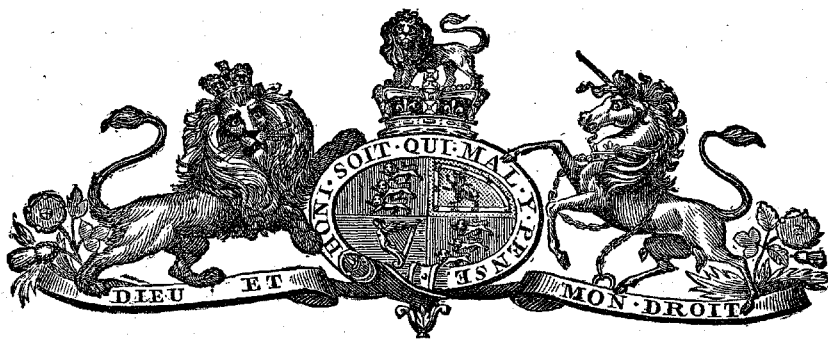


## NEW ZEALAND.



TRICESIMO SEPTIMO

## VICTORIÆ REGINÆ.

No. LI.

\*\*\*\*\*

## ANALYSIS.

- |  |   |
|--|---|
| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. "The Railways Act, 1872."</li> <li>3. Proclamations of lines specified in First Schedule in part cancelled.</li> <li>4. Portions of lands described in said Proclamations discharged therefrom. Titles to such lands not to be affected by said Proclamations.</li> <li>5. Proclamations not to give right to compensation.</li> <li>6. New line may be proclaimed from Kaiapoi to Eyreton.</li> <li>7. New portions of lines may be proclaimed for the portions abandoned.</li> <li>8. The Addington and Rangiora and the Rangiora and Kowai lines to be one line.</li> <li>9. Dunedin and Port Chalmers line.</li> <li>10. Sections of "The Railways Act, 1871," charging cost of construction of railways against land, repealed.</li> </ol> | <ol style="list-style-type: none"> <li>11. Additional appropriations for certain railways.</li> <li>12. Appropriation and authority for new lines.</li> <li>13. Moneys out of which railways to be constructed.</li> <li>14. Surveys of connecting lines in Nelson, Westland, Canterbury, and Marlborough.</li> <li>15. Connecting line between Napier and Wellington lines.</li> <li>16. Foxhill and Brunner Line.</li> <li>17. Railways to be constructed under "The Immigration and Public Works Act, 1870."</li> <li>18. Annual charge may include a sum for Sinking Fund.</li> <li>19. Grey Coal Reserves to be security for portion of cost of Greymouth and Brunner Coal Field Railway.</li> <li>20. Moneys, how to be paid.</li> <li>21. Commencement of works in Third Schedule. Schedules.</li> </ol> |
|--|---|

AN ACT to provide for the Construction of certain Railways, and for other Purposes. Title.

[2nd October, 1873.]

**B**E 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 Railways Act, 1873." Short Title.
2. In this Act, the expression "the said Act" shall mean "The Immigration and Public Works Act, 1870;" and the expression "the Railways Acts" shall mean "The Railways Act, 1870," "The Railways Act, 1871," and "The Railways Act, 1872." "The Railways Act, 1872."
3. The several Proclamations of the lines of railway mentioned in the first column of the First Schedule hereto are hereby, to the extent in the third column of the said Schedule specified, respectively revoked and cancelled, and shall be deemed to be revoked and cancelled as effectually as if the same had never been made or published. Proclamations of lines specified in First Schedule in part cancelled.

*Railways.*

Portions of lands described in said Proclamations discharged therefrom.

4. So much of the lands and hereditaments described in the Schedules to the said Proclamations respectively, and proposed to have been taken for the purposes of the said railways, as are described in the first column of the First Schedule hereto, and in the said Schedule set opposite to the description of the Proclamation relating thereto, shall, upon the passing of this Act, be wholly released and discharged from the effect or consequences of the Proclamation relating thereto, in as full and effectual a manner as if such Proclamation had never been made.

Titles to such lands not to be affected by said Proclamations.

The said lands and hereditaments shall be deemed to have remained vested in the persons in whom the same were vested at the respective dates of the said Proclamations; nor shall the title to any such lands and hereditaments, or any estate use trust or interest therein whatsoever, be deemed to be or have been prejudicially affected by such Proclamations.

