

*Hon. Mr. Stallworthy.*

AUCKLAND HARBOUR BRIDGE COMPANY, LIMITED.

[PRIVATE BILL.]

ANALYSIS.

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64. Harbour Board may act in cases of emergency.  
65. Harbour Board may recover costs from the company.

*Cost of Bridge.*

66. Fixed price for construction of bridge.  
67. Minister may require certain details.  
68. Certain contingencies may be provided for.  
69. Contract price.  
70. Minister to approve contract price.  
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72. Company to find guarantees for necessary finance and enter into contract with Minister.  
73. Variations, &c., to be incorporated by supplementary deed.  
74. If price excessive to be referred back to company.  
75. Company may forward amended price.  
76. Minister of Public Works not responsible for payment to company.

*Methods of Finance.*

77. Company may give security over bridge and tolls.  
78. Amount of finance not to exceed fixed sum.  
79. Company not to increase its capital without consent of Minister.  
80. Reasons to be given for extra capital.  
81. Average rate of interest on mortgage or debenture not to exceed  $7\frac{1}{2}$  per cent.  
82. Interest payable half-yearly or annually.  
83. Interest to be paid either in New Zealand or Great Britain.

*Management of the Bridge.*

84. Company to have full control of the bridge.  
85. Company to employ necessary staff.  
86. May employ solicitors, engineers, &c.  
87. Company to keep bridge in good condition and repair.  
88. Public Works Department to inspect every twelve months.  
89. Report to be forwarded to Minister of Public Works.  
90. Minister may require work to be done.  
91. Public Works Department may do work if company fails to do same and charge company for it.  
92. Costs to be recovered.

*Auditor.*

93. Auditor to be appointed. Auditor to render annual report and balance-sheet.  
94. Auditor may be removed from office.  
95. Three months' notice of intention to resign.  
96. Appointment of new auditor.  
97. Company to keep proper books.  
98. On refusal or failure directors to be removed.

*Method of dealing with Tolls.*

99. Tolls to be paid into a trust account.  
100. Tolls to be banked twice daily.  
101. Sundays and bank holidays exempted.  
102. Unbanked moneys to be kept in safe custody.  
103. Company not to operate on trust account, except for certain purposes.  
104. Board may place trust fund on fixed deposit.  
105. Interest to be treated as tolls.  
106. How trust funds to be dealt with.  
107. Certain annual sum to be paid into a sinking fund.  
108. Surplus to go to reduction of tolls.  
109. Sinking Fund Commissioners.  
110. Commissioner a corporate body.  
111. Application of sinking fund.  
112. Accounts of Commissioners.  
113. Company to pay certain charges out of its General Account.  
114. Auditor may inspect company's General Account.  
115. Period for which tolls may be collected.  
116. When capital and interest repaid mortgages and debentures to be discharged.  
117. Bridge to be transferred free of all encumbrances.  
118. If company goes into liquidation bridge to be vested in such authority as Minister shall decide.  
119. No liability on any local body.  
120. Tolls may be reduced by company.  
121. Company not to close bridge to traffic.  
122. Bridge to be erected in four years of commencement thereof.  
123. Right to purchase bridge by City Council or Northcote Borough Council.  
124. Rent to be paid to company for water-mains, &c.  
125. Act to become inoperative at expiration of two years if bridge not commenced.  
126. Period may be extended for three months.  
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128. Disputes to be referred to arbitration.  
129. Act may be amended by Order in Council. Schedules.

## A BILL INTITULED

Title.

AN ACT to empower the Auckland Harbour Bridge Company, Limited, to erect a Bridge across the Waitemata Harbour and impose and collect Tolls for the use of same.

Preamble.

WHEREAS a company limited by shares has been incorporated under the provisions of the Companies Act, 1908, under the name of "The Auckland Harbour Bridge Company, Limited," having for its objects the erection of a bridge across the Waitemata Harbour from a point in Fanshawe Street, in the City of Auckland, to a point in the Borough of Northcote, and the collection of tolls for the use of same: And whereas it is expedient that power should be given to enable the said company to carry out the objects for which it is established:

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

1. This Act may be cited as the Auckland Harbour Bridge Empowering Act, 1931. Short Title.

2. The following words and expressions in this Act shall have the meanings hereby respectively assigned to them, unless there be something in the subject or context repugnant to such construction:— Interpretation.

The word "company" shall mean the Auckland Harbour Bridge Company, Limited:

The word "lands" shall include messuages, lands, tenements, and hereditaments:

The word "street" shall include any square, covet, alley, highway, lane, road, thoroughfare, wharf, jetty, dock, reserve, and passage or place:

The word "board" shall mean the board of directors of the company:

The word "Minister" shall mean the Minister of Public Works:

The word "bridge" shall mean and include the bridge, together with all the necessary approaches, buildings, and erections appertaining thereto, built or to be built in accordance with the provisions of this Act:

The word "toll" shall mean and include any reward or payment the company is by the provisions of this Act authorized to demand and collect for the passage or repassage over the bridge of any of the animals and vehicles set forth in the *First* Schedule to this Act:

The word "auditor" shall mean the auditor appointed in accordance with the provisions of section *ninety-three* of this Act.

### The Board of Directors.

3. On and after the *first* day of June, nineteen hundred and thirty-one, the board of directors of the company shall consist of not more than twelve persons, of whom— Constitution of board.

(a) One shall be appointed by the Auckland City Council in open council:

(b) One shall be appointed by the Auckland Harbour Board in open meeting:

(c) One shall be appointed by the Northcote Borough Council in open meeting:

(d) The remaining directors shall be elected by the holders of shares in the company in accordance with the provisions of and in the manner provided by the articles of association of the company.

4. Subject to the provisions hereinafter contained, the directors in office immediately prior to the said *first* day of June, nineteen hundred and thirty-one, shall be eligible for election by the shareholders of the company under the terms of this Act. Present directors eligible.

5. As to each of the three directors to be appointed by the Auckland City Council, the Auckland Harbour Board, and the Northcote Borough Council, the following provisions shall apply:— Provision as to directors appointed to local bodies.

(a) He shall hold office as hereinafter provided and shall be eligible for reappointment:

- (b) He may at any time resign by notice in writing to the board and to the Council or Harbour Board by whom he was appointed :
- (c) He shall not be subject to the provisions of the articles of association of the company as to qualification, retirement, or removal : 5
- (d) Whenever his seat becomes vacant, it shall be the duty of the board to forthwith notify the fact to the Council or Harbour Board by whom he was appointed, whereupon the said Council or Harbour Board shall as soon as practicable fill such vacancy by appointing a successor, who shall take office from the date of his appointment : 10
- (e) He shall not by reason of holding the position of a director of the company, or of receiving remuneration therefor, be disqualified from being a member of the Harbour Board or Council appointing him. 15

Term of office.

6. The term of office and the conditions of appointment of the three members to be appointed by the Auckland City Council, the Auckland Harbour Board, and the Northcote Borough Council shall be fixed and determined by the Council or Harbour Board making the appointment.

As to directors to be appointed by shareholders.

7. The first directors to be elected by the shareholders as provided by paragraph (d) of section *three* hereof shall, in the first instance, be determined by lot or by agreement, or partly by lot and partly by agreement, among the present directors of the company. The directors thus elected shall hold office, retire from office, and otherwise be governed by the rules contained from time to time in the articles of association of the company. 20 25

When directors take office.

8. The directors first appointed and elected as aforesaid shall take office on the *first* day of June, nineteen hundred and thirty-one, and thereupon the directors then previously in office shall cease to hold office. 30

Provisions as to directors.

