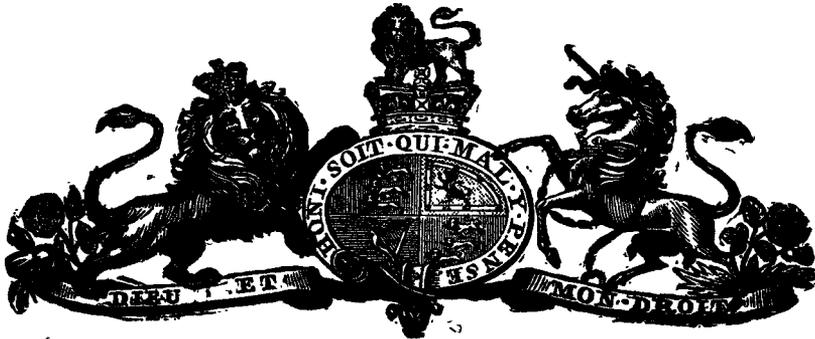


NEW ZEALAND.



TRICESIMO NONO

VICTORIÆ REGINÆ.

No. LXXXVI.

ANALYSIS.

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| <p>Title. Preamble. 1. Short Title. 2. Interpretation.</p> <p>POWER TO COMPANIES TO CONSTRUCT RAILWAYS.</p> <p>3. Power to companies formed for construction of branch railways to construct same. 4. Description and plans &c. of proposed line to be submitted to Governor. Plans to be deposited. Notice to be published. Objections of ratepayers. Approval or dissent of Governor. 5. Governor may permit use of waste lands of Crown. And public highways and reserves. Permission to use waste lands not to be given in certain cases. 6. Power to enter and take lands, &c. 7. Compensation to be awarded. 8. Land belonging to infants. 9. Incorporation of "Railway Clauses Consolidation Act, 1845." Proviso. Further proviso.</p> <p>CONTROLLING POWERS OVER RAILWAYS.</p> <p>10. Powers of Governor as to inspection of railway, &c. 11. Governor to give possession of land to company. 12. Company to proceed forthwith with construction of works. 13. Governor may make regulations.</p> | <p>14. Governor may enter into agreement with companies for running powers over lines, &c. 15. Power to Governor to purchase railways on giving notice. Price to be determined by arbitration. Company to assign. What shall be included in arbitration. 16. Company not to sell mortgage or assign railway without consent. 17. Power to Governor to take possession in case of delay in works or neglect to run trains.</p> <p>MISCELLANEOUS PROVISIONS.</p> <p>18. Company may sell or lease surplus lands voluntarily acquired, with consent of the Governor. 19. Copy of plan &c. to be deposited in Public Works Office at Wellington. 20. Company not responsible for error or omission in plan, &c. 21. Company may deviate from line of works in plan. 22. Lands acquired to vest in company. 23. Contracts &c. to be in the name of the company. 24. Company to take security from receivers of tolls. 25. Accounts to be kept. And audited. Remuneration of auditors. 26. Annual abstract to be prepared. 27. "The Railways Regulation and Inspection Act, 1873," and other Acts, to extend to this Act.</p> |
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AN ACT to enable Joint Stock Companies formed Title.
for the Construction of Branch Railways in the
Colony of New Zealand to make construct and
maintain such Railways. [18th October, 1875.]

WHEREAS it is expedient that provision should be made whereby Preamble.
public companies in the Colony of New Zealand incorporated
under "The Joint Stock Companies Act, 1860," or any other
Act for the time being in force relating to the incorporation of joint

Railway Companies.

stock companies formed for the purpose of constructing a branch railway or railways, may be enabled to construct and maintain the same in accordance with the provisions of this Act :

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

Short Title.

1. The Short Title of this Act shall be “The Railway Companies Act, 1875.”

Interpretation.

