

NEW ZEALAND.



TRICESIMO SEXTO

VICTORIÆ REGINÆ.

No. LXV.

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AN ACT to vest the Wanganui Bridge and the Public Wharf at Wanganui in the Mayor Councillors and Burgesses of the Borough of Wanganui, and to provide for the raising of the Purchase Money by the said Mayor Councillors and Burgesses.

[25th October, 1872.]

WHEREAS by an Act of the Superintendent and Provincial Council of Wellington, intituled "An Act to authorize the construction of a Bridge over the Wanganui River, and levying

Wanganui Bridge and Wharf.

of Tolls on Traffic over the same," it was provided that a Committee should be appointed by the said Superintendent with power to construct such bridge, and the said Superintendent was authorized to levy tolls on the traffic over such bridge :

And whereas by another Act of the said Superintendent and Provincial Council, intituled "An Act to extend the Time allowed for raising the Amount authorized by Act, Session X., No. 6, for constructing a Bridge over the Wanganui River," the time within which certain powers given to the said Committee under the first-mentioned Act might be exercised was extended :

And whereas by another Act of the said Superintendent and Provincial Council, shortly intituled "The Wanganui Bridge Act Amendment Act, 1869," it was enacted that the tolls thereafter to be collected on or in respect of the said bridge should be paid to the Colonial Treasurer, to be applied by him in such manner as therein mentioned, and that the tolls toll-houses and toll-gates belonging to the said bridge should, so long as the said Act remained in operation, be vested in the Colonial Treasurer for the time being :

And whereas the last-mentioned Act was passed in order to secure to the Government of the Colony the payment of certain moneys advanced by them for the construction of the said bridge, but it is unnecessary that such security should continue :

And whereas the said Superintendent has, with the consent of the said Provincial Council, agreed to sell the said bridge and public wharf at Wanganui, and the several tolls and profits arising therefrom, to the Mayor Councillors and Burgesses of the Borough of Wanganui, for the sum of twenty thousand pounds :

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 shall be "The Wanganui Bridge and Wharf Act, 1872." It is divided into two parts, as follows :—

PART I.—Power for the Corporation of Wanganui to raise Money.

PART II.—Transfer of the Bridge and Wharf.

2. The Second Part of this Act shall come into operation upon payment by the Mayor Councillors and Burgesses of the Borough of Wanganui (hereinafter called "the Corporation"), to the Superintendent for the time being of the Province of Wellington, of the sum of twenty thousand pounds, to be appropriated as hereinafter mentioned, and upon the Corporation certifying to the said Superintendent, under their common seal, that the Corporation has resolved to take upon itself the burden of maintaining the Public Hospital at Wanganui. The residue of this Act shall come into operation immediately on the passing thereof.

PART I.**POWER FOR THE CORPORATION OF WANGANUI TO RAISE MONEY.**

3. In order to raise the moneys necessary for completing the purchase of the said bridge and wharf, it shall be lawful for the Corporation to issue debentures under the common seal of the Corporation, in the form set forth in the First Schedule to this Act, and to sell the same, together or in separate lots, in such manner as the Corporation shall think fit.

4. Every such debenture shall be for the sum of not less than fifty nor more than five hundred pounds, payable as to the principal

Short Title, and
division.

Commencement.

Corporation may
issue debentures.

First Schedule.

Amount of debentures.

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sum thereby secured at the expiration of seven years from the date thereof, and all such debentures shall bear date on the same day.

5. Every such debenture shall be payable, both as to principal and interest, at such place as shall be therein mentioned for that purpose, and shall bear interest at a rate not exceeding eight pounds per centum per annum from the date thereof, payable half-yearly at the same place as the principal money secured by such debenture, and separate coupons for each half-year's interest, in the form in the said First Schedule, shall be attached to every such debenture, and each coupon shall be signed by the Mayor for the time being of the said Borough of Wanganui, and countersigned by the Clerk of the Borough Council.

