RAILWAY COMMISSIONERS ACT, 1864.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION XVI., No. 4, 1863.

[21st January, 1864.]

AN ACT *to appoint Railway Commissioners and appropriate the sum of £100,000 for the purpose of constructing a Railway between Auckland and Drury.* Title.

WHEREAS by the "Auckland Loan Act 1863" it is enacted that it shall be lawful for the Superintendent of the Province of Auckland to raise by way of Loan a sum not exceeding Five Hundred Thousand Pounds And it is by the same Act further enacted that no money raised under the provisions of the said Act shall be paid or expended without the authority of an Act of the Superintendent of the Province of Auckland and the Provincial Council thereof And whereas in the first division of the said Loan as shown in Schedule B to the said Act the sum of £200,000 was set apart for the purpose of Immigration and purchase of land And whereas by the "Auckland and Drury Railway Act 1863" of the General Assembly of New Zealand the Superintendent of the Province of Auckland is authorized to make and construct a Railway from Auckland to Drury with a branch to Onehunga and it is expedient to appropriate the sum of £100,000 part of the said sum of £200,000 for the purpose of enabling the Preamble.

said Superintendent to construct the said Railway to be expended in accordance with the provisions of this Act :

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

Board Constituted.

1. For the purposes of this Act a Board shall be and is hereby constituted to consist of the five members to be nominated and appointed as hereinafter mentioned.

Superintendent to appoint two Members. Provincial Council to appoint three Members.

2. It shall be lawful for the Superintendent to appoint two fit and proper persons to be members of the said Board and it shall be lawful for the Provincial Council of the Province of Auckland to nominate three other fit and proper persons to be members of the said Board and upon such nomination the Speaker of the Council shall by warrant under his hand appoint such persons to be members of the said Board and such persons appointed by the Superintendent shall continue members of the said Board during such time as the said Superintendent shall think fit and such persons nominated by the Provincial Council and appointed as aforesaid shall continue members of the said Board during such time as the Provincial Council shall think fit And it shall be lawful for the Superintendent or Provincial Council respectively as the case may be to remove any such members so respectively appointed and to declare the seat of any such member to be vacant.

First meeting of Board.

3. The said Board shall hold its first meeting at a time and place to be appointed by the said Superintendent and shall thereafter from time to time meet in such place and at such time as the said Board shall appoint.

Chairman to be appointed.

4. The Board at its first meeting to be held as aforesaid shall forthwith proceed to elect a Chairman who shall preside at all meetings of the Board Provided that the said Board may from time to time remove any Chairman so elected and shall upon such removal appoint another member of the Board to be Chairman.

Chairman may call extraordinary meeting.

5. The Chairman of the Board shall have power to call an extraordinary meeting of the Board at any other time as often as he shall think proper Provided that the Chairman shall cause notices of the time and place of every such extraordinary meeting specifying the business proposed to be transacted thereat and signed by him to be left at the

usual place of abode of every Member of the Board twenty-four hours at least before such meeting.

Members may resign.

6. It shall be lawful for any member of the said Board by writing under his hand addressed to the Chairman thereof to resign his seat in the Board and upon receipt by the said Chairman of such resignation the seat of such Member shall become vacant and also upon the death of any Member the seat of such Member shall be deemed vacant.

Vacancies—How to be filled up.

7. Upon the occurrence of any such vacancy the same shall be filled up by the said Superintendent if such vacancy shall have occurred by the resignation death or removal of any member appointed by him and if such vacancy shall occur by the resignation death or removal by the Provincial Council of any Member appointed by the Speaker of the Council such vacancy shall be filled up by the said Provincial Council in manner aforesaid Provided that every such vacancy shall be filled up within twenty-one days after the occurrence of such vacancy Provided nevertheless that if such vacancy shall occur by reason of the resignation or death of a Member nominated by the Provincial Council during a time when the Provincial Council shall not be sitting the Speaker of the Council shall nominate and appoint some fit and proper person to fill up such vacancy such appointment to be subject to confirmation or substitution by the Provincial Council at their next sitting or next ensuing session Provided that all acts which may be done by any person so appointed by the Speaker until such confirmation or substitution shall be as valid as if such person had been nominated by the said Council.