2. The following words and expressions used in this Act and any Act wholly or partially incorporated herewith shall have the meanings hereby assigned to them unless there be something in the context repugnant to such construction, that is to say,—

The respective expressions “the company,” “the promoters of the undertaking,” shall mean any company formed and duly incorporated under “The Joint Stock Companies Act, 1860,” or any other Act for the time being in force providing for the incorporation of joint stock companies, for the purpose of constructing a branch railway or railways under this Act ; and if the company, under the powers herein contained, assign the undertaking to any person, then the expression “the company” shall mean the person to whom such company shall, under the powers herein contained, assign the undertaking, and shall then and thereupon cease to mean the said company.

The word “Minister” shall mean the Minister for Public Works appointed under “The Immigration and Public Works Act, 1870.”

The word “land” shall include messuages lands tenements and hereditaments of any tenure, and any estate or interest therein.

The terms “plan,” “section,” and “book of reference,” shall mean the plan, section, and book of reference respectively of the proposed branch railway deposited in the office of the Registrar or Deputy Registrar of the Supreme Court as hereinafter provided.

The expressions “branch railway,” “railway,” shall mean any branch railway or railways, and works connected therewith, which may be proposed to be or may be constructed by or under the provisions of this Act, from a given point or place to another given point or place, and connecting with a railway constructed or proposed to be constructed under “The Immigration and Public Works Act, 1870,” or under any other Act passed by the General Assembly.

The expression “two Justices” shall mean two or more Justices of the Peace met and acting together, or a Resident Magistrate or Chairman of Petty Sessions under “The Petty Sessions Act, 1865.”

The expression “the undertaking” shall mean the branch railway and works authorized to be constructed by the company and to be executed under this Act, and the right to construct and maintain the same, and, where not inconsistent with the context, all the powers and privileges belonging and appertaining thereto.

POWER TO COMPANIES TO CONSTRUCT RAILWAYS.

3. It shall be lawful for the company to make construct and maintain the branch railway which such company shall have been formed to construct, with all such proper works, approaches, and con-

Power to companies formed for construction of branch railways to construct same.

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conveniences connected therewith as may be requisite or necessary; and every such branch railway shall be so constructed and maintained under and subject to the provisions of this Act in all respects.

The line of every such branch railway shall be set forth on the plan and described in the book of reference, or within the limits of deviation set forth on the said plan, being a distance of not exceeding one hundred yards on either side of the said line, and passing through over or under the several lands streets roads and places enumerated in the said plan and book of reference: Provided that nothing herein contained shall be deemed to give any company any further or more extensive powers than shall be necessary to carry out the purposes for which such company shall have been incorporated.

4. Whenever any company proposes to construct a branch railway under the provisions of this Act, a description of the proposed line of railway, accompanied with such maps plans and documents as may be necessary to explain the same, shall be forwarded to the Governor; and the Governor may require from the company such information as he shall deem necessary to enable him to judge of the necessity for the proposed work and the ability of the company to carry it out; and may require information as to the capital and liabilities of the company, the plant and rolling stock available for the proposed branch railway, the time when it is proposed to commence and finish the same, and all such further particulars as he may require. The gauge of every railway to be constructed under this Act shall be of the width of three feet six inches.

Description and plans &c. of proposed line to be submitted to Governor.

Every plan and book of reference mentioned in the last preceding section shall be deposited in the office of the Registrar or Deputy Registrar of the Supreme Court within the judicial district in which it is proposed to construct the railway, and every such plan and book of reference shall be open to public inspection there without any fee. If there shall be more than one Supreme Court office within the judicial district, then such plan and book of reference shall be deposited at such Supreme Court office as the Governor may from time to time appoint for the purposes of this Act.

Plans to be deposited.

The company shall, within seven days after the deposit of the plan and book of reference with the Registrar or Deputy Registrar of the Supreme Court as aforesaid, cause notice thereof to be inserted in the *New Zealand Gazette*, and in at least one newspaper circulating in the highway districts through which the railway is proposed to be constructed; and if within two months from the date of such deposit one-half the whole body of the ratepayers resident within such last-mentioned districts at the time the votes are taken as hereinafter provided shall object to the construction of the railway, then the Governor shall declare his disapproval of the construction of the proposed railway.

Notice to be published.