9. With respect to the board as hereinbefore constituted under this Act, and the members thereof, the following provisions shall apply :—

- (a) The directors shall, at their first meeting, elect one of their members to be chairman, and another one of their members to be deputy chairman of the board. No director shall be eligible to be appointed chairman or deputy chairman of the board if he be an appointed director and not a director elected by the shareholders of the company. 35
- (b) An ordinary meeting of the board shall be held at least once a month and at regular periodical intervals.
- (c) At all meetings of the board (whether ordinary or special) a quorum shall be an absolute majority of all the directors who for the time being shall be in office.
- (d) If any director fails to attend three consecutive ordinary meetings of the board his office shall thereby become vacant, unless such non-attendance has been previously consented to by the board. 45

10. The chairman and the deputy chairman of directors shall hold their respective offices as chairman and deputy chairman for one year. In the absence of the chairman at any meeting the deputy chairman shall preside as chairman of that meeting. In the event of the office of the chairman of directors becoming vacant for any reason, the deputy chairman shall forthwith become chairman of directors until the expiration of the term for which the chairman was elected chairman of directors. Both the chairman and deputy chairman shall be eligible for re-election, and the offices shall be filled by election at the first meeting of the board held in the month of *April* in each year.

Chairman and  
deputy chairman.

11. The remuneration of the directors whilst they hold office shall be—

Remuneration of  
chairman and  
directors.

(a) For the first year from the coming into operation of this Act, as to the chairman of directors, at the rate of *fifty* pounds per annum, and, as to the other directors, at the rate of *twenty-five* pounds per annum for each director.

(b) For the following and subsequent years until the bridge is opened for traffic in accordance with the provisions of this Act, as to the chairman of directors, at the rate of *one hundred* pounds per annum, and, as to the other directors, at the rate of *fifty* pounds per annum for each director.

(c) From the date the bridge is opened for traffic the remuneration shall be fixed, but may be altered or varied from time to time, by the board; but the amount of such remuneration shall be subject to the approval of the Minister.

12. Irrespective of such remuneration as aforesaid, the chairman and deputy chairman and every member of the board attending any meeting of the board or when travelling on business connected with the company shall be entitled to receive in respect thereof his actual travelling-expenses according to a scale to be fixed by regulations to be made by the board with the approval of the auditor.

Travelling-expenses.

#### *Power to take Lands.*

13. For the purposes of this Act the company shall be deemed to be a local authority within the meaning of the Public Works Act, 1928, and, except as to land vested in the Auckland Harbour Board, shall have all the powers and privileges vested in local authorities by Parts II and III of such Act.

Power to take lands.

14. For the purpose of enabling the company to erect the bridge on and over land vested in His Majesty the King and the Auckland Harbour Board, the Minister of Marine, on behalf of His Majesty the King, shall cause to be granted, and the Auckland Harbour Board shall grant, such perpetual easements over or licenses of all those parcels of land described in the *Second* Schedule to this Act to the company at a nominal annual rental payable by the company, and on such terms and conditions as will enable the company to carry out the provisions of, and to enjoy the privileges and benefits conferred upon it by, this Act.

Certain easements  
and licenses to be  
granted to company.

15. Nothing in the *last preceding* section shall be deemed to affect or interfere with the control and jurisdiction of the Auckland Harbour Board over the said parcels of land, except as such control and jurisdiction may be necessarily restricted by reason of the existence of the bridge; nor shall it be lawful for the company or any other person to

Harbour Board  
rights over such  
land to be  
protected.

prevent, hinder, or in any way interfere with such control and jurisdiction, or the passage or repassage of any boat, ship, vessel, craft, or floating thing under the bridge.

The company shall make by-laws for certain purposes.

16. The company shall from time to time make by-laws for the following purposes, and the company may from time to time repeal or alter such by-laws and make others, provided that such by-laws be not repugnant to the laws of the Dominion of New Zealand or to the provisions of this Act :— 5

- (a) For protecting any property belonging to the company, or controlled by the company, from damage or injury : 10
- (b) For conserving public health, safety, and convenience, and preventing and abating nuisances on the bridge :
- (c) For regulating the pace, mode or manner, and times at which any horses, cattle, engines, agricultural or other machines, tractor engines, or vehicles shall cross, or be driven, led, or taken over the bridge : 15
- (d) For prescribing the route by which, and the times when, loose horses, cattle, sheep, pigs, or other animals may be driven across the bridge :
- (e) For regulating and preventing the taking on to or over the bridge any noxious or dangerous goods : 20
- (f) For regulating the speed at which traffic crossing the bridge is to move or be propelled :
- (g) For regulating the weights of vehicles, carriages, engines, or other things which require to cross the bridge : 25
- (h) For preventing the commission of any nuisance in or upon the bridge by any of the traffic using the bridge :
- (i) For regulating the purchase and issue of tickets and the collection of such tickets from persons using the bridge, and generally for regulating the travelling upon, the using of, and the proper and efficient control and management of the bridge. 30

Procedure as to making by-laws.

17. (1) By-laws shall be made only in the manner and subject to the conditions following :—

- (a) All proposed by-laws shall be first approved by the board in general meeting. 35
- (b) Copies of all proposed by-laws thus approved by the board which affect or are likely to affect in any way the navigation or control of the Auckland Harbour shall be submitted to the Auckland Harbour Board for its approval of such proposed by-laws. 40
- (c) Copies of all other proposed by-laws thus approved by the board shall be submitted to the Auckland City Council and to the Northcote Borough Council for their approval of such proposed by-laws.
- (d) All such proposed by-laws shall be forthwith considered by the said Harbour Board and Councils respectively, and unless objection thereto is made within one calendar month from the receipt thereof by any such Harbour Board or Council, the same shall be deemed to be approved. 45

(e) Upon such by-laws being approved, or deemed to be approved as aforesaid, as the case may require, whether as originally submitted or as amended, the board shall at its next meeting declare that such by-laws have been made in accordance with the terms of this Act, and shall affix the common seal of the company to such by-laws.

(f) Such by-laws thus approved or amended shall thereupon come into force on a day to be fixed by the board at such meeting, being not earlier than seven clear days from the date of such meeting; but not being earlier than seven clear days after the date of such meeting, and three clear days after public notification thereof has been published by the company in at least *two* newspapers circulating in the City of Auckland.

(2) Any by-law may in like maner be altered, repealed, or revoked.

18. Nothing contained in this Act shall be deemed to restrict or prohibit the board from making any by-laws or rules to control its meetings in accordance with the rules laid down in the articles of association of the company.

By-laws for control of directors' meeting excepted.

19. (1) Every person guilty of a breach of any by-law made under the provision of this Act is liable to a fine not exceeding *twenty* pounds; or where the breach is a continuing one, then to a fine not exceeding *five* pounds for every day or part of a day during which the breach continues.

Penalty for breach of by-laws.

(2) The company may, after conviction for the continuing breach of any by-law, apply to the Supreme Court for an injunction to restrain the further continuance of such breach by the person so convicted.

(3) The continued existence of any work or thing in a state contrary to any by-law shall be deemed a continuing offence within the meaning of this section.

20. (1) A by-law may authorize the company or any officer thereof to pull down, remove, or alter any work, material, or thing erected or being in contravention of any by-law, and to recover from the person committing the breach all expenses incurred by the company in connection with such pulling-down, removal, or alteration.

Removal of works executed contrary to by-law.

(2) The exercise of this authority shall not relieve such person from liability to any penalty incurred by reason of such breach.

21. The production of any document purporting to be a printed copy of any by-law made in whole or in part under the authority of this Act, and to be sealed with the common seal of the company, shall, until the contrary is shown, be sufficient evidence of such by-law having been duly made, and that the same duly came into force on the day mentioned in that behalf in such copy of the by-laws.

Proof of by-laws.

22. The company shall cause printed copies of all by-laws to be kept at the office of the company, and to be sold at a reasonable charge to any person applying for the same.

Printed copies of by-laws.

23. Nothing in this Act or in any by-law made thereunder shall be deemed to relieve any person from any penalty or action to which he would otherwise be liable in respect of anything done by him in breach of any such by-law.