Rate of interest.
Coupons.

6. The said debentures and coupons shall respectively be transferable by delivery; and payment to any person having possession of any such debenture, of the principal sum thereby secured, shall discharge the Corporation and their successors from all liability in respect of the said principal sum; and payment to any person having possession of any such coupon, shall discharge the Corporation from all liability in respect of the interest in such coupon expressed to be payable.

Debentures and
coupons to be pay-
able to bearer.

7. The principal and interest secured by the said debentures, and the payments to sinking fund hereby provided for, shall be a first charge on the said bridge, and on the rents tolls and profits thereof, and also on the said wharf, and on the tolls profits and rents thereof.

Principal interest
and sinking fund a
first charge on bridge
and wharf.

8. The Corporation shall in every year set aside out of so much of the several rents tolls and profits mentioned in the last preceding section as shall remain after paying the interest on all debentures issued under this Act, a sum equal to two pounds per centum on the amount of all debentures issued under this Act, and shall pay the said sum to the Trustees hereinafter named; and it shall be the duty of the said Trustees from time to time to invest all sums paid to them, and all accumulations of interest arising therefrom, in the purchase of bonds bills or debentures issued by the General Government of New Zealand, or by the Government of any part of the British dominions, or of debentures issued under this Act; and when the principal money secured by the debentures issued under this Act becomes payable, the whole accumulation of the said sinking fund shall be applied in payment of the said principal money.

Sinking fund.

9. The following persons shall be the Trustees for the purposes of the preceding section; that is to say, the Superintendent for the time being of the said Province, and the Provincial Auditor for the time being of the said Province, and their respective successors in office.

Trustees of sinking
fund.

10. Subject to the provisions hereinafter contained, the interest on every debenture issued under this Act shall cease at the expiration of seven years from the date thereof.

Interest on
debentures, when
to cease.

11. If any person holding a debenture issued under this Act shall tender the same for payment of the principal thereby secured at the place at which such principal is payable, at the time when such principal is payable or at any time thereafter, and such principal shall not be paid in full,—or if any person holding a coupon for payment of interest on any debenture issued under this Act shall tender the same for payment at the place at which such interest is payable, and at the time when such interest is payable or at any time thereafter, and such interest shall not be paid in full,—it shall be lawful for such person to apply to the Judge of the Supreme Court of New Zealand to whom the Judicial District comprising the Borough of Wanganui has been assigned, by petition in a summary way, for relief under this Act, and thereupon such Judge, upon being satisfied of the truth of the matters

Supreme Court may
order sale, and
appoint Receiver.

Wanganui Bridge and Wharf.

alleged in such petition, may order that the said bridge and the said wharf be sold in such manner and at such time or times as such Judge shall direct, and that the proceeds of the sale thereof shall be applied in payment, first, of the expenses of such application and order and of the proceedings thereon and of the sale in pursuance thereof, next in payment of the principal moneys secured by the said debentures, with interest thereon respectively at the rate aforesaid until all such principal moneys shall have been paid, and that the residue (if any) shall be paid to the Corporation for the use of the said borough; and such Judge may from time to time appoint a Receiver of the rents tolls or profits of the said bridge and wharf until the same shall be sold, or he may from time to time appoint a Receiver of all or any of the said rents tolls or profits without directing a sale, and may direct that such Receiver shall be paid out of the said rents tolls or profits such remuneration as to the said Judge shall seem fit.

No more than
£20,000 to be raised.

12. The Mayor of the Borough of Wanganui shall issue debentures under this Act to the extent of twenty thousand pounds and no more, and such debentures shall be issued within ninety days from the passing of this Act, and not afterwards.

Liability of Corporation.

13. The principal moneys secured by every debenture issued under this Act shall, when the same become payable, be a debt of the Corporation to the holder for the time being of such debenture; and the interest secured by every such debenture shall, when the same becomes payable, be a debt of the Corporation to the holder for the time being of the coupon for such interest; and every sum of money due by the Corporation under this provision shall be recoverable by action against the Corporation, and payable out of any moneys from time to time applicable by law for the general purposes of the Corporation.

