

AN ACT to bring under the provisions of “The Westland and Nelson Coal Fields Administration Act, 1877,” a certain Branch Coal Field Railway, constructed by the Wellington Coal Company, and also to amend the said Act.

WESTLAND AND
NELSON COAL FIELDS
ADMINISTRATION
AMENDMENT.

[23rd September, 1881.]

WHEREAS “The Westland and Nelson Coal Fields Administration Act, 1877,” (herein referred to as “the said Act,”) was passed for the purpose, *inter alia*, of authorizing the construction of branch railways within certain coal fields and regulating the working of such railways, but the provisions of the said Act, not being retrospective, cannot be applied to any branch railways constructed previous to the passing of the said Act; and it is expedient that the aforesaid provisions should be made to apply to the Wellington Coal Company’s branch line of railway, now vested in the Koranui Coal Mining Company (Limited), notwithstanding the same was constructed before the passing of the said Act:

Preamble.

BE IT THEREFORE 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 Westland and Nelson Coal Fields Administration Amendment Act, 1881.”

Short Title.

2. The land described in the Schedule hereto shall be deemed to have been reserved for the purpose in the said Schedule mentioned, and the railway constructed thereon by the Wellington Coal Company, being a company in existence at the time of such construction, shall be deemed to have been constructed under the said Act, and to be and to have been, from the commencement of the said Act, subject to all the provisions thereof.

Wellington Coal
Company’s railway
subject to Act.

3. The Governor may, if he thinks fit, by warrant duly gazetted, empower the Minister to run trains and rolling-stock, at such times and in such manner as the Minister may think fit, for the conveyance of goods and passengers over any railway or tramway constructed or deemed to be constructed under the authority of the said Act, and to do all things necessary in connection with the running of such trains and rolling-stock; and thereupon such railway or tramway, for all purposes of conducting such traffic, or for levying rates, fares, and other charges, or for the operation of by-laws and regulations in connection therewith, shall be deemed to be a railway constructed under “The Public Works Act, 1876,” or any amendments thereof; and the Minister may, from time to time, determine what payment

Power to Minister
to run trains.

shall be made to the owners of such railway or tramway for its use: Provided that no arrangements for such payment entered into under this section shall be binding for a longer period than twelve months, and that a statement of the amounts so to be paid, or the table or tariff of charges according to which such amounts are to be ascertained, and the terms of the payments as so determined by the Minister, shall be printed and laid before both Houses of the General Assembly within thirty days after the beginning of the session of Parliament following the making thereof.

Recovery of possession of land from persons holding illegal possession.

4. Section thirty-two of the said Act is hereby repealed, and in lieu thereof the following is hereby substituted:—

When any person shall, without any right, title, or license, or whose right, title, or license has expired or been forfeited or cancelled, be in occupation of any of the lands described in the First, Second, Third, or Fourth Schedules to the said Act, and whether such lands be within or outside of any mining district, the Minister of Lands, or the Minister for Public Works, or any person appointed in writing by either or both, may enter a plaint in the Resident Magistrate's Court of the district in which the land lies to recover possession thereof; and the jurisdiction of the Court or Magistrate shall not be ousted on the plea that a question of title is involved in any such case, or that the value of the premises of which possession is sought to be recovered is in excess of the ordinary jurisdiction of such Court or Magistrate.

Schedule.

SCHEDULE.

Description.	Purpose.
<p>All that parcel of land in the Survey District of Kawatiri, Provincial District of Nelson, being part of the Buller Coal Field Reserve, containing by admeasurement 15 acres 2 roods 25 perches, be the same more or less, the boundaries whereof are as follow: Commencing at a point on the western boundary of Buller Coal Reserve, 36341 links north-easterly from the westernmost corner of said reserve. Bounded—Generally Southerly and Westerly by lines, 291, 597, 3013, 315, 315, 65, 360, 350, 1113, 480, 647, 265, and 260 links respectively; South-easterly by a line, 200 links; generally Easterly and Northerly by lines to a point on the western boundary-line of the Buller Coal Reserve, 220, 240, 647, 406, 1113, 450, 450, 65, 372, 372, 3013, and 682 links respectively; North-westerly by the boundary-line aforesaid to commencing point, 330 links: be the aforesaid measurements more or less; as the same is more particularly delineated upon the plan marked P.W.D. 7409, deposited in the office of the Minister for Public Works at Wellington, in the Provincial District of Wellington.</p>	<p>For the use of the Wellington Coal-Mining Company (Limited), for their tramways, bridges, inclines, and staiths; and for the purpose of connecting their mine with the Westport—Ngakawau Railway: to be concurrent with their coal-mining lease from the Queen, dated 11th December, 1878, for forty-two years, from 1st day of January, 1876.</p>