Liability for breach of by-laws not to relieve from other liability.

Fines to be paid to the company and treated as tolls.

24. (1) All fines paid and recovered for any offence created or for any breach of a by-law made under the provisions of this Act shall be paid by the Clerk or other proper officer of the Court in which such fines are payable to the company.

(2) For the purposes of this Act all such fines shall be deemed to be a toll within the meaning of this Act, and shall be applied by the company accordingly. 5

(3) The Clerk or other proper officer of the Court in which any such fines are inflicted shall once in every three months furnish the company with a written statement, signed by him, of all such fines, distinguishing therein those that have from those that have not been paid to the company. 10

(4) When any fines which ought to be paid to the company are by law required or permitted to be paid in stamps, and have been so paid, the Clerk or other proper officer aforesaid shall certify to the Minister of Finance the amount of the same, that they have been so paid, and that the company is entitled to receive the same; and thereupon the said Minister, without further appropriations by Parliament than this Act, shall pay the amount of such fines out of the Consolidated Fund to the company. 15 20

#### Tolls.

Toll-gates to be placed on roads.

25. It shall be lawful for the company, and the company shall, as conveniently may be, after a passage shall be made over the proposed bridge, cause to be erected a toll gate or gates, or toll house or houses, gates, and bars, at or upon the roads and streets leading to the bridge, within a distance of two hundred yards from the point of the actual commencement of the bridge. 25

Sites of toll-gates to be settled with local authorities concerned.

26. In fixing the site or sites for the erection of such toll gate or gates, toll house or houses, gates, and bars, the company shall obtain the approval of the local body or authority having control over such roads and streets as to a suitable site or sites for such toll gate or gates, toll house or houses, gates, and bars. 30

Tolls to be paid.

27. It shall be lawful for the company, and the company shall demand and take at the toll gate or gates, or toll-houses, to be erected as aforesaid, before any animal or beast, or any carriage, wagon, cart, vehicle, motor-omnibus, engine, or thing shall pass or return over the bridge or through the same, tolls not exceeding the tolls set out in the *First Schedule* to this Act. 35

Conditions under which tolls may be taken.

28. No toll shall be payable unless the following conditions are observed, that is to say :— 40

(a) The scale of tolls shall be publicly notified for *fourteen* days before becoming first payable in at least *two* of the daily newspapers circulating in the City of Auckland :

(b) The scale of tolls shall be painted in black letters, not less than two inches in length, on a white board, and placed in a conspicuous place on or near the toll gate or gates, or toll-houses, so as to be conveniently read by every person from whom the toll is demanded. 45

Human beings exempt from tolls.

29. It shall not be lawful for the company to demand or take any toll for the passage or repassage of any human being over the bridge. 50

30. Animals and vehicles employed solely in carrying the following persons or their tools and materials shall be exempt from the payment of tolls :—
- 5 (a) The Governor-General and every person in attendance on the Governor-General :
- (b) Every member of any military, militia, or territorial or permanent force when on duty or going to or returning from duty and in the uniform of his corps :
- (c) Every constable on duty, and every prisoner in his custody.
- 10 31. Any person falsely claiming exemption from the payment of any tolls shall be liable to a fine of not less than *two* pounds nor more than *five* pounds, and the proof of being exempt shall lie with the person claiming to be so exempt. Falsely claiming exemption from tolls.
- 15 32. The company may recover from any person refusing to pay a toll for which he is liable the amount of such toll, together with such compensation for loss of time and the expense in recovering the same as the Court hearing the same determines. Company may recover toll and compensation.
- 20 33. Every person who attempts by force to evade the payment of a toll, or resists or obstructs any toll-keeper or other servant of the company in the execution of his duty, is liable to a fine not exceeding *twenty* pounds. Forcible evasion of toll.
34. Every servant of the company is liable to a fine not exceeding *five* pounds, who does any of the following things :— Offences by company's servants.
- 25 (a) Demands a larger toll than that payable by law :
- (b) Refuses, when required so to do, to give his name or gives a false name to any person of whom he has demanded a toll :
- (c) Is drunk when in discharge of his duty :
- (d) Obstructs any person in passing when the lawful toll has been tendered :
- 30 (e) Uses any obscene or offensive language to any person passing.
- 35 35. The company shall be liable to a fine not exceeding *five* pounds if it fails to maintain the board required by paragraph (b) of section *twenty-eight* hereof in a legible condition. Company to maintain board showing scale of tolls.
36. The company shall issue a ticket for every toll paid, which shall show the amount of the toll paid and what it has been paid in respect of ; and for every refusal on the company's part to give such a ticket on demand it shall be liable to a fine not exceeding *five* pounds. Tickets to be issued.
- 40 37. Every person is liable to a fine not exceeding *five* pounds who with intent fraudulently to evade payment of any toll transfers such a ticket to another person, or uses a ticket so transferred, or alters or forges such a ticket so as and with intent fraudulently to evade payment of any toll. Transferring, &c., of toll-ticket.

#### *Plans of Bridge.*

- 45 38. The company shall, as soon as practicable after the coming into operation of this Act, cause to be prepared such complete plans, specifications, and general conditions of contract of the bridge, the general design and plan of which has already been approved by the Chief Engineer of the Public Works Department, the Minister of Marine, and the Auckland Harbour Board, as the Minister shall deem necessary. Plans and specifications of proposed bridge to be prepared.
- 50 39. (1) Such plans shall provide that the longitudinal and vertical clearances of the navigation span of the bridge shall be not less than the dimensions recommended for such span by the Waitemata Harbour Transport Facilities Commission of nineteen hundred and twenty-nine. Longitudinal and vertical clearances of bridge.

(2) The company shall comply with the requirements of the Auckland Harbour Board with respect to the erection of the bridge as an open pile structure across St. Mary's Bay boat harbour.

Bridge to provide for water-mains, &c.

40. Such plans shall also provide for water-mains, gas-pipes, electric-light and telephone wires, and electric-power cables to be carried by the bridge over the Auckland Harbour. 5

Plans to provide for completion of bridge and approaches.

41. Such plans shall also provide for the erection and completion of the bridge, and shall include and provide for the erection and completion of such necessary approaches and embankments as will provide a continuous roadway or street, commencing from the western end of Fanshawe Street, in the City of Auckland, continuing over the bridge, and joining Queen Street, in the Borough of Northcote. 10

Copies of plans to be forwarded to Minister, Harbour Board, City Council, and Northcote Borough Council.

42. Nine copies of such plans, specifications, and general conditions of contract shall thereupon be prepared, and dealt with as follows :— 15

(a) Three copies shall be forwarded to the Minister for his approval :

(b) Two copies each shall be forwarded to the Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council for their respective approvals.

Approval of Harbour Board, City Council, and Northcote Borough Council limited.

43. The right of approval or otherwise given by the *last preceding* section to the Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council shall be limited to the following matters :— 20

(a) As to the Auckland Harbour Board, such right shall apply only to such matters as concern or affect the general design, strength, and safety of the bridge from the point of view of safeguarding the Auckland Harbour for shipping and navigation generally : 25

(b) As to the Auckland City Council, such right shall apply only to the provisions made for continuing the western end of Fanshawe Street on to the bridge, the provisions made for the speedy and safe handling of traffic crossing the bridge, and provisions made for future connections of other streets with the southern end of the bridge : 30

(c) As to the Northcote Borough Council, such right shall apply only to matters relating to that portion of the bridge proposed to be constructed within the Borough of Northcote, and to matters affecting the provision made for the efficient handling of traffic crossing the bridge. 35

Harbour Board, City Council, and Northcote Borough Council to forward approvals to Minister.