The objections of the ratepayers shall be ascertained by their votes, to be given at such times and places and in such manner and form as the Governor may from time to time order and direct; and subject to this Act such votes shall be calculated on the scale provided by any Act or Ordinance for the time being in force in the said districts, regulating the manner in which votes may be given by the ratepayers of such districts in the election of the governing bodies of such districts.

Objections of ratepayers.

The Governor shall be the sole judge whether the provisions of this Act have been duly complied with.

For the purposes of this section the expression "highway district" shall have the like meaning as is attached to such expression in "The Highway Boards Empowering Act, 1871."

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Approval or dissent
of Governor.

If, within the period of three months from such deposit as aforesaid, it shall be signified to the company as hereinafter provided that the proposed branch railway is objected to by the Governor, whether upon taking the votes of the ratepayers as aforesaid, or for any other cause which under this Act the Governor shall think sufficient, the company shall not proceed with the construction of the said railway specified on such plan or book of reference; but if such railway is approved of, and such approval is signified as hereinafter provided, then the company may proceed with the construction of such railway in accordance with this Act.

Whenever the Governor shall approve of or object to any proposed branch railway, he shall, by notice published in the *New Zealand Gazette*, declare his assent to or disapproval of the construction of the railway, and such notice, when so published, shall be sufficient notice to the company of such approval or dissent, as the case may be.

Governor may permit
use of waste lands of
Crown.

5. If the Governor approves of the construction of a branch railway under the provisions of this Act, he may, by Proclamation in the *New Zealand Gazette*, give to the company, their successors and assigns, but subject to the provisions herein contained, exclusive permission to use such portions of the land required for the purposes of such railway, within the limits of deviation shown on the plan, as may then be vested in the Crown, or as may be subject to any Waste Lands Act in force in that part of the colony where the branch railway is to be constructed.

And public highways
and reserves.

The Governor may in like manner permit any part of a branch railway to be constructed on or through any public reserves. No person or body shall be entitled to any compensation for any reserve so used or occupied.

Permission to use
waste lands not to be
given in certain cases.

No permission to be given as aforesaid in respect of any Crown lands or lands subject to any Waste Lands Acts as aforesaid shall be deemed to authorize the taking and using of such lands if the same or any of them shall have been granted or agreed to be granted under any such Waste Lands Acts as aforesaid, or under any law now or hereafter in force relating to such lands, or which under any such Acts or law shall be held upon lease or license; but any such lands so granted or agreed to be granted or held upon lease or license as aforesaid shall and may be taken by the company under the powers conferred by this Act, and upon and subject to the terms of section seven hereof with respect to compensation; but nothing herein contained shall be deemed to entitle the holder of any lease or license of such lands for pastoral purposes to receive or claim any compensation by reason of any such permission as aforesaid.

Any lands taken under "The New Zealand Settlements Act, 1863," and the Acts amending the same, or any lands which by "The East Coast Act, 1868," it is provided shall be deemed to be Crown lands, shall be deemed to be lands vested in the Crown for the purposes of this Act, and may be dealt with accordingly.

Power to enter and
take lands, &c.

6. Subject to the provisions of this Act, and the Acts wholly or partially incorporated herewith, the company may exercise all or any of the powers conferred by this Act or the said incorporated Acts for the construction of the branch railway, and may enter upon or cause to be entered upon all lands which they are authorized to use or acquire under this Act for the purpose of making such surveys as may be necessary, and may take and use all such lands as the company shall have permission to use as aforesaid, and subject as aforesaid may take and hold all the lands specified in the plan and book of reference and required for the railway along the line to be so set forth and described as aforesaid, or within the limits of deviation, and may

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temporarily occupy and use such lands as may be necessary on either side of the branch railway during the construction thereof.

7. Subject to the provisions of this Act, all persons being owners of or having any less estate or interest in any lands so taken under authority of this Act, or which may be damaged by the construction of the branch railway, shall be entitled to receive compensation for such land or damage, the amount whereof shall be ascertained in the manner set forth in the Act of the General Assembly of New Zealand called "The Lands Clauses Consolidation Act, 1863," which Act, and any Act amending the same for that and other purposes, are incorporated with and shall form part of this Act.

Compensation to be awarded.

