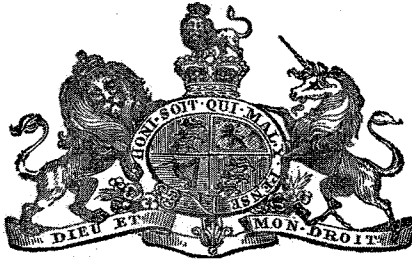


New Zealand



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Governor may purchase Mokihinui Coal Company's railway. Purchase-money to be paid out of Westport Harbour Fund. 4. Proclamation to be issued formally taking railway. Procedure thereon. | <ol style="list-style-type: none"> 5. Governor may retain sufficient sum on account of moneys unpaid by company. 6. Railway to be deemed a railway under Public Works Act. 7. Act to be deemed a special Act. 8. How annual accounts to be computed. Schedule. |
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1894, No. 29.—*Local.*

AN ACT to amend and extend the Operation of "The Westport-Ngakawau Railway Extension Act, 1890." [23rd October, 1894. Title.

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 Amendment Act, 1894." Short Title.

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

"The Minister" means the Minister for Public Works, appointed under "The Public Works Act, 1882":

"The said Act" means "The Westport-Ngakawau Railway Extension Act, 1890":

"The Ngakawau Railway" means the railway authorised to be constructed under the last-mentioned Act:

"The company" means the Mokihinui Coal Company (Limited):

"The said railway" means the railway constructed by the company, extending from the present terminal point of the Westport-Ngakawau Railway, near the mouth of the Mokihinui River, to the company's mine, as more particularly described in the Schedule hereto, and includes all works, staiths, and buildings of every kind connected with such railway other than the said company's tramway and wharf; together with all powers, rights, privileges, and easements belonging or appertaining thereto, or to any contract or contracts made by the company in relation to the said railway.

3. The Governor, in the name and on behalf of Her Majesty, may enter into a contract with the company to purchase the said railway at a price not exceeding eighteen thousand pounds. Such purchase-money shall be paid out of the Westport Harbour Fund. Governor may purchase Mokihinui Coal Company's railway.

Purchase-money to be paid out of Westport Harbour Fund.

The purchase of the said railway, being for the purpose of connecting the coalfields at Mokihinui with the Port of Westport, is hereby declared to be a work which the Westport Harbour Board is authorised to provide for under the provisions of "The Westport Harbour Board Act, 1884," and for such purpose the said Board may pay and apply the necessary moneys out of the Westport Harbour Fund, and for making such payment when required by the Minister this Act shall be a sufficient indemnity to the said Board.

Proclamation to be issued formally taking railway.

4. For the purpose of vesting the said railway in Her Majesty, upon completion of the purchase as aforesaid the Governor is hereby empowered to issue a Proclamation formally taking such railway under the provisions of "The Public Works Act, 1882," but without complying with the provisions of that Act as to defining the middle line thereof, or as to the deposit of maps or plans. Neither the company nor any other company or person whatsoever shall have any claim to the payment of compensation in respect to the issuing of such Proclamation or the taking of land thereby.

Procedure thereon.

Such Proclamation, when gazetted, shall be conclusive evidence that the land therein referred to is vested in Her Majesty in fee-simple, freed and discharged from all mortgages, charges, claims, estates, and interests of what kind soever.

A copy of such Proclamation, and of the map of the land taken, certified by the Surveyor-General, shall be deposited as provided by section twelve of "The Public Works Act, 1882," and the like proceedings shall be taken and the like consequences shall ensue (subject to the express provisions of this Act) as in cases provided for by that section.

No such Proclamation as aforesaid shall be impeached or be defeasible on any ground whatsoever.

Governor may retain sufficient sum on account of moneys unpaid by company.

5. If, upon the completion of the contract for the purchase of the said railway, any moneys are still unpaid by the company on account of or in connection with such railway, or on account of any contract made by the company, the Governor may retain so much of the purchase-money payable to the company as he may consider sufficient for the payment of any such moneys.

Railway to be deemed a railway under Public Works Act.

6. The said railway, when purchased by the Governor under the provisions of this Act, shall be deemed to be a railway within the meaning of "The Public Works Act, 1882," and of any other Act for the time being affecting railways the property of Her Majesty; and all the provisions of such Acts, and all by-laws and regulations from time to time in force thereunder, shall apply to such railway.

Act to be deemed a special Act.

7. This Act shall be deemed to be a special Act, authorising the construction of the said railway within the meaning of "The Public Works Act, 1882."

How annual accounts to be computed.

8. The annual accounts of the said railway, after completion of the purchase as aforesaid, shall be computed in conjunction with the accounts of the Ngakawau Railway, as provided by the said Act, and any deficiency in the combined accounts shall be made good and any profit or surplus applied in the manner prescribed by the said Act with respect to such last-mentioned railway.

SCHEDULE.

Schedule.

THE railway constructed by the Mokihinui Coal Company (Limited) upon the lands hereinafter mentioned, commencing at the present terminal point of the Westport-Ngakawau Railway, and extending from the shipping-place near the mouth of the Mokihinui River to the said company's mine, for a distance of 3 miles and 65 chains, or thereabouts, and which said railway is worked in connection with the company's coal-mining lease, granted on or about the 30th day of June, 1888, under the provisions of "The Westland and Nelson Coalfields Administration Act, 1877," and including all those lands reserved for the use of the said railway and more particularly described in Orders made by the Governor in Council on the 29th day of June, 1886, and the 27th day of March, 1888, together with all other lands reserved to or held by the company for the use of the said railway; together with all rights, easements, and appurtenances whatsoever thereto belonging or appertaining.