44. Upon the Auckland Harbour Board, Auckland City Council, and the Northcote Borough Council being satisfied with such plans, specifications, and general conditions of contract, they shall forthwith notify the Minister of such fact by each forwarding to him a copy of such plans, specifications, and general conditions of contract, with any amendments thereof agreed to by the company, duly marked as approved by them. 40 45

Minister to signify his approval in writing.

45. Upon the Minister being satisfied that such plans, specifications, and general conditions of contract comply with the requirements and provisions of the Public Works Department relating to the erection of bridges of the type, size, and design of the bridge, and upon receipt by him of the approvals of the Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council mentioned in the *last preceding* section, he shall forthwith notify the company of the fact 50

of such approvals, and forward to the company a copy of the said plans, specifications, and general conditions of contract, with any amendments thereof agreed to by the company, duly marked as approved by him.

5 46. The said plans, specifications, and general conditions of contract thus approved, together with any alterations or variations thereof duly approved by the Minister in the manner hereinafter set forth, are hereinafter referred to as "the approved plans".

Definition of the term "the approved plans".

10 47. If the company at any time or from time to time desires to add to, vary, delete, substitute, or otherwise make any alteration in the plans, specifications, and general conditions of contract referred to in section *forty-five* hereof, the company shall cause plans, specifications, and amended general conditions of contract of the proposed additions, variations, deletions, substitutions, or alterations to be prepared to the satisfaction of the Minister.

Plans of any alterations, deletions, and additions to be prepared.

15 48. Nine copies of all such plans, specifications, and amended general conditions of contract of the proposed additions, alterations, deletions, substitutions, and variations shall be prepared and dealt with as follows:—

Copies of alterations to be forwarded to Minister, Harbour Board, City Council, and Northcote Borough Council.

20 (a) Three copies shall be forwarded to the Minister for his approval:  
(b) Two copies each shall be forwarded to the Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council for their respective approvals.

25 49. The right of approval or otherwise given by the *last preceding* section to the Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council shall be limited as set forth in section *forty-three* hereof.

Approval of Harbour Board, City Council, and Northcote Borough Council limited.

30 50. Upon the Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council being satisfied with such plans, specifications, and amended general conditions of contract of the proposed additions, alterations, deletions, substitutions, and variations, they shall forthwith notify the Minister of such fact by each forwarding to him a copy of such plans and specifications, with any amendments thereof agreed to by the company, duly marked as approved by them.

Harbour Board, City Council, and Northcote Borough Council to forward approvals to Minister.

35 51. Upon the Minister being satisfied that the plans, specifications, and amended general conditions of contract of such proposed additions, variations, deletions, substitutions, and alterations are reasonable, and that they comply with the requirements and provisions mentioned in section *forty-five* hereof, and upon receipt by him of the approvals of the Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council mentioned in the *last preceding* section, he shall forthwith notify the company of the fact of such approvals, and forward to the company a copy of the said plans, specifications, and amended general conditions of contract, with any amendments thereof agreed to by the company, duly marked as approved by him.

Minister to signify his approval in writing.

45 52. The company shall build the bridge in accordance with the approved plans.

Company to build bridge to the approved plans.

53. The Minister shall appoint a supervisor, who shall be a qualified bridge engineer, to superintend the construction of the bridge by the company in accordance with the approved plans.

Supervisor to be appointed by Minister of Public Works.

50 54. The amount of the salary of the supervisor shall be settled by the Minister in consultation with the board, and shall be paid by the company.

Salary of supervisor.

Date of commencement of supervisor's duties.  
Duties of supervisor.

55. The duties of the supervisor shall commence on the date the company commences the erection of the bridge, and shall continue until the bridge shall be completed in accordance with the approved plans.

56. The duties of the supervisor shall be—

- (a) The making of such periodic reports to the Minister as he may require with reference to the progress of and the general work in connection with the erection of the bridge : 5
- (b) The submission to the Minister of full reports as to cases in which the approved plans are not being complied with by the company during the course of the erection of the bridge : 10
- (c) The performance of such other work as the Minister may reasonably require with reference to the construction of the bridge and the compliance by the company with the approved plans.

Powers of the Minister.

57. For the purpose of this Act the Minister shall have the following powers :—

- (a) In any case where the Minister is satisfied that the approved plans are not being complied with by the company, he shall forthwith forward to the company a memorandum showing clearly in what particulars the approved plans are not being complied with, and requiring the company within a reasonable period, to be fixed by the Minister, to remedy the matters complained of. 20
- (b) For every day or part of a day the company fails to remedy the said matters complained of, after the expiration of the said reasonable period, the Minister may in his discretion impose upon the company a penalty not to exceed the sum of *fifty* pounds a day. 25
- (c) In the event of the company failing or refusing to remedy the breach complained of, the Minister may prohibit the company from proceeding further with the erection of the bridge until the matters complained of be remedied to his satisfaction. 30

Limit in which minor breaches may be complained of.

58. Unless the company shall have fraudulently hidden or concealed any breach of or variation from the approved plans, the company shall not be required to remedy such breach or variation if it has not received a memorandum as required by paragraph (a) of section *fifty-seven* hereof within a period of six weeks from the date of such breach or variation, if the Minister is satisfied that such breach or variation does not in any way affect the strength, safety, or the approved general design of the bridge. 40

Minister to issue certificate of completion.

59. Upon completion by the company of the erection of the bridge in accordance with the approved plans, the Minister shall issue a certificate under his hand, stating that the bridge has been thus completed and that it may then be opened for traffic. 45

Disputes to be referred to arbitration.

60. Any dispute that may arise between the company and the Minister, or the Auckland Harbour Board, or the Auckland City Council, or the Northcote Borough Council, touching any alleged breach of or variation from the approved plans, or any approval or disapproval of any of the plans, specifications, or general conditions of contract, or the said plans, specifications, and amended general conditions of contract of any proposed additions, variations, deletions, substitutions, or 50

alterations, or any other engineering question whatsoever, shall be referred to two engineers, to be appointed by the New Zealand Council of the Institution of Civil Engineers, for the purpose of arbitration in accordance with the provisions of the Arbitration Act, 1908.

5 61. For the purpose of any arbitration or Court proceedings whatsoever the approved plans shall be conclusive and exclusive evidence of their accuracy and of their contents, and of the approval of the Minister in accordance with the provisions of this Act.

Approved plans exclusive and conclusive evidence.

10 62. During the period of erection, construction, and maintenance and management of the bridge by the company, the company and its servants or contractors shall comply with all reasonable requests, stipulations, and requirements of the Auckland Harbour Board for the purpose of ensuring that there will be no needless interference on the company's part with shipping and navigation, and for the ensuring  
15 also of the preservation of the harbour-bed, embankments, breakwaters, tidal flow and ebb, and for the safeguarding of the Waitemata Harbour wharves and works therein situated, on the part of the company.

Company to comply with Harbour Board requirements.

20 63. If the company does or permits to be done any act, or fails to prevent any act being done, which the Auckland Harbour Board considers to be a breach of the provisions of section *sixty-two* hereof, it shall forthwith forward to the Minister particulars of the matters complained of, who shall immediately deal with such complaints in the manner set forth in paragraph (a) of section *fifty-seven* hereof.

Harbour Board to forward complaints to Minister of Public Works.

25 64. Should the Auckland Harbour Board, or its Superintendent, Engineer, or Harbourmaster, be of the opinion that any of the breaches mentioned in the *last preceding* section be of such a serious nature that the delay that would be caused by its compliance with the provisions of the *last preceding* section may result in serious damage or loss of life, limb, or property, or interference with navigation, the Auckland  
30 Harbour Board may forthwith take what reasonable steps it deems necessary to prevent such irreparable damage or loss being sustained.

Harbour Board may act in cases of emergency.

35 65. The costs and expenses incurred by the Auckland Harbour Board in taking such necessary steps as aforesaid shall be borne by the company, and may be recovered by the Auckland Harbour Board as a debt owing to it by the company.

