

New Zealand



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Power for the Governor on behalf of the Crown to enter into contracts for railways in Schedule. 3. How cost to be defrayed. 4. Cost of branch line to Whau Whau Colliery to be first paid to the colony, or bank guarantee for cost lodged with Colonial Treasurer. 5. Branch line across Waikato at Huntley authorized under certain conditions. Duration of liability. | <ol style="list-style-type: none"> 6. Waikato Coal Company to pay royalty on coal. 7. Cost of branch line to Kaitangata Lake to be first paid to the Public Account. 8. Act to be deemed a special Act. 9. Branch line from Wairio to Township of Nightcaps deemed to be a railway under "The Public Works Act, 1882." 10. Company liable for deficiency. Schedule. |
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1884, No. 50.

AN ACT to authorize the Construction of certain Railways, and to declare that a certain Railway already constructed is subject to the provisions of "The Public Works Act, 1882." Title.

[10th November, 1884.]

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 Railways Authorization Act, 1884." Short Title.

2. The Governor may, in the name and on behalf of Her Majesty, enter into a contract or contracts for the construction of each of the railways mentioned in the Schedule hereto. Power for the Governor on behalf of the Crown to enter into contracts for railways in Schedule.

3. The cost of constructing such railways shall be borne and paid out of moneys appropriated for that purpose by the General Assembly, but subject to the special provision affecting the several railways hereinafter mentioned. How cost to be defrayed.

4. Before entering into any contract for the construction of the branch line to the Whau Whau Colliery, the Governor shall be satisfied that an amount at least equal to the amount of the tender for such construction has been paid to the Public Account of the colony by the Whangarei Coal-Mining Company (Limited), or else that a guarantee by some bank, approved by the Minister for Public Works, has been lodged with the Colonial Treasurer binding the said bank to provide funds as required for the construction of the said railway up to at least the amount of the said tender. Cost of branch line to Whau Whau Colliery to be first paid to the colony, or bank guarantee for cost lodged with Colonial Treasurer.

5. Before entering into any contract for the construction of the branch line of railway across the Waikato River, at Huntley, the Branch line across Waikato at Huntley authorized under certain conditions,

Waikato Coal Company (Limited), and the directors thereof, shall enter into a contract with Her Majesty the Queen in such form and upon such terms and conditions as the Minister for Public Works approves binding the company, when the said line is open for traffic, to cause to be despatched from Huntley not less than twenty thousand tons of coal per annum for carriage to Mercer.

Duration of liability.

The liability under such contract shall continue for a period of ten years to be computed from the opening of the said line for traffic as aforesaid, and the coals shall be carried for the company at rates to be paid by it to Her Majesty according to the scale from time to time in force for the carriage of like classes of goods on the said railway.

Waikato Coal Company to pay royalty on coal.

6. On the completion of the said railway or bridge there shall be payable to the Consolidated Fund a royalty of threepence per ton on every ton of coal, being not less than twenty thousand tons per annum, obtained or got from the Waikato Coal Company's colliery in the Raglan County, which may be carried or passed over the said bridge, such royalty not to continue for a longer period than ten years after the completion of the said bridge and the opening of the traffic thereon. The said royalty shall be payable at such times and to such persons as the Governor may from time to time appoint, and the said contract shall contain this provision.

Cost of branch line to Kaitangata Lake to be first paid to the Public Account.

7. Before entering into any contract for the construction of the branch line of railway from the Waitaki-Bluff main line of railway to the southern end of the Kaitangata Lake, the Governor shall be satisfied that the whole of the estimated cost of the construction and completion of such railway has been paid to the Public Account by the Kaitangata Lake Coal Company (Limited), or else that a guarantee by some bank, approved by the Minister for Public Works, has been lodged with the Colonial Treasurer, binding the said bank to provide funds, as required for the construction of the said railway, up to at least the amount of the said contract.

Act to be deemed a special Act.

8. This Act shall be deemed to be a special Act authorizing the construction of each of the railways mentioned in the said Schedule within the meaning and for the purposes of "The Public Works Act, 1882," and any Act amending the same, which said Acts, so far as applicable, are hereby incorporated with this Act.

Branch line from Wairio to Township of Nightcaps deemed to be a railway under "The Public Works Act, 1882."

9. The branch line of railway from Wairio to the Township of Nightcaps, in the Provincial District of Otago, so long as it may be worked by the Government under the existing or any subsequent agreement made by the Minister for Public Works for that purpose with the person or persons owning the said railway (hereinafter called "the company,") shall, for all purposes of conducting traffic, or for levying fares, rates, and other charges, or for the operation of by-laws and regulations in connection therewith be deemed to be a railway constructed under and subject to the provisions of "The Public Works Act, 1882," and any Act amending that Act. But the said railway is the property of the company, and, in the event of the Government ceasing to work it as aforesaid, the Governor in Council may empower the company to work and maintain the said railway under and subject to such provisions of the said Acts, and on such terms and conditions as he shall from time to

time prescribe, and the provisions of the said Acts so prescribed shall take effect and be operative accordingly.

10. In the event of any of the proposed lines costing for the construction thereof a larger sum than the estimated cost thereof, the company on whose behalf such lines shall have been constructed shall pay to Her Majesty the difference between the estimated and the actual cost of such construction, which cost shall include the purchase of all lands and all incidental costs.

Company liable for deficiency.

SCHEDULE.

Schedule.

LINES OF RAILWAY.

1. A branch line of railway from the main line of the Whangarei-Kamo Railway to the Whau Whau Colliery.
2. A branch line of railway from the main line of the Kaipara-Waikato Railway across the Waikato River at Huntley.
3. An extension of the Foxton-New Plymouth main line of railway from New Plymouth to the Breakwater at Moturoa.
4. North Island Main Trunk Railway, from a point at or near Marton to Te Awamutu *via* Murimotu, Taumarunui, and the Ongarue River Valley.
5. An extension of the Hurunui-Waitaki main line of railway from Hurunui to the Red Post.
6. A branch line of railway commencing at a point at or near the Lovell's Flat Station of the Waitaki-Bluff main line of railway, and terminating near the southern end of the Kaitangata Lake.