No claim against
Revenue of the
Colony.

14. No holder of any debenture issued under this Act shall have any claim upon the Ordinary or other Revenue of the Province of Wellington or the Colony of New Zealand for the payment or satisfaction of the principal moneys or interest secured by such debenture.

Accumulated funds
of Benefit Societies
may be invested
under this Act.

15. Notwithstanding anything contained in any Act relating to Building or any other Benefit Societies in New Zealand, or in the rules of any such society, to the contrary, it shall be lawful for the governing body of any such society to invest in any debentures to be issued under the provisions of this Act any accumulated funds which under the provisions of any Act relating to Building or other Benefit Societies, or any rules thereof, may be invested in real or Government securities.

PART II.

TRANSFER OF THE BRIDGE AND WHARF.

Repeal.

16. The said Act of the said Superintendent and Provincial Council, shortly intituled "The Wanganui Bridge Act Amendment Act, 1869," is hereby repealed.

Bridge to vest in
Corporation.

17. Immediately upon the coming into operation of this Part, the said bridge, and the toll-houses and toll-gates belonging thereto, shall vest without any conveyance in the Corporation, and the limits of the Borough of Wanganui shall be extended so as to include the whole of the said bridge and the said toll-houses and gates. And the Corporation shall hold the same as part of the corporate property of the Borough of Wanganui, and subject to the laws and rules for the time being in force respecting the disposal and management of the corporate property of the said borough, and the application and expenditure of the moneys and revenues arising therefrom.

Wanganui Bridge and Wharf.

18. All the tolls rents and profits collected on the said bridge, as well for traffic over the same as for charges on vessels passing through the same, on and after the day on which this Part comes into operation, and all charges and tolls collected at or on the said wharf on and after that day, shall be paid to the Corporation, and, after providing for the interest and payments to sinking fund mentioned in the First Part of this Act, the surplus (if any) shall form part of the ordinary revenue of the Corporation.

Tolls of wharf and bridge to be paid to Corporation.

19. It shall be the duty of the Corporation to keep the said bridge toll-houses and gates and the said wharf in repair.

Corporation to keep bridge and wharf in repair.

20. The Corporation shall have power to let the tolls to be received at the said bridge for any term not exceeding three years, at such rent and upon such terms and conditions as they shall think fit.

Power to lease tolls of bridge.

21. The Corporation shall have power to let the said wharf, and the charges and tolls to be received thereat, for any term not exceeding three years, at such rent and upon such terms and conditions as they shall think fit.

Power to lease tolls of wharf.

22. The tolls which under the several Acts of the said Superintendent and Provincial Council relating to the said bridge now in force are now chargeable in respect of vehicles animals and persons passing over the said bridge, shall continue to be charged thereat until altered as herein provided.

Present tolls on bridge to continue till altered.

23. The Council of the Borough of Wanganui may, by special order made under the three hundred and first section of "The Municipal Corporations Act, 1867," from time to time increase alter or abolish the tolls to be paid for vehicles animals and persons passing over, and for vessels passing through the said bridge, and by the like special order appoint other rates of toll, subject to such limitations and conditions as in the said section mentioned; and all rates of toll so to be appointed shall be collected and recovered as and shall for all the purposes of the said "Municipal Corporations Act, 1867," be deemed to be rates of toll appointed under the said section; and for the purposes of this Act the said section shall be read as if persons and vessels had been mentioned therein as well as animals and vehicles: Provided that no such special order shall extend to render liable to any toll the Governor or any of his family or attendants, or any person vehicle animal or vessel for the time being exempt from toll by virtue of any Act of the Imperial Parliament extending to New Zealand, or of any Act of the General Assembly of New Zealand for the time being in force.

Borough Council may alter tolls by special order.