Harbour Board may recover costs from the company.

#### *Cost of Bridge.*

66. Upon receipt by the company from the Minister of the approved plans, the company shall forward to the Minister a statement setting forth the contract price for the erection and completion of the  
40 bridge. The contract price shall include and provide for—

Fixed price for construction of bridge.

(a) The complete cost of the erection and completion of the bridge in accordance with the approved plans :

45 (b) All sums required for the acquisition of land required for the erection of the bridge and the payment of compensation for lands injuriously affected thereby :

(c) The profit which the company or its contractors expect to make on the construction of the bridge :

50 (d) All toll-gates, toll-houses, barriers, and gates, and for all buildings and erections necessary for the proper equipment and management of the bridge in accordance with the provisions of this Act.

Minister may require certain details.

67. For the purpose of ascertaining the actual cost of the matters mentioned in paragraph (b) of section *sixty-six* hereof, the company shall supply the Minister with such vouchers and particulars of payments made, and to be made, as he shall require.

Certain contingencies may be provided for.

68. In addition to the said contract price, the company may provide for and forward to the Minister a memorandum showing certain contingencies which the company deems fit to make provision for. Such contingencies shall be confined to the following:—

(a) Any increase or decrease in wages to persons employed on the construction of the bridge and over which the company has no control :

(b) Any variation in the harbour-bed and/or foundations of the bridge from the findings and data relative thereto as ascertained by and under the direction of the Waitemata Harbour Transit Facilities Commission of 1929 :

(c) Any possible error, mistake, or inaccuracy that may be contained in the said findings and data :

(d) Any damage caused to the bridge at any time during the company's period of control of the bridge, through no fault or negligence on the part of the company or its contractors, by any third party, and compensation for which damage cannot be recovered and collected from the party at fault :

(e) Any increase or decrease whatever in the cost of erection and completion of the bridge caused by any enactment of the New Zealand Parliament or by any Order in Council issued by the Government of New Zealand :

(f) Any increase or decrease whatever caused by the additions, variations, deletions, substitutions, or alterations as allowed by the Minister in accordance with the provisions of section *fifty-one* hereof.

Contract price.

69. Upon receipt by the Minister of the statement setting forth the contract price he shall cause the same to be examined by such officers of his Department as he may appoint, and for the purposes of such examination he may require the company to furnish him with details as to the various quantities of materials upon which the company has based its contract price.

Minister to approve contract price.

70. Upon the Minister receiving a report from the said officers and being satisfied that the contract price is a fair and reasonable one for the work and risk involved, he shall signify his approval to the company in writing of such price (hereinafter termed "the fixed contract price").

If contingencies happen extra cost to be added to contract price.

71. Should any of the aforesaid contingencies happen or occur, the company may forward from time to time to the Minister full details of the actual extra costs that will be incurred through such happenings and occurrences, and the Minister shall allow such increase, after deducting the amount of any decrease of cost in the erection of the bridge due to any of the said contingencies, to be added to the fixed contract price (such increases being hereinafter referred to as "approved extra costs").

Company to find guarantees for necessary finance and enter into contract with Minister.

72. It shall not be lawful for the company to commence the construction and erection of the bridge until it has done each and all of the following things, that is to say:—

- 5 (a) Obtained guarantees, to the satisfaction of the Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council, that the necessary finance to pay for the erection and completion of the bridge at the fixed contract price and in accordance with the approved plans has been obtained or provided :
- (b) Obtained similar guarantees that in the event of any approved extra costs being added to the fixed contract price the finance necessary to pay for such approved extra costs will be found :
- 10 (c) Provided similar guarantees for the completion of the whole of the work, and having satisfied the Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council that the contractors to be employed by the company are financially strong and skilled enough to erect and complete the bridge in accordance with the approved plans :
- 15 (d) Entered into a binding deed of contract with the Minister to construct the bridge in accordance with the approved plans and at the fixed contract price, and with the benefit of the guarantees mentioned in paragraph (a) hereof.

20 73. The approved extra costs, together with any other alterations in or additions to the fixed contract price which the Minister has authority to allow from time to time under the provisions of this Act, shall be set out and incorporated from time to time in the aforesaid binding deed of contract by supplementary deeds of contract.

Variations, &c., to be incorporated by supplementary deed.

25 74. If the Minister is not satisfied that the said contract price is a fair and reasonable one, but is excessive for the nature of the work and risk involved, he shall refer the matter back to the company for reconsideration, and he may, if he thinks fit, indicate to the company in what respect he considers the contract price unfair or unreasonable.

If price excessive to be referred back to company.

30 75. The company may thereupon, if it thinks fit, forward from time to time amended contract prices to the Minister with a view to meeting the Minister's requirements and objections.

Company may forward amended price.

35 76. Nothing contained in sections *seventy-two* and *seventy-three* hereof shall be deemed to mean or infer that the Minister of Public Works shall be in any way whatsoever responsible for the payment to the company of the fixed contract price or any approved extra costs.

Minister of Public Works not responsible for payment to company.

#### *Methods of Finance.*

77. For the purpose of obtaining the necessary money in order to build the bridge, it shall be lawful for the company to give a mortgage or mortgages, debenture or debentures, or in any other way give other security for the repayment of the said money, together with the payment of interest thereon, from time to time over the bridge, and the interest in the land or part of the land vested or to be vested in the name of the company, and the tolls which the provisions of this Act authorize the company to impose and collect ; but the terms of such mortgage or mortgages, debenture or debentures, or other security shall be subject to the restrictions imposed by this Act.

Company may give security over bridge and tolls.

78. It shall not be lawful for the company to give security in accordance with the provisions of the *last preceding* section for a principal sum or sums in excess of the following amounts :—

Amount of finance not to exceed fixed sum.

- 50 (a) The cost of the bridge as determined in the manner set forth in sections *seventy* and *seventy-one* hereof :

(b) Such other sum or sums as the Minister may allow, including any reasonable sum for necessary preliminary expenses incurred in the raising of such money.

Company not to increase its capital without consent of Minister.

79. It shall not be lawful for the company to increase its authorized capital to more than *ten thousand* pounds without the consent of the Minister first obtained in writing, and the amount of any increase thus permitted shall be determined by such Minister. 5

Reasons to be given for extra capital.

80. For the purpose of the *last preceding* section, the Minister may require the company to supply balance-sheets showing in what manner its then present capital has been spent, and to supply details showing the purpose or purposes for which the extra capital is required. 10

Average rate of interest on mortgage or debenture not to exceed  $7\frac{1}{2}$  per cent.

81. It shall be lawful for the company to covenant to pay interest on the amount of money owing from time to time and secured by the aforesaid mortgage or mortgages, debenture or debentures, or other such security; but the average rate of such interest shall not be such as to give a return to the lender or lenders exceeding *seven pounds ten shillings* per centum per annum, spread over the total sums secured by such mortgage or mortgages, debenture or debentures, or other such security. 15

Interest payable half-yearly or annually.

82. Such interest shall be payable either half-yearly or annually, as the board shall determine. 20

Interest to be paid either in New Zealand or Great Britain.

83. Such interest may be payable either in the United Kingdom of Great Britain or in the Dominion of New Zealand, or in such other countries as the board may determine.

#### *Management of the Bridge.*

Company to have full control of the bridge.

84. Subject to the provisions of this Act, the company shall have the full control and management of the bridge and its approaches. 25

Company to employ necessary staff.

85. The company shall employ such officers, employees, and servants as the board deems necessary for the proper administration, management, and control of the bridge, on such terms and conditions as the board shall determine. 30

May employ solicitors, engineers, &c.

86. The company may also consult, employ, and pay such solicitors, engineers, and other professional men, and pay for such expert advice as the board deems necessary to adequately control and administer the bridge.

Company to keep bridge in good condition and repair.