8. In case any infant whose lands are taken or injuriously affected under this Act has no legal guardian resident within the colony, the word "guardian," when used in "The Lands Clauses Consolidation Act, 1863," shall, for the purposes of this Act, be held to mean the Registrar or Deputy Registrar of the Supreme Court of New Zealand for the judicial district in which such lands are situate. And if there shall be more than one such Registrar or Deputy Registrar within such district, then the Registrar or Deputy Registrar whose office shall be nearest to the place where the lands are situate shall be deemed to be the guardian of such infant.

Land belonging to infants.

9. The following sections of the Act of the Imperial Parliament cited in England as "The Railway Clauses Consolidation Act, 1845," save so far as they shall be expressly varied by or be inconsistent with the provisions of this Act or "The Lands Clauses Consolidation Act, 1863," shall be and the same are hereby incorporated with this Act, and shall, save as aforesaid, form part of this Act and be construed together herewith and with the other Act also incorporated herewith as forming one Act, that is to say,—

Incorporation of "Railway Clauses Consolidation Act, 1845."

With respect to the construction of the first-mentioned Act and of the Acts incorporated therewith, sections numbers two to six, and thirteen to twenty-four.

With respect to the temporary occupation of land near the railway during the construction thereof, sections numbers thirty to forty-five.

With respect to the crossing of roads or other interference therewith, sections numbers forty-six to sixty-seven.

With respect to works for the accommodation of lands adjoining the railway, sections numbers sixty-eight to seventy-five.

With respect to mines lying under or near the railway, sections numbers seventy-seven to eighty-five.

With respect to the carrying of passengers and goods upon the railway and the tolls to be taken thereon, sections numbers eighty-six to one hundred and six.

With respect to the regulating of the use of the railway, sections numbers one hundred and eight to one hundred and eleven.

With respect to the leasing of the railway, sections numbers one hundred and twelve and one hundred and thirteen.

With respect to the engines and carriages to be brought on the railway, sections numbers one hundred and fourteen to one hundred and twenty-five.

With respect to the settlement of disputes by arbitration, sections numbers one hundred and twenty-six to one hundred and thirty-nine.

With respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices, sections numbers one hundred and forty to one hundred and fifty-eight.

Railway Companies.

And also section number one hundred and sixty.

The numbers of the sections hereby incorporated shall be inclusive of the first-named section and the last-named section in each case herein provided for.

Provided that wherever in such Act the following words are used they shall mean the words hereinafter severally set opposite to them; that is to say—the words,

“The Commissioners of Her Majesty’s Treasury,” “The Commissioner of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings,” “The Lord High Admiral of the United Kingdom of Great Britain and Ireland,” or “The Commissioners for executing the Office of Lord High Admiral,” as aforesaid, shall severally mean the Governor of New Zealand.

“The Secretary of the Admiralty” shall mean the Colonial Secretary of New Zealand.

“Superior Courts,” “The Court of Chancery,” “The Court of Queen’s Bench,” “The Court of Exchequer,” “General Quarter Sessions,” “Quarter Sessions,” shall mean severally the Supreme Court of New Zealand.

“The promoters of the undertaking” shall mean the company, or, in case the company shall sell and assign the undertaking, shall mean the person to whom the same shall be assigned.

“The United Kingdom,” “the kingdom,” “the county,” shall mean that part of the Colony of New Zealand where the railway is to be constructed.

“The Bank” shall mean the bank where the business of the company shall for the time being be transacted.

“The Board of Trade” shall mean the Governor in Council.

“Clerk of the Peace,” “One of the Masters of the Court of Queen’s Bench,” “Accountant-General of the Court of Chancery in England,” “Accountant-General of the Court of Exchequer in Ireland,” “Taxing Master of the Court of Chancery,” “Master in Chancery,” shall mean severally the Registrar or Deputy Registrar of the Supreme Court of New Zealand within the judicial district where the railway may be intended to be or be in course of construction, and, if there be more than one such Registrar, then the term shall be taken to mean such Registrar in that part of the colony where the railway is proposed to be constructed as the Governor may from time to time appoint for the purposes of this Act.

