said Act to construct roads shall authorize and be deemed to have authorized the construction of tramroads or tramways.

13. Any person authorized by the Governor in that behalf may demand and take in respect of any such tramway such tolls and charges as shall from time to time be fixed by the Governor: Provided that the sums so received be dealt with in the same manner as the proceeds from the railways constructed from the four hundred thousand pounds allocated to the Middle Island for railway purposes.

14. The Governor may from time to time make regulations as to the following matters:—

The rate of speed to be observed in travelling upon the tramway.

The distance at which carriages using the tramway shall be allowed to follow one after the other.

The stopping of carriages using the tramway.

The traffic on the road in which the tramway is laid.

For preventing the commission of any nuisance in or upon any carriage, or in or against any premises connected with the tramway.

For regulating the travelling in or upon any carriage used on the tramway.

And for better enforcing the observance of all or any of such regulations, it shall be lawful for the Governor to make by-laws for all or any of the aforesaid purposes, and from time to time to repeal or alter such by-laws and make new by-laws.

Any such by-law may impose reasonable penalties for offences against the same, not exceeding forty shillings for each offence, with or without further penalties for continuing offences, not exceeding for every continuing offence ten shillings for every day during which the offence continues; but all by-laws shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid; and all such penalties shall be recoverable in a summary way before a Justice of the Peace.

15. The sections of "The Tramways Act, 1872," numbered from fifty to fifty-five, both inclusive, shall apply to any such tramway as aforesaid; and in the application of the provisions of the said sections, the expression "Promoters" shall be deemed to mean the Governor.

16. The Governor may lease any such tramway on such terms and conditions as he thinks fit, or may arrange with the Superintendent of the Province in which any such tramway is, for the management and working of any such tramway, on such terms and conditions as may be agreed on.

17. The railway from Invercargill to Winton, in the Province of Otago, shall, for the purposes and provisions of "The Railway Offences Act, 1865," be deemed to be a railway constructed under the powers of an Act of the General Assembly.

Authority to construct roads extended to the construction of tramroads.

Person authorized to have power to demand tolls.

Governor may make regulations.

Tramways Act to apply.

Governor may lease or assume management of tramway.

Invercargill and Winton Railway deemed to be constructed under Act of General Assembly.