Proclamations not to give right to compensation.

5. No person or persons shall have any claim or demand against Her Majesty the Queen, or the Governor or the Government of the Colony, or otherwise, on account of the said lands tenements or hereditaments having been described in the Schedules to any of the said Proclamations as proposed to be taken, nor on account of the same having been in any manner affected by the issue or publication of any of the said Proclamations.

New line may be proclaimed from Kaiapoi to Eyreton.

6. The Governor may, under the said Act and the Acts amending the same, proclaim a line of railway from Kaiapoi to Eyreton, as if the Proclamation mentioned in the First Schedule hereto had never been made.

New portions of lines may be proclaimed for the portions abandoned.

7. In lieu of those portions of the lines of railway mentioned in the said First Schedule, the Proclamations of which are to the extent of such portions hereby cancelled, the Governor may, under the said Act and the Acts amending the same, proclaim other portions as if such portion had never been included in the Proclamation of such lines.

The Addington and Rangiora and the Rangiora and Kowai lines to be one line.

8. The line of railway from Addington to Rangiora, and the line of railway from Rangiora to North Bank of North Kowai, mentioned in the Second Schedule to the said Act, shall hereafter together form one line of railway from Addington to the North Bank of North Kowai, and all appropriations of money heretofore made for the construction of each of the said lines shall be deemed to have been made for the construction of the whole line from Addington to the North Bank of North Kowai.

Dunedin and Port Chalmers line.

9. Whereas by the eleventh section of "The Railways Act, 1872," the Governor was authorized to purchase in the name and on behalf of Her Majesty the railway then constructed or in course of construction between the City of Dunedin and Port Chalmers, and the plant and rolling stock appertaining thereto, at and for such sum and on such terms as he might think fit, and that the sum or sums agreed to be paid as purchase money thereof might be issued and applied thereto out of any moneys available from the Middle Island Railway Fund for the construction of railways in the Province of Otago; and so far as the moneys so available were insufficient for the payment of such purchase money, then that the deficiency might be issued and applied out of any moneys standing to the credit of the Public Works Account on account of Railways; and that the seventh section of "The Railways Act, 1871," should apply to any moneys applied out of the Public Works Account to the payment of such purchase money: And it was also enacted that if the said last-named railway should be so purchased by the Governor the same should be deemed a railway within the meaning of "The Immigration and Public Works Act, 1870," and the Acts amending the same, as if constructed thereunder:

*Railways.*

And whereas the Governor has entered into an agreement for the purchase of the said railway, and has been put into possession thereof, but the legal title to the said railway has not yet been completely acquired by the Governor, and it is expedient, nevertheless, that the said railway should be declared to be a railway within the meaning of "The Immigration and Public Works Act, 1870," and the Acts amending the same:

Be it therefore enacted that the railway constructed between the City of Dunedin and Port Chalmers shall be deemed to be a railway within the meaning of the said last-mentioned Act and the Acts amending the same, as if constructed thereunder, and the said agreement heretofore made by the Governor for the purchase thereof shall be deemed to have been authorized by the said eleventh section of "The Railways Act, 1872."

10. The sections of "The Railways Act, 1871," numbered eight, nine, and ten, and so much of the eighth section of "The Railways Act, 1872," as refers to the said sections, are hereby repealed, and the said Acts and all other Acts shall be construed and read as if the said sections had never been enacted, and as if the cost of the construction of each of the railways in the said sections referred to had been charged against the Land Fund of the Province in which such railway is or is intended to be, and not against land.

Sections of "The Railways Act, 1871," charging cost of construction of railways against land, repealed.

11. In addition to the sums specified in the second columns of Parts I. and II. of the Second Schedule hereto, being the sums heretofore authorized to be issued and applied in the construction of the railways and other works mentioned in the said Second Schedule, there may be issued and applied in the construction of such railways and other works any sum or sums of money not exceeding in the whole the sums set forth in the second columns of the said Parts I. and II. of the said Second Schedule, and therein set opposite to the name of the railway or other work to which the same applies; and the said sums specified in the said Part I. shall, as between the Colony and the Province in which the railway or other work is or is to be constructed, be charged against the Land Fund of such Province.

Additional appropriations for certain railways.