87. From the date the bridge is open for traffic the company shall keep the bridge in good order, condition, and repair, and shall comply with all the requirements of the Public Works Department as to keeping the bridge in such good order, condition, and repair. 35

Public Works Department to inspect every twelve months.

88. For the purpose of ascertaining whether the bridge is being kept in such good order, condition, and repair, the Minister shall appoint an officer of the Public Works Department, who shall be a qualified bridge engineer, to thoroughly inspect the said bridge at least once in every twelve months. 40

Report to be forwarded to Minister of Public Works.

89. The said officer, as soon as practicable after every such inspection, shall forward a report to the Minister setting forth the matters he considers necessary to be attended to in order to keep the bridge in such good order, condition, and repair. 45

Minister may require work to be done.

90. Upon the Minister being satisfied that such work is necessary, he shall immediately notify the company in writing of such fact, and of the matters he considers necessary to be attended to, and require that such work be done within such time as he determines. 50

91. In the event of the company failing to comply with any such requirements or demands of the Minister, he shall instruct that the work be done by his Department, and charge the costs and expenses thereof to the company, and request payment of such costs and expenses within 5 a specified time.

Public Works Department may do work if company fails to do same, and charge company for it.

92. Should the company fail to pay such costs and expenses to the Minister within the time specified, the Minister shall require the auditor to pay such sums to the Minister out of the moneys lying to the credit of the company in the trust account hereinafter mentioned.

Costs to be recovered.

10

*Auditor.*

93. (1) The Minister shall appoint some fit person, who shall be a qualified public accountant practising his profession in the City of Auckland, to act as auditor in respect of the trust account to be opened by the company as hereinafter provided, at such remuneration to be 15 paid by the company as the board, with the approval of the Minister, shall determine.

Auditor to be appointed.

(2) Within one month from the expiration of every twelve months from the date the bridge is opened for traffic the auditor shall render to the Minister, and to every local body named in section one hundred 20 and *twenty-eight* hereof, an annual report and balance-sheet giving necessary details of the total of all moneys paid into the trust account, and the moneys paid out under the provisions of sections one hundred and *six*, one hundred and *seven*, and one hundred and *eight* hereof, during the preceding twelve months.

Auditor to render annual report and balance-sheet.

94. The auditor may be removed from office by the Minister at any time and without any reason being given to him for such removal, and upon any such removal the company shall be under no liability in respect of payment of compensation to such auditor.

Auditor may be removed from office.

95. The auditor shall give three months' notice in writing to the 30 Minister and to the board of his intention to resign his office, and his resignation shall take effect at the expiration of the said three months.

Three months' notice of intention to resign.

96. Upon receipt of the auditor's written notice of his intention to resign, the Minister shall forthwith appoint another fit person to act as auditor, and his appointment and salary shall commence from the 35 date the resignation of his predecessor in office takes effect.

Appointment of new auditor.

97. For the purpose of enabling the said trust account to be audited, the company shall keep such books and records as will show clearly and concisely all moneys received by it for payment into the said trust account and all moneys paid out of such account, and for that 40 purpose shall institute such method or methods of collecting tolls, giving and issuing receipts and tickets, as will enable such trust account to be audited in a fit and proper manner.

Company to keep proper books.

98. If the company fails or refuses at any time to keep such books and records in the manner indicated in the preceding section, the auditor 45 shall report such failure or refusal to the Minister, who upon being satisfied, after due full inquiry has been made by him, of the truth of the matters complained of may remove those directors from office who refuse or fail to keep the said books and records in an efficient manner, and appoint successors in place of the offending directors on such terms 50 and conditions as he thinks fit.

On refusal or failure directors to be removed.

*Method of dealing with Tolls.*

- Tolls to be paid into a trust account. 99. The company shall, as soon as it is in receipt of tolls, open up a trust account with its bankers, and all tolls received by it shall be paid as hereinafter provided into such trust account.
- Tolls to be banked twice daily. 100. All sums of money received and collected by the company by way of tolls with respect to such sums of money as are received by the company before half past two o'clock *post meridiem* shall be banked to the credit of the company's trust account before three o'clock *post meridiem* of the same day, and with respect to such sums of money as are received by the company after half past two o'clock *post meridiem* shall be banked before half past ten o'clock *ante meridiem* of the following morning, into the same trust account and in the same manner. 10
- Sundays and bank holidays exempted. 101. On Sundays and other bank holidays such moneys shall be banked as early as possible on the day following such Sunday or bank holiday. 15
- Unbanked moneys to be kept in safe custody. 102. All moneys representing tolls collected by the company and not banked shall be kept in such manner and in such safe custody as the board shall from time to time decide.
- Company not to operate on trust account, except for certain purposes. 103. It shall not be lawful for the company to operate on such trust account in any way and for any purpose whatever other than in the manner allowed and for the purposes set forth in section *one hundred and six* hereof. 20
- Board may place trust fund on fixed deposit. 104. With the consent of the auditor first had and obtained, the board may arrange with the company's bankers for it to pay interest on the moneys lying from time to time in the company's trust account, or may withdraw certain sums from time to time and place the same upon fixed deposit with any bank approved by the auditor for a period or periods not exceeding eleven months. 25
- Interest to be treated as tolls. 105. All interest that thus accrues from time to time shall for the purposes of this Act be deemed to be tolls, and shall be dealt with accordingly. 30
- How trust funds to be dealt with. 106. The funds standing to the credit of the company from time to time in the trust account, including any funds taken from the trust account from time to time and placed on fixed deposit, shall be dealt with as follows :— 35
- (a) On the last day of each and every month the company shall draw sufficient money to pay the following accounts :—
- (i) All the expenses of the company incurred by its adequately controlling and managing the proposed bridge, including all salaries and wages of employees of the company, rent, insurance, rentals of any description, lighting, office expenses, printing, and rates and taxes of all descriptions: 40
- (ii) The salaries, remuneration, and travelling-expenses of the directors and auditor :
- (iii) All expenses and charges incurred by the company from time to time in adequately and properly maintaining the proposed bridge, including the toll-gates, and toll-houses, gates, and barriers, and other buildings and erections necessary for the proper control and management of the same, in good order, condition, and repair to the satisfaction of the Minister : 45 50

(iv) Such other general and incidental expenses for which the company is liable to pay and which in the opinion of the auditor is a proper charge to be borne by and paid out of the tolls.

5 (b) Once in every six months the company shall draw sufficient moneys to pay for the following charges:—

(i) Interest at the rate set forth in the mortgage or mortgages, debenture or debentures, or other security referred to in section *seventy-seven* hereof, together with the amount of the necessary bank exchange (if any):

10 (ii) A dividend on the paid-up capital of the company at a rate not exceeding *ten* pounds per centum per annum.

(c) A sum not exceeding *ten thousand* pounds nor less than *three thousand* pounds as the board, with the approval of the auditor, shall decide, shall be carried forward in such trust account as working capital from year to year until the time arises when such mortgage or mortgages, debenture or debentures, or any other securities shall be released and discharged as hereinafter provided for.

20 (d) The balance standing to the credit of the said trust account at the end of every year, calculated from the date the bridge is opened for traffic, shall be applied in the manner set forth in the *two next succeeding* sections.

25 107. (1) The board shall appropriate at the end of every year as aforesaid sufficient of such balance, or such less amount as may be in such trust account for that purpose, to provide funds for the creation of a sinking fund, or for the payment of such of the said mortgages or debentures or other aforesaid securities becoming due by periodical instalments (if any).

Certain annual sum to be paid into a sinking fund.

30 (2) The board, for the purpose of the *last preceding* subsection, shall not appropriate more funds than are sufficient to provide for payment to such sinking fund of *three* pounds per centum per annum of the total sum secured by the aforesaid mortgage or mortgages, debenture or debentures, or other such security.