“The Lands Clauses Consolidation Act” shall mean the Act of the General Assembly of New Zealand shortly intituled “The Lands Clauses Consolidation Act, 1863,” and any Act amending the same.

Proviso.

Provided also, that where the words of the said “Railway Clauses Consolidation Act, 1845,” would, from the said Act being framed with reference to England and Ireland, be inapplicable to the circumstances of the Colony of New Zealand, the said Act shall be read and interpreted so as to make them applicable to the circumstances of the said colony, and so as to insure that the operation of the said Act shall be secured by this Act for the benefit and control of the branch railway: Provided further, that in any case where, having regard to the circumstances attending the construction of any branch railway under this Act, or the nature of the country through which it passes, or for any cause which the Governor shall deem sufficient, any

Further proviso.

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of the provisions of "The Railway Clauses Consolidation Act, 1845," incorporated herewith, shall not be applicable to any such railway or any part thereof, it shall be lawful for the Governor, on the application of the company, if in his opinion it is expedient so to do, by Proclamation to declare that such of the said provisions as shall be mentioned in such Proclamation shall not apply to such railway or any part thereof to be particularly specified in such Proclamation.

CONTROLLING POWERS OVER RAILWAYS.

10. During the construction of the said railway and the execution of the works connected therewith, and after the completion thereof, the Governor shall be at liberty at all reasonable times to direct any engineer or other proper officer of the General Government to inspect the works, the rolling-stock, and buildings of the company; and any requisition which the Governor shall hereafter, upon the recommendation of the said engineer or other officer as aforesaid, make, requiring the company to effect any necessary alteration or repair in, to, or upon the works, rolling-stock, or buildings of the company, shall be immediately thereafter obeyed and carried out.

Powers of Governor as to inspection of railway &c.

11. Within six months after the publication of notice by the Governor declaring his assent to the proposed branch railway the Governor shall deliver to the company, or any contractor engineer servants or workmen authorized by them, possession of all lands the use of which the said Governor is hereinbefore empowered to give to the company, their successors and assigns, for the purposes of the railway: Provided always that, with respect to Crown lands or waste lands or public reserves or roadways of which possession may be so given to the company, the company shall acquire no more than a right to use or an easement in and upon the said lands for the purposes and to the extent hereby enacted and declared, but revocable only in the event of the Governor exercising the power of pre-emption hereinafter contained, or taking possession of the railway as hereinafter provided.

Governor to give possession of land to company.

12. The company shall without any inexcusable delay, immediately after possession shall be given by the Governor as aforesaid, commence or resume the construction of the railway works, and shall prosecute the same to completion without delay or intermission unless hindered or prevented by some unforeseen cause or impediment; and the company shall also in like manner, and as the state of the said railway works shall permit and require, proceed with the erection of all buildings, and supply the necessary accommodation for the safe proper and convenient conduct of passengers and goods traffic on the said railway.

Company to proceed forthwith with construction of works.

13. The Governor may, from time to time, by Proclamation to be published in the *New Zealand Gazette*, make alter and revoke regulations,—

Governor may make regulations.

Fixing the maximum tolls rates fares and rent to be charged by the company for the carriage of passengers produce animals goods merchandise articles matters and things, and for the storage of goods in any of the company's sheds or warehouses; and the tolls fares rates and charges so fixed for the time being shall be deemed to be the tolls fares rates and charges authorized by this Act;

Regulating the minimum number of trains to run each day, the time of their arrival and departure from the terminal and intermediate stations;

Prescribing the description and quantity of rolling stock which any company shall keep on the line or lines to be specified

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in such regulations, and the state and condition in which the same shall be kept and maintained ;

Generally imposing such restrictions upon the conduct of the business and traffic of the company as may, in the opinion of the Governor, be most conducive to the public interest and welfare ; and in and by any such regulations the Governor may affix a penalty of not exceeding one hundred pounds to the breach of any of the regulations so to be proclaimed as aforesaid.

The regulations hereby authorized may be made either generally for all lines of railway constructed under this Act or for any particular railway, and the same may be made applicable either to the whole or to any part of such railway as the Governor may prescribe in that behalf.