12. The Governor may construct and maintain, or cause to be constructed and maintained, the railways mentioned in the Third Schedule hereto, or any of them, under the provisions of the said Act and the Acts amending the same; and to meet the cost of such construction there shall and may from time to time be issued and applied, in the construction of each railway mentioned in the said Third Schedule, any sum or sums of money not exceeding in the whole the sum set forth in the second column of the said Third Schedule, and therein set opposite the name of the railway to which the same applies, and the said sums shall, as between the Colony and the Province in which the work is constructed, be charged against the Land Fund of such Province.

Appropriation and authority for new lines.

13. The said several sums authorized by this Act to be issued and applied to the construction of any railway or other work except coal field railways in any Province in the Middle Island, shall and may be issued and applied out of any moneys available from the Middle Island Railway Fund in respect of such Province; and so far as the moneys for the time being available from the said fund for such construction are insufficient to meet any of such costs as shall for the time being come in course of payment, then such deficiency shall and may be issued and applied out of any moneys for the time being standing to the credit of the Public Works Account on account of railways.

Moneys out of which railways to be constructed.

As to such of the said railways and works as are to be constructed

*Railways.*

in the North Island, and as to such of the said railways and works as are coal field railways, the said several sums authorized by this Act to be issued and applied, shall be issued and applied out of any moneys for the time being standing to the credit of the Public Works Account on account of railways.

**14.** Whereas it is expedient that a trunk line of railway through the Middle Island should be completed, and it is necessary to that end that a line of railway connecting the authorized railways in the Province of Nelson with some principal town or authorized railway in Westland, and such town or railway in Westland with the lines of railway in Canterbury, with, if found practicable, a branch line of railway to Picton or Blenheim, in the Province of Marlborough, should be constructed :

Be it enacted that such connecting lines shall be constructed by the Governor under "The Immigration and Public Works Act, 1870," and the Acts amending the same, out of such moneys as may from time to time be appropriated by the General Assembly for the purpose, and the cost of such construction shall, as between the Colony and the Province in which the work is constructed, be charged against the Land Fund thereof.

The Minister of Public Works is hereby authorized to cause the necessary surveys to be made preliminary to the construction of such connecting lines ; and all necessary expenses in causing such survey to be made shall be defrayed out of any moneys for the time being standing to the credit of the Public Works Account on account of railways, and the cost thereof shall be charged as part of the cost of the construction of the railway.

**15.** Whereas it is expedient that a line of railway connecting the authorized line of railway from Napier to Waipukurau, in the Province of Hawke's Bay, with the authorized line of railway leading to the City of Wellington, should be constructed :

Be it therefore enacted that such connecting line of railway shall be constructed by the Governor under the said Act and the Acts amending the same, out of such moneys as may from time to time be appropriated by the General Assembly for the purpose.

The Minister for Public Works is hereby authorized to cause the necessary surveys to be made preliminary to the construction of such connecting lines ; and all necessary expenses in causing such survey to be made shall be defrayed out of any moneys for the time being standing to the credit of the Public Works Account on account of railways, and the cost of such survey shall be charged as part of the cost of construction of the railway, which shall be charged against the Land Fund of the Province in which the work is constructed.

**16.** Whereas it is expedient that a line of railway from the termination at Foxhill, in the Province of Nelson, of the authorized line of railway, should be constructed to Brunner in the said Province :

Be it therefore enacted that such line of railway shall be constructed by the Governor under the said Act and the Acts amending the same, out of such moneys as may from time to time be appropriated by the General Assembly for the purpose.

The Minister for Public Works is hereby authorized to cause such inquiries reports and surveys to be made, and such acts and proceedings to be done and taken, as he may think necessary for enabling him to recommend to the Governor, for submission to the General Assembly during the next Session, plans for the construction of the said railway from Foxhill to Brunner ; and all necessary expenses in causing such surveys inquiries and reports to be made shall be defrayed out of any moneys for the time being standing to

Surveys of connecting lines in Nelson, Westland, Canterbury, and Marlborough.

Connecting line between Napier and Wellington lines.

Foxhill and Brunner line.

*Railways.*

the credit of the Public Works Account on account of railways, and the cost of such survey shall be charged as part of the cost of the construction of the line of railway which shall be charged against the Land Fund of the Province of Nelson.

17. The railways hereby authorized to be constructed shall be deemed to be railways authorized and determined to be constructed under "The Immigration and Public Works Act, 1870," and the Acts amending the same, and as to such railways as are hereby declared to be charged on the Land Fund of any Province, such charge shall be made in the manner provided by the twelfth section of "The Immigration and Public Works Act, 1871."