Majority to decide all questions—Three Members to be a quorum.

8. All acts whatsoever authorised or required to be done by the Board and all questions that may come before the Board shall be done and decided by the majority of the Members present at any meeting thereof Provided that it shall not be competent for the Board to transact any business unless three members at least be present Provided also that the Chairman shall not have an original but only a casting vote.

Meeting may be adjourned.

9. Every meeting of the Board may be adjourned by the majority and if the prescribed number of members do not attend any such meeting those present may adjourn to another time of the same day or to some future day.

Minutes to be kept.

10. Minutes of the proceedings of every meeting shall be entered in a book to be kept for that purpose and shall be signed by the Chairman at the succeeding meeting.

Board to employ officers, clerks, surveyors, &c.

11. The Board shall appoint or employ or may remove at pleasure all such officers clerks collectors surveyors engineers and servants as may be necessary for carrying out the provisions of this Act and may allow to such persons so appointed or employed respectively such salaries fees and wages as the Board may think fit Provided that the Provincial Law Adviser shall be the Law Adviser of the Board without any further emolument than the salary provided for the Provincial Law Adviser.

Chairman and Members to be paid.

12. The Chairman of the said Board shall be paid an annual salary of two hundred pounds and the other Members of the Board shall be paid one pound for every time they shall attend a meeting of the said Board whether a quorum be present or not Provided that no Member shall be paid a sum exceeding one hundred pounds in any one year Provided also that no Member shall be paid unless he shall give his attendance within thirty minutes after the time appointed for such meeting.

£100,000 to be expended for the purpose of constructing Railway.

13. For the purposes of constructing the said Railway but subject to the conditions expressed in this Act there may be issued and applied a sum not exceeding the sum of one hundred thousand pounds out of the money to be raised by virtue of the Loan Act 1863.

Board to enquire and determine amounts to be expended.

15. The Board shall from time to time enquire into and determine the amount of money required for the purpose of proceeding with the construction of the said Railway and the Chairman shall by writing under his hand certify the amount so from time to time determined upon and it shall be lawful for the Superintendent upon such certificate to issue and pay such money accordingly Provided always that no money shall be expended nor any contract entered into by virtue of this Act until the sanction of the Superintendent and his Executive Council shall be first had and obtained Provided also that nothing in this Act contained shall extend to restrict the employment by the said Board of persons engaged under the 11th section of this Act or to the amount to be paid to any such persons and the Superintendent is hereby required to pay out of the said sum of one hundred thousand pounds all salaries and wages to persons employed by the said Board under the provisions of the 11th section of this Act.

15. Out of the moneys to arise from the charges for the carriage and conveyance of passengers produce animals and merchandise which the said Superintendent is authorised to make by virtue of the "Auckland and Drury Railway Act 1863" of the General Assembly the said Superintendent shall from time to time in the first place pay all the costs charges and expenses incident to the working of and keeping in repair the said Railway and the balance shall be disposed of in paying the interest and sinking fund and liquidating all or any part of the said sum of £100,000 which may have been expended in the construction of the said Railway by virtue of this Act.

Moneys collected for carriage of passengers—How to be expended.

16. No member officer or servant of the Board shall be in any wise concerned or interested in any contract or work made with or executed for the Board and if any such member officer or servant be so concerned or interested or under colour of his office or employment exact take or accept any fee or reward whatsoever other than his proper salary wages and allowances he shall be incapable of afterwards holding or continuing in any office or employment under such Board and shall be liable to a penalty not exceeding one hundred pounds to be recovered in a summary way.

No member of Board or officer to be concerned in contracts.

17. The Short Title of this Act shall be "The Railway Commissioners Act 1864."

Short Title.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.