Governor may enter into agreement with companies for running powers over lines &c.

14. The Governor may also from time to time enter into and make arrangements with any company, upon such terms and conditions as may from time to time be agreed upon between the Governor and the company, providing that any trains or rolling-stock the property of Her Majesty or the General Government of the colony may be run upon the branch railway after the completion thereof, and that any trains or rolling-stock the property of the company may be run upon any line or lines of railway the property of Her Majesty or the General Government of the colony, and in any such agreement provision may be made as to stoppage at the terminal and other stations on any line of railway, as may be specified in any such agreement.

The Governor and the company may also, from time to time in manner aforesaid, agree as to the payments to be made by the one to the other of them of such rates of charges as may be fixed in that behalf, and as to the time and mode of payment of such charges and the keeping of accounts between the Governor and the company in respect of any such agreement, and generally may enter into and agree upon such terms and conditions as may be necessary to give effect to this section of this Act.

Power to Governor to purchase railways on giving notice.

15. The Governor shall be entitled at any time, upon giving six months' notice in writing to the company, to purchase the railway works of the company, together with their plant, rolling-stock, implements, and all their rights powers and privileges, at a price to be determined by arbitration, the award being that of three arbitrators, or any two of them, one arbitrator being chosen by the Governor, another by the company, and the third arbitrator by the two other arbitrators.

Price to be determined by arbitration.

In determining the price to be paid to the company, the said arbitrators shall not award any compensation to the company in respect of the lands the use of which shall have been acquired from the Governor under the provisions of this Act, but the company shall require, in respect of such lands, and be entitled to, the fair value of all improvements made by them on such lands, to be ascertained as hereinafter provided.

Company to assign.

Upon payment of the compensation to be awarded under the provisions hereof, the company shall convey assign and transfer to Her Majesty all their estate property and interest in the said railway works plant rolling-stock and everything appurtenant thereto. No compensation whatever shall be paid for the goodwill of any branch railway, but the arbitrators, in determining the price to be paid to the company aforesaid, shall take as a basis of the valuation the cost of other similar railway works plant and rolling-stock at the time when the works forming the subject of such arbitration were constructed or the plant or rolling-stock was acquired, as the case may be ; and the

What shall be included in arbitration.

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arbitrators shall also take into consideration the depreciation in the permanent way plant and rolling-stock buildings and other works of the railway; and after such valuation shall have been arrived at as aforesaid, the arbitrators shall add a sum equal to ten pounds per centum to the amount of such valuation, and the sum so arrived at shall be accepted by the company in full of all claims and demands in respect of the purchase of the railway works plant rolling-stock implements and all the rights powers and privileges of the company in respect thereof.

16. The company shall not voluntarily mortgage sell lease assign or part with the railway, or in any manner dispose of encumber or charge their beneficial interest in such railway, without the consent in writing of the Governor first had and obtained.

Company not to sell mortgage or assign railway without consent.

17. In the event of any unreasonable or inexcusable delay by the company in the prosecution of the works connected with any branch railway, or in the event of the company, after the completion of the said works in whole or in part, so that the whole or any complete part or section of such railway may be used for the purposes of traffic, failing or neglecting, for the space of three clear days, without reasonable excuse, to run trains at the times and in manner fixed and determined by or in any regulation to be made by the Governor under this Act, or if the company shall in the opinion of the Governor commit or suffer a wilful breach of any agreement to be made under the fourteenth section of this Act, it shall be lawful for the Governor to take possession and assume the management of such railway, and complete the same and conduct the traffic thereon, charging the company with all outlay and expenditure which may be entailed, and crediting the company with all earnings and receipts; and, in such event, there shall be paid by the company to the Governor, and by the Governor to the company, the balance which shall thereafter be found to be due from the one to the other of them from time to time, the accounts being computed and rendered at intervals of not less than six calendar months.

Power to Governor to take possession in case of delay in works or neglect to run trains.

MISCELLANEOUS PROVISIONS.

18. It shall be lawful for the company, with the consent of the Governor in writing first obtained, to lease from time to time, at such rent and on such conditions as they may think reasonable, all or any of the lands which they may purchase or acquire by voluntary agreement for the purposes of the railway, or, with the like consent, to sell or convey all or any of such lands in such manner and on such conditions as they may deem proper.

