

Auckland and Drury Railway Act 1867

Public Act 1867 No 72
Date of assent 10 October 1867

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An Act to amend “The Auckland and Drury Railway Act 1863” and to enable the Superintendent and Provincial Council of Auckland to exercise certain powers in relation to the Auckland and Drury Railway.

Preamble.

WHEREAS by “The Auckland and Drury Railway Act 1863” the Superintendent of the Province of Auckland was authorized to make and maintain a railway as in the said Act is more fully set forth And whereas the said Superintendent has commenced making the said railway but the funds available for making the same have been found insufficient for the completion thereof and it is desirable to make other provision for the completion of the said railway

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1 Short Title.

The Short Title of this Act shall be “The Auckland and Drury Railway Act 1867.”

2 Interpretation.

The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction

The expressions “the railway” and “the said railway” shall mean the railway and branch railway authorized to be constructed by “The Auckland and Drury Railway Act 1863” and the extension thereof authorized by this Act and the land purchased or taken in pursuance of “The Auckland and Drury Railway Act 1863” and to be taken or conveyed to the said Superintendent in pursuance of this Act or of any Act passed under the authority of this Act and all the plant rolling stock and other material appertaining to or connected with the said railway.

The words “the Superintendent” shall mean the Superintendent of the Province of Auckland.

The words “the Provincial Council” shall mean the Provincial Council of the Province of Auckland.

3 Branch line may be altered.

The Superintendent and the Provincial Council may by Act passed for that purpose authorize the deviation of the line of the Onehunga branch of the said railway in its course towards the Manakau Harbour at any point of the said line after passing the eastern boundary of a public reserve in the town of Onehunga numbered forty-nine on the plan and book of reference of the Onehunga branch of the said railway deposited in the Private Bill Office and may authorize the construction and continuation of the said branch railway from the said point of deviation through and over any public reserves public roads harbour endowments and Crown Land and through and over any private lands obtained for that purpose with the consent of the owners thereof to the point in the Manakau Harbour known as the White Bluff and the Superintendent and the Provincial Council may reserve and set apart specially for railway purposes any such lands required or obtained as aforesaid for such extension including a station at the White Bluff aforesaid.

4 Railway may be disposed of.

The Superintendent and the Provincial Council may by Act authorize the disposition by mortgage sale or lease of the railway or any part thereof upon

such terms and subject to such conditions as to the Superintendent and the Provincial Council shall seem meet.

5 Lands abutting on railway may be disposed of.

The Superintendent and the Provincial Council may by Act authorize the disposition by lease mortgage or sale of any land abutting on or adjacent to the line of railway authorized by “The Auckland and Drury Railway Act 1863” or by this Act or by an Act of the Provincial Council made under the authority of this Act being a portion of the harbour endowments of the Auckland or Manakau harbours or of any public reserve or Crown Lands or any part of the land below high water mark which may be reclaimed from the sea by the making of the said railway and its approaches to any person or persons for the purpose of raising money to complete the said railway or in consideration of works to be done in and about the completion of the said railway.

6 Powers vested in Superintendent may be transferred.

The whole of the powers and authorities given to and vested in the Superintendent by “The Auckland and Drury Railway Act 1863” and the Acts incorporated therewith may be given by the Superintendent and the Provincial Council to and vested in any person or persons who shall undertake the completion of the railway or any part thereof.

7 Provincial revenues shall not be charged.

Nothing in this Act contained shall be held to authorize the Superintendent and the Provincial Council to borrow any money upon the security of the revenues of the Province of Auckland or in any manner to charge or encumber the said revenues.

8 Restriction of Act.

Every Act passed by the Provincial Council of the Province of Auckland under the provisions of this Act shall be reserved for the signification of the Governor’s pleasure thereon.