24. The Corporation alone shall have power to appoint and remove such Collectors and other officers for the collection of the tolls on the said bridge as under any Act of the said Superintendent and Provincial Council now in force, or under this Act or otherwise, are required to be or may be appointed or removed.

Appointment of Collectors.

25. Whenever the said bridge shall be opened to allow any vessel to pass through, and shall have remained open for thirty minutes, the same shall forthwith be closed; and if such vessel shall not have passed through during that period, the bridge shall not be opened again on the same day to allow such vessel alone to pass through, except upon payment of the sum of ten shillings by the master or person in charge of such vessel to the person employed by the Corporation to open the bridge.

Tolls on vessels in certain cases.

26. And with regard to the said wharf, be it enacted, for the purposes of this Act, the term "the wharf" shall mean and include all the foreshore of the Wanganui River between Victoria Avenue and Churton Street, containing three acres three roods and thirty-eight perches, more or less, being a portion of the right side of the River

Interpretation of "wharf."

Wanganui Bridge and Wharf.

Wanganui lying between the production of the north side of Victoria Avenue and the production of the south side of Churton Street, and bounded towards the South-east by a line of three feet in depth at low-water spring tides, and towards the North-west by the line of high-water spring tides and all erections and works for the time being standing upon such foreshore.

Wharf regulations.
Second Schedule.

27. The regulations set forth in the Second Schedule hereto shall have the same force and effect as if enacted herein, and every person committing any offence mentioned in the said Schedule shall be liable to pay, upon conviction thereof, such penalty as is herein specified with respect to such offence: Provided that if the Third Part of the Thirteenth Schedule to "The Municipal Corporations Act, 1867," or any by-laws for the purposes mentioned in that Part, shall be brought into force within the Borough of Wanganui, the regulations herein contained may be repealed or varied by the Council of the said borough in the same manner as if they were by-laws of the borough made under the said Municipal Corporations Act.

Appointment of
Wharfinger.

28. The Corporation may from time to time appoint and remove such one or more person or persons to manage the said wharf and to carry out the said regulations as they shall think fit, and at such salary as the Corporation shall fix. The term "Wharfinger" in the said regulations shall mean and include such person or persons.

Regulations to be
printed and copies
to be sold.

29. The said regulations shall be printed in a separate form, and copies thereof shall be kept at some place in the Town of Wanganui to be from time to time appointed by the Corporation; and every person shall be entitled to inspect a copy of the said regulations without charge on application at such place between the hours of ten in the morning and three in the afternoon on every day not being a Sunday or holiday, and on the like application a copy of such regulations shall be delivered to every person requiring the same on payment of one shilling.

Table of tolls to be
put up.

30. A table of all tolls chargeable under this Act or otherwise at the said wharf shall at all times be conspicuously posted on or near to the said wharf.

Grant of foreshore
may be made to
Corporation.

31. It shall be lawful for the Governor to cause to be prepared and issued to the Corporation a grant from the Crown of the said wharf as defined by this Act, and such grant shall vest in the Corporation all the estate and interest of Her Majesty the Queen in the said wharf, and shall also confer upon the Corporation the right, with the previous sanction of the Governor in Council, to construct works obstructing all public rights of navigation over so much of the said wharf as is now covered by the water at high tide, without being liable to any action suit information indictment or proceeding by the Crown or by any subject: Provided that plans and descriptions of all works intended to be constructed by the Corporation, which shall obstruct or tend to obstruct such rights, shall be submitted by the Corporation to the Governor in Council, who shall declare whether he sanctions the construction thereof or not.

Corporation to act
by the Council or
Committee thereof.

32. All matters and things to be done by the Corporation in pursuance of the rights powers and duties conferred or imposed upon them by this Act, shall be done by the Council of the Borough of Wanganui, or by a Committee thereof, in the same manner as the ordinary business of the Corporation.

Interpretation of
"Municipal Corpo-
rations Act."