35 (3) The amount of such percentage to be thus appropriated shall be fixed and determined by the board in its absolute discretion.

40 108. After payment of the amount required to be paid into such sinking fund, or for the repayment of such of the said mortgages or debentures or other aforesaid securities becoming due by periodical instalments, the surplus (if any) in any year shall be applied by the board in reduction of the amount of such tolls as the board may determine.

Surplus to go to reduction of tolls.

45 109. (1) The company shall appoint two Commissioners, to be approved by the Minister, within or out of New Zealand, to whom they shall pay all moneys so appropriated as a sinking fund, or for the repayment of the said mortgage or mortgages, debenture or debentures, as hereinbefore provided; and such Commissioners shall invest such moneys, together with all interest and profits accruing therefrom, in such securities as are authorized by the Trustee Act, 1908, of the Dominion of New Zealand.

Sinking Fund Commissioners.

50 (2) The company may, in its discretion, and subject to the approval of the Minister, remove or suspend any Commissioner appointed under this section, and reappoint or reinstate him, or appoint another in his stead; and may appoint another in the place of any deceased, absent, 55 or otherwise incapacitated Commissioner.

(3) The purchase by the Commissioners of any debenture or mortgage as aforesaid, or any payment in reduction of money secured by any such mortgage or debenture securing repayment of the whole or any part of the loan for which this sinking fund has been created, shall be deemed to be an investment of the sinking fund within the meaning of this section. 5

Commissioner a corporate body.

110. (1) The Commissioners appointed under the *last preceding* section shall be deemed to be a body corporate with perpetual succession and a common seal, and power to do and suffer all things which bodies corporate may do and suffer. 10

(2) All vacancies arising in the office of any Commissioner shall be filled as they arise by new appointments by the company.

Application of sinking fund.

111. (1) When the accumulated sinking fund is equal in amount to the amount of the sum or sums secured by the aforesaid mortgage or mortgage, debenture, or any other such security as aforesaid, it shall be applied by the Commissioners in repaying such sum or sums. 15

(2) In the case of periodical drawings the Commissioners shall from time to time pay out of moneys paid to them for that purpose, and the accumulations thereof (if any), the amount of all mortgages or debentures coming due, according to the conditions on which the loan was raised. 20

Accounts of Commissioners.

112. (1) The Commissioners shall, whenever required, render to the company accounts of all moneys and all securities in their hands.

(2) Immediately after the first day of June in each year the Commissioners shall render to the company a balance-sheet showing all transactions in respect of such moneys or securities during the year ending on that day. 25

(3) Such balance-sheet shall be accompanied by a certificate, signed by the auditor, of all the securities held by the Commissioners.

Company to pay certain charges out of its General Account.

113. For the purpose of paying the accounts referred to in paragraph (a) and in subparagraph (ii) of paragraph (b) of section *one hundred and six* hereof, the company shall open a general account with its bank, and all such accounts shall be paid out of such general account. 30

Auditor may inspect company's General Account.

114. The auditor shall have the right at any time to inspect and audit such general account: Provided he shall first inform the board in writing of his reason or reasons for such desired inspection and audit, and supply the board with particulars of the information he requires. 35

Period for which tolls may be collected.

115. The period for which the company shall collect tolls and manage and superintend the bridge in accordance with and subject to the provisions of this Act shall be determined as follows:— 40

(a) For such period as will suffice to repay the money mentioned in section *seventy-seven* hereof, together with the interest payable thereon:

(b) For such further period thereafter as will suffice to repay to the shareholders of the company the entire capital of the company. 45

When capital and interest repaid mortgages and debentures to be discharged.

116. When the money, together with the interest thereon, secured by the mortgages, debenture or debentures, or other such security mentioned in section *seventy-seven* hereof has been duly repaid, the company shall cause such mortgage or mortgages, debenture or debentures, or other such security to be discharged and released from the bridge and tolls. 50

117. (1) At the expiration of the period referred to in section *one hundred and fifteen* hereof the company shall forthwith transfer the bridge, together with all the lands and buildings appertaining thereto, to such authority or authorities, corporation or corporations, municipal  
5 or otherwise, as the Minister, the Auckland City Council, and the Northcote Borough Council shall determine, as a free bridge for the use of the public, subject nevertheless to the right of navigation by water.

Bridge to be transferred free of all encumbrances.

(2) No authority or authorities, corporation or corporations, municipal or otherwise, shall be compelled to accept such transfer of the bridge  
10 without its written consent first had and obtained.

(3) The company shall not be required to pay any costs, expenses, or charges whatever incurred in the transfer of the bridge, with the land and buildings appertaining thereto, and due provision shall be made by the Minister and the Auckland City Council and the North-  
15 cote Borough Council, whether by way of tolls or otherwise, whereby the authority or authorities to whom the bridge shall be transferred may obtain sufficient moneys for the payment of such costs, expenses, and charges, and the maintenance, repair, and management of the bridge.

118. (1) If at any time the company should go into liquidation or for any other reason be unable, or refuses, to carry out the provisions of this Act, and in the event of the holders of the mortgage or mortgages, debenture or debentures, or other such security secured over the bridge and tolls thereupon refusing or failing to take over and assume the management and control of the bridge and the imposition, collection,  
25 and application of the tolls in accordance with the provisions of this Act, then in such case the bridge shall be transferred in accordance with the provisions of section *one hundred and seventeen* hereof.

If company goes into liquidation bridge to be vested in such authority as Minister shall decide.

(2) For the purpose of thus effectually transferring the bridge the Minister shall by Order in Council vest such legal estate as is then vested  
30 in the company to the lands upon which the bridge and the necessary buildings appertaining thereto are built in the name of such authority or authorities, corporation or corporations.

(3) Such vesting shall be made freed and discharged from the afore-  
35 said mortgage or mortgages, debenture or debentures, or other such security.

119. Notwithstanding anything contained in this Act to the contrary, no authority or corporation, municipal or otherwise, shall be called upon or become in any way whatever liable to pay for the cost or any part of the cost of or in connection with the bridge.

No liability on any local body.

120. Notwithstanding anything that may be contained in this Act to the contrary, the company may reduce the scale of tolls or any part of the scale of tolls shown in the *First Schedule* hereto for such period or periods as the board may determine, and for that purpose may issue such concession tickets or make such other concessions as the  
45 board deems fit.

Tolls may be reduced by company.

121. (1) It shall not be lawful for the company to close the bridge, or prevent the passage of traffic on or over the bridge, except at any time when in consequence of any of the works being out of repair or in a state dangerous to allow the passage of traffic across the bridge, or  
50 from any other sufficient cause, the Minister may by notice in writing under his hand order the closing of the bridge for such period of time as he shall determine.

Company not to close bridge to traffic.

(2) The company may, however, make by-laws prohibiting the passage or repassage or the going on to the bridge of certain kinds of animals, beasts, vehicles, or things during certain hours or times of the day, or the taking on to the bridge of certain dangerous, noxious, or explosive goods. 5

Bridge to be erected in four years of commencement thereof.

122. (1) The bridge shall be erected and completed in accordance with the approved plans within a period of four years from the date the company is authorized by the provisions of this Act to commence the erection of the bridge.

(2) The Minister, however, shall extend from time to time such period of four years for such further period or periods as he shall deem fit on application being made to him by the company for such extension or extensions, and upon the company satisfying him that it or its contractors have been delayed or hindered by strikes or by any other matters over which the company has no control. 10 15

Right to purchase bridge by City Council or Northcote Borough Council.