Company may sell or lease surplus lands voluntarily acquired with consent of the Governor.

19. At all times after a company shall have commenced the construction of a branch railway under the provisions of this Act, a copy of the plan and book of reference shall be kept in the Public Works Office at Wellington, and be at all convenient times open for public inspection, and all persons may at all convenient times examine the same at such office without payment of any fee whatsoever.

Copy of plan &c. to be deposited in Public Works Office at Wellington.

20. No advantage shall be taken of or against the company, or any interruption be given during or after the making of the railway, on account of any error or omission in such plan or book of reference, in any case in which it shall appear to two Justices, to be certified in writing under their hands, that such error or omission proceeded from mistake.

Company not responsible for error or omission in plan &c.

21. The company in constructing the railway may deviate from the line of works laid down in the plan, but may not take or use for the purpose of such deviation any land not comprised within the limits of deviation set forth in the plan and book of reference without the consent in writing of the owner of such land.

Company may deviate from line of works in plan.

Railway Companies.

Lands acquired to vest in company.

22. Subject to the provisions hereinafter contained, all lands purchased or acquired by the company from any person for the purposes of the railway, and all property, real or personal, of what description soever, belonging or appertaining to the said railway, shall be and are hereby declared to be vested in, and shall be deemed to be the property of, the company: Provided also, that if the company shall sell or assign the undertaking to any person after they shall have purchased or acquired any lands or property under the powers herein contained, it shall be lawful for the company to convey any lands or real property so purchased or acquired by or vested in them, and to assign or transfer any personal property so acquired by or vested in them, to the person to whom the undertaking shall be so sold.

Contracts &c. to be in the name of the company.

23. All contracts and other agreements to be entered into under authority of this Act, or of any Act incorporated wholly or partially herewith, shall be entered into in the name of the company.

Company to take security from receivers of tolls.

24. Security shall be taken by the company, in such amount and in such manner as they shall deem necessary, from any collector or receiver of any tolls or charges collected under the authority of this Act, for the faithful execution of his office.

Accounts to be kept.

25. Full and accurate accounts shall be kept of all moneys received and expended under the provisions and for the purposes of this Act, and such accounts shall be balanced once in each year at the least, and it shall be lawful for the Governor from time to time to prescribe the mode and forms in which such accounts shall be kept, and either to prescribe in manner aforesaid generally or for any company in particular.

And audited.

Such accounts shall be audited once in each year at the least, and for this purpose an auditor or auditors shall be appointed by the Governor.

For the purpose of auditing such accounts, the company shall cause the accounts, together with all the books and vouchers relating to the railway, to be produced to the auditor or auditors.

Remuneration of auditors.

The remuneration of the auditor or auditors, and his or their expenses, shall be defrayed out of the funds levied under this Act, and if the company shall at any time fail to make sufficient provision for such remuneration and expenses it shall be lawful for the Governor to fix the amount thereof, and, if the company shall fail duly to pay and discharge the amount so fixed, the same may be paid to the auditor by the Colonial Treasurer for the time being, and be recovered by him in his own name from the company.

Annual abstract to be prepared.

26. An annual abstract shall be prepared of the total receipts and expenditure of all funds levied under this Act, or received for the purposes hereof, during the past year, under the several distinct heads of receipts and expenditure, with a statement of the balance of the said accounts duly audited and certified by the company, and also by the auditor or auditors thereof; and a copy of such annual account shall be lodged in the office of the Minister of Public Works at Wellington, on or before the thirty-first day of January in each year, and such accounts shall be open at all reasonable times to the inspection of the public without payment of any fee.

"The Railways Regulation and Inspection Act 1873," and other Acts, to extend to this Act.

27. "The Railways Regulation and Inspection Act, 1873," and all other general Acts of the General Assembly relating to railways, and "The Railway Offences Act, 1865," and any Act amending the same, shall be deemed and construed to extend to railways by this Act authorized to be made, and, subject to this Act, shall be read therewith as if incorporated herein.