33. The term "The Municipal Corporations Act, 1867," shall be taken to include the several Acts now in force amending the same.

How £20,000 to be
paid by Corporation
to Superintendent
to be applied.

34. The sum of twenty thousand pounds, to be paid by the Corporation to the Superintendent, shall be applied for the purposes following (that is to say)—

Wanganui Bridge and Wharf.

SECOND SCHEDULE.

1. Vessels discharging cargo shall be allowed one clear day (Sundays and holidays not included) for every thirty (30) tons register, and vessels loading two (2) days for every thirty (30) tons, free of charge. After this time to pay one (1) farthing per ton per day.

2. All hulks, when lying outside a vessel for the purpose of delivering or receiving coal, shall be exempt from wharf dues.

3. For all goods, except wool flax and tow, if stored, there shall be paid one shilling and sixpence per ton, inclusive of fourteen days' storage and labour receiving to and from ship's side; and for wool flax and tow, sixpence per bale. After that time, storage for wool flax and tow, per bale, sixpence per week, and for other goods two shillings per ton per week.

4. The Wharfinger shall give receipts for all goods, and supply the necessary labour for loading and unloading drays without further charge.

5. The Wharfinger shall be responsible for all bonded goods landed on the wharf after three o'clock p.m., and for all free and duty-paid goods after four o'clock p.m. On goods landed after these hours he shall be allowed, in addition to the usual wharfage, to make a charge of one shilling per ton upon the owner of the vessel from which the goods are landed. This charge to include labour. Such goods to be free of storage charges for three days; after this time a charge of two shillings per ton per week shall be paid.

6. The Wharfinger shall receive at the ship's side all goods landed, give receipts for the same, and be responsible for their delivery to the carters or other persons appointed by the consignees, and provide labour for loading drays, and for weighing measuring and examining making up and marking dutiable and bonded goods, and shall also provide the necessary weighing machines, as may be directed by the Commissioner of Customs, without further charge.

7. The Wharfinger shall provide labour for unloading from drays goods intended for shipment, and if required by the shipper shall give receipts for the same, and obtain the signature of the mate or purser to shipping notes, without further charge.

8. The Wharfinger to provide weighing machine for Colonial produce transhipped.

9. Ballast and coal shall not be deposited on the wharf. Any person offending against this regulation shall pay on conviction a penalty not exceeding five pounds.

10. When coal or ballast is being loaded or discharged, the persons loading or discharging shall provide means to prevent any portion thereof falling into the water; and any person offending against this regulation shall pay on conviction a penalty not exceeding five pounds.

Vessels belonging to the Imperial or Colonial Governments shall be allowed to lay alongside free of charge, and all stores the property of such Governments shall be landed or shipped free of wharfage dues. Labour in connection with such landing or shipping shall be provided by such Governments respectively.

The following tolls shall be charged in respect of the several articles against which such tolls appear when such articles are landed or shipped from the wharf, or moved from one vessel to another over the wharf:—

Wool flax and tow	...	...	...	3d. per bale.
Grain and flour	...	...	...	1s. per ton.
Coal	...	...	...	1s. per ton.
Horses bullocks and large animals	...	...	...	6d. each.
Sheep pigs and small animals	...	...	...	1d. each.
Carriages carts and similar vehicles, being cargo	...	...	...	1s. 6d. each.
Shingles	...	...	...	6d. per thousand.
Bricks	...	...	...	2s. 6d. per thousand.
Timber	...	...	1s. 6d. per 1,000 feet superficial.	
Hides	...	...	...	1s. for every forty.
All other goods	...	...	...	1s. per ton.

When any goods or articles are transhipped from one vessel to another alongside the wharf without being placed on or carried over the wharf, tolls at half the above rates shall be charged, except for coal, which shall in that case be free.

Goods of all kinds carried in hand shall be free.

Passenger vehicles shall pay sixpence for each time of going on the wharf.

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