Railways to be constructed under "The Immigration and Public Works Act, 1870."

18. The annual sum to be charged against any Province under the twelfth section of "The Immigration and Public Works Act, 1871," in respect of the capitalized expenditure on account of any railway or other work the cost of which is by this Act or the Railways Acts to be charged against the Land Fund of such Province, may include such sum for Sinking Fund as the Minister shall determine.

Annual charge may include a sum for Sinking Fund.

19. Whereas the lands described in the Fourth Schedule hereto, known as the Grey Coal Reserves, are vested in the Crown, subject to be dealt with by the Governor in Council under "The Westland Waste Lands Act, 1870:"

Grey Coal Reserves to be security for portion of cost of Greymouth and Brunner Coal Field Railway.

And whereas it is expedient that authority should be given to the Governor in Council to make the said reserve and the proceeds thereof a security to the Colony for a portion of the cost of the construction of such railway:

Be it therefore enacted that the Governor in Council may declare the said lands and the proceeds thereof to be a security for such portion of the cost of the construction of the said railway and works connected therewith as he thinks equitable.

The Governor in Council may lease sell or otherwise dispose of the said lands as he thinks fit, but the proceeds of all leases sales or other disposition of the said land heretofore effected or hereafter to be effected shall be paid into the Public Account.

20. All moneys by this Act made payable out of the Public Works Account shall be paid out of moneys raised or to be raised under "The Immigration and Public Works Loan Act, 1870," or "The Immigration and Public Works Loan Act, 1873," and applicable to railways.

Moneys, how to be paid.

21. Nothing herein contained shall authorize the Government to commence any of the works referred to in the Third Schedule, should it appear on fuller information being obtained that the works cannot be constructed for the amount of money herein appropriated to their construction.

Commencement of works in Third Schedule.

## Railways.

## SCHEDULES.

## FIRST SCHEDULE.

Name of Line of Railway.	Date of Proclamation and of Publication.	Whether Cancelled wholly or in part, and if in part as to what Lands.
Kaiapoi to Eyreton ...	Dated the 13th day of April, 1872, and published in the <i>New Zealand Gazette</i> dated the 16th day of April, 1872.	Wholly cancelled.
Auckland to Mercer ...	Dated the 6th day of August, 1872, and published in the <i>New Zealand Gazette</i> dated the 12th day of August, 1872.	Cancelled as to so much of the line as is proclaimed as passing through the lands following:— In the Otahuhu and Mangere Highway Districts, and in the Parish of Manurewa, the lands known as Fairburn's Grant, and Section 55. In the Papatoitōi Highway District, and in the Parish of Manurewa, the lands known as Sections 54, 48, 44. In the Manurewa Highway District, in the Parish of Manurewa, the lands known as Clendon's Grant, and the confiscated Native land.
Wellington to Masterton	Dated the 18th day of September, 1872, and published in the <i>New Zealand Gazette</i> dated the 25th day of September, 1872.	Cancelled as to so much of the line as is proclaimed as passing through Sections numbered 196A, 178, 196, 82, 83, of the Hutt District.
Dunedin to Clutha ...	Dated the 11th day of May, 1871, and published in the <i>New Zealand Gazette</i> dated the 20th day of May, 1871. Also dated the 22nd day of May, 1871, and published in the <i>New Zealand Gazette</i> dated the 27th day of May, 1871.	Cancelled as to so much of the line as is proclaimed as passing through the following lands, roads, rivers, streams, parts, and places:— <i>Taiari Survey District</i> , Block XX., Sections 6, 7, 8, 9, 10, and 26, and all intervening roads and watercourses. <i>Township of Greytown</i> , Block III., Sections 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, Grey Street. Block II., Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, in Carnarvon Street. Block I., Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, Ramsay Street, the Esplanade. <i>Maungatua Survey District</i> , Block V., Sections 10, 9, 8, 15, 7, 6, 22, 21, 5, 4, 3, 23, and 24, and all intervening roads and watercourses. The District Road between Blocks V. and VI.