123. At the expiration of ten years from the date the bridge is opened for traffic the Auckland City Council and the Northcote Borough Council, or either of them, may, subject nevertheless to the right of navigation by water, purchase and take over the bridge, together with all land and buildings appertaining thereto and vested in the company, upon the following terms and conditions:— 20

(a) Six months' written notice of such intention so to do shall be given to the company :

(b) There shall be paid to the company a sum of money sufficient to repay all the money then secured by the mortgage or mortgages, debenture or debentures, or other such security mentioned in section *seventy-seven* hereof : 25

(c) There shall also be paid to the company a sum of money by way of bonus, being twelve months' interest on the money then secured by such mortgage or mortgages, debenture or debentures, or other such security : 30

(d) There shall also be paid to the company a sum of money sufficient to pay to the shareholders of the company twenty shillings in the pound on all shares held by them.

Rent to be paid to company for water-mains, &c.

124. (1) In the event of any water-mains, gas-pipes, electric-light and telephone wires, and electric-power cables being carried by the bridge over the Auckland Harbour, there shall be paid to the company a fair and reasonable sum of money by way of annual rent for the use of the bridge for such purposes, to be agreed upon by the company and the other parties concerned. 35 40

(2) If no such agreement can be arrived at, then the question as to what is a fair and reasonable annual rent shall be referred to two arbitrators, one to be appointed by the company and the other by the other parties to the dispute, for arbitration in accordance with the provisions of the Arbitration Act, 1908. 45

(3) All payments and income received and to be received by the company by way of such annual rent, for the purposes of this Act, shall be treated by the company as tolls.

Act to become inoperative at expiration of two years if bridge not commenced.

125. In the event of the company failing to commence the erection of the bridge in accordance with the approved plans within a period of two years, calculated from the coming into operation of this Act, all the powers and privileges conferred upon the company by this Act shall be cancelled, and this Act shall become inoperative as from the expiration of such period of two years. 50

126. If the company shall satisfy the Minister that it has a reasonable prospect of commencing the erection of the bridge within a period of three months from the expiration of such period of two years referred to in the *last preceding* section, the Minister shall extend the time for  
5 the coming into operation of the *last preceding* section for such period of three months.

Period may be extended for three months.

127. No advertising-matter of any description shall be allowed on any part of the structure of the bridge so as to be visible to persons off the bridge, and the company shall, by by-law, absolutely prohibit  
10 the same.

Advertising matter to be prohibited.

128. All disputes, other than those referred to in section *sixty* hereof, arising from time to time between the company and the Minister and any of the local bodies mentioned in section one hundred and twenty-  
15 *eight* hereof as to the carrying out and observance of any of the provisions of this Act shall be referred to two arbitrators, one to be appointed by the company and the other by the other parties to the dispute, for arbitration in accordance with the provisions of the Arbitration Act, 1908.

Disputes to be referred to Arbitration.

129. Subject to the following conditions, on the application by the  
20 company to the Minister, he shall, by Order in Council, amend or vary any of the provisions of this Act :—

Act may be amended by Order in Council.

(a) All such amendments or variations shall be first approved by and agreed to in writing by a majority of the following local  
25 bodies, namely: The Auckland Harbour Board, the Auckland City Council, the Northcote Borough Council, the Devonport Borough Council, the Takapuna Borough Council, the Birkenhead Borough Council, and the Waitemata County Council.

(b) No such amendment or variation shall be made without the  
30 consent of the three following local bodies, namely: The Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council.

(c) No amendment or variation whatsoever shall be made under  
35 the authority of this section to the terms of section one hundred and *nineteen* hereof.

Schedules.

## SCHEDULES.

## FIRST SCHEDULE.

It shall not be lawful for the company to charge tolls in excess of the scale of tolls shown and set forth hereunder.

## MOTOR-TRUCKS.

	Tolls.	
	Empty.	Loaded.
Not exceeding 1½ tons .. .. .	s. d. 1 6	s. d. 1 8
Exceeding 1½ tons but not exceeding 3 tons .. .. .	1 8	2 2
Exceeding 3 tons but not exceeding 4 tons .. .. .	2 2	3 0
Exceeding 4 tons but not exceeding 5 tons .. .. .	2 4	3 10
Exceeding 5 tons but not exceeding 6 tons .. .. .	2 10	4 8
Exceeding 6 tons but not exceeding 7 tons .. .. .	3 2	5 6
Exceeding 7 tons but not exceeding 8 tons .. .. .	3 8	6 4
Exceeding 8 tons but not exceeding 9 tons .. .. .	4 0	7 2
Exceeding 9 tons but not exceeding 10 tons .. .. .	4 6	8 0
Exceeding 10 tons, such scale as the company may determine.		

	Tolls.	
	s. d.	
MOTOR-CARS.		
Pedal cycles .. .. .	0	2
Motor-cycles (solo) .. .. .	0	6
Motor-cycles and side-car .. .. .	0	7
Motor-car—		
Small—not exceeding 9 ft. 6 in. in length over all .. .. .	0	9
Five-seater or under .. .. .	1	0
Over five-seater and up to seven-seater .. .. .	1	8
Motor cars and buses—		
To carry over seven and up to ten passengers .. .. .	2	4
To carry over ten and up to fifteen passengers .. .. .	3	6
To carry over fifteen and up to twenty passengers .. .. .	4	0
To carry over twenty and up to thirty passengers .. .. .	5	10
To carry over thirty and up to forty passengers .. .. .	7	0
To carry over forty and up to fifty passengers .. .. .	8	0
To carry over fifty, 1s. for every additional ten passengers.		
Motor-hearse .. .. .	2	2
Motor-ambulance .. .. .		Free.
Motor-tractors—		
1-ton .. .. .	2	2
2-ton .. .. .	3	8

Traction-engines and road-rollers—3s. 4d. per ton up to 10 tons, and over 10 tons 6s. 8d. per ton.

For all motor-buses running a regular daily passenger transport service and licensed for such purpose by the local motor-omnibus traffic licensing authority or authorities, the maximum tolls that the company may charge shall be—

- (a) Either 1s. 6d. per motor-bus for every one-way trip across the bridge; or  
 (b) A charge per motor-bus calculated at 1d. for every person the motor-bus is licensed to carry for every single trip across the bridge,

Whichever of the two is the greater.

ANIMALS.		Tolls.	
		s.	d.
Horses (including asses and donkeys), per head	.. .. .	..	0 10
Cattle, per head	.. .. .	..	1 0
Sheep, per head	.. .. .	..	0 2
Sulky or gig with one horse	.. .. .	..	1 4
Four-wheeled buggy with one horse	.. .. .	..	1 8
Cab or wagonette with two horses (no load)	.. .. .	..	2 4
Brake with one horse	.. .. .	..	2 6

For every extra horse or animal attached to any conveyance or vehicle an extra toll not exceeding 8d. shall be charged.

## HORSE-VEHICLES, HORSES, ETC.

	Tolls.	
	Empty.	Loaded.
	s. d.	s. d.
Horse and trap (load not exceeding $\frac{1}{2}$ ton)	1 8	1 8
Horse and cart (load not exceeding 1 ton)	1 8	2 0
Horse and cart or dray (load not exceeding 2 tons)	2 0	3 8
Wagon and two horses (load not exceeding 4 tons)	3 8	5 4

For every extra or additional horse or animal attached to any conveyance or vehicle, extra toll not exceeding 8d. shall be charged.

The tolls to be paid on all animals, beasts, conveyances, vehicles, or any other thing on wheels, or sledges or vehicles moved by caterpillar traction, not enumerated or included in the above scale of charges, shall be fixed and determined by the board.

## SECOND SCHEDULE.

ALL that parcel of land being a strip of land now vested either in the Auckland Harbour Board, or the Minister of Marine, or the Crown, running from a point near Fanshawe Street, in the City of Auckland, to a point near Stokes Point, in the Borough of Northcote, over which the bridge is to be erected: such strip of land to have a width of the bridge, together with two further strips of 5 ft. on either side of the bridge. The actual boundaries of the said parcel of land shall be settled between the company, the Minister of Marine, and the Auckland Harbour Board, and shall be defined accurately by survey, which shall be made by the company and at its expense.