*Railways.*

Name of Line of Railway.	Date of Proclamation and of Publication.	Whether Cancelled wholly or in part, and if in part as to what Lands.
Dunedin to Clutha ...		<p>Block VI., Sections 78, 77, 1 of 76, 2 of 76, 75, 74, 73, 53, 52, 51, 50, 49, 48, 47, 32, 31, 30, and all intervening roads and watercourses.</p> <p><i>Taiari River</i>, Waihola River, and branch thereof.</p> <p><i>Waihola Survey District</i>, Block XXI., Sections 8, 7, 6, and all intervening roads and watercourses.</p> <p><i>Waihola Creek</i>.</p> <p><i>Tokomairiro Survey District</i>, Block XII., Sections 105, 104, 110, 111, 112, 103, 113, and all intervening roads and watercourses.</p> <p>The District Roads between Blocks XII. and XIV.</p> <p>Block XIV., Section 130.</p> <p><i>North Tokomairiro River</i>, Block XXI., Sections 164, 163, 162, 161, 168, 169, 160, 159, 170, and all intervening roads and watercourses.</p> <p>The District Road between Blocks XXI. and XXIV.</p> <p>Block XXIV., Sections 187, 188, 185, 186, 184, 195, 196, 197, and all intervening roads and watercourses.</p> <p>The District Roads between Blocks XXIV. and XXV.</p> <p>Block XXV., Section 198.</p> <p><i>South Tokomairiro River</i>, Block XXXII., Section 8.</p> <p>The District Road between Blocks XXXII. and XLI.</p> <p>In Block XLI., Sections 7, 1, 2, and 3.</p> <p>The District Road between Blocks XXXIII. and XL., and between XXXIII., XL., and XLI.</p> <p>In Block XXXIII., Section 1.</p> <p>In Block XL., Sections 12, 11, 10, 9, 3, 4, 5.</p>

## SECOND SCHEDULE.

## PART I.

## ADDITIONAL APPROPRIATIONS.

Name of Railway.	Existing Appropriations.	Additional Appropriations.
Waitara to Wanganui ... ..	£ 60,500	£ 100,000
Paki Paki to Waipukurau ... ..	Included in appropriation of £200,000 for Napier to Waipukurau ...	20,000

*Railways.*PART II.  
COAL FIELD RAILWAYS.

	£	£
Greymouth to Brunner ... ..	54,000	20,000
Mount Rochfort ... ..	70,500	50,000

## PART III.

Dunedin and Port Chalmers Railway ... ..	£210,000
--	----------

## THIRD SCHEDULE.

## NEW RAILWAYS.

Description of Railway.	Appropriation, including Interest during construction.
From the termination at Mercer of the Auckland and Mercer Line of Railway to Newcastle in the said Province, at such point there as the Governor may fix ... ..	£ 170,000
From the termination at Newcastle, in the Province of Auckland, of the railway from Auckland Southwards, in such line as the Governor may determine, after survey, to be the best adapted for connecting with a line leading to the City of Wellington ... ..	(On account.) 200,000
From Mataura, in the Province of Otago, to Clutha in the said Province, commencing at a point to be determined by the Governor in Council, and terminating at Clutha, at the termination there of the Dunedin and Clutha Line ... ..	260,000
From Dunedin, in the Province of Otago, to Moeraki in the said Province, commencing from a point to be determined by the Governor in Council, and terminating at Moeraki, at the termination there of the Moeraki and Waitaki Line ... ..	430,000
From Waitaki, in the Province of Canterbury, to Timaru in the said Province, connecting the Moeraki and Waitaki Line with the Timaru and Temuka Line. ... ..	220,000

## FOURTH SCHEDULE.

FIVE thousand acres, more or less, situate on the West Coast of the Middle Island; commencing at a point on the south bank of the River Grey, the same being the north-west corner of the reserve for Native purposes containing 250 acres, and numbered 34 of the General Government reserves in the Grey District; thence southerly and easterly, following along the western and southern boundaries of the said reserve to the River Arnold; thence following the western bank of that river, in a southerly direction, to a point on the same being 194 chains, measured in a straight line, from the confluence of the before-mentioned Rivers Grey and Arnold; thence westerly, following a right line to a point being 15 chains distant from and in continuation of the eastern boundary of the reserves for Native purposes containing 250 acres, and numbered 33 of the General Government reserves; thence following a straight line to the south-eastern corner of that reserve, and onwards in the same straight line along the eastern boundary thereof to the River Grey aforesaid; and from thence returning along the southern bank of that river to the commencing point.

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBUY, Government Printer.