

FERRIES.

*An ACT to establish and regulate Ferries.**

Title.

Session I, No. 8.]

[Assented to January 14th, 1854.

BE IT ENACTED by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows:

1. It shall be lawful for the Superintendent from time to time to establish ferries at such places within the Province as he may deem expedient and to cause such ferry houses punts scows or boats to be built as shall be deemed necessary for the purposes thereof.

Power to establish ferries.

2. The Superintendent shall appoint ferry keepers to manage such ferries and receive the dues to be taken thereat and from time to time remove any ferry keeper and appoint another in his place.

To appoint and remove ferry keepers.

3. The Superintendent may also grant to private persons licenses for the exclusive right of ferrying over any river or creek at any place or places thereon for such period not exceeding three years and upon such terms and conditions as to him may appear expedient.

To grant ferry licenses.

4. The Superintendent with the advice of his Executive Council shall from time to time make and ordain such rules orders and bye-laws for the management and regulation of ferries now and hereafter to be established within the Province and for the ordering and governing of all persons resorting thereto in all matters which may concern or relate to such ferries and also for the ordering and governing of all licenses aforesaid and shall from time to time as he with such consent as aforesaid shall see fit repeal add or amend all or any of such rules orders and bye-laws Such rules orders and bye-laws may be made and ordained for all ferries generally or for any particular ferry or ferries as circumstances may require.

Superintendent with Executive Council to make rules and bye-laws for regulation of ferries and of matters relating thereto.

5. All such rules orders and bye-laws and all additions thereto and amendments therein shall be laid before the

Such rules to be laid before Provincial Council.

* See Bridges and Ferries Acts of General Assembly 1868 and 1869, brought into operation in Wellington April, 1872. See Provincial Gazette, No. 7, 1872.

Provincial Council within ten days after the commencement of the Session next following the making or amendment of any such rules orders or bye-laws.

Superintendent with Executive Council to fix ferry dues.

6. The Superintendent with such advice aforesaid shall likewise fix the dues to be taken by any ferry-keeper or person to whom a ferry license may be granted.

Ferry dues not demandable for the transit of certain persons, &c.

7. No ferry dues shall be demandable or taken by virtue of this Act for any horses or carriages belonging to the Government of the Province or the General Government of New Zealand and employed at the time of passing the ferry in the Government service or for or in respect of any person horse beast carriage or other vehicle conveying the Post Office Mails nor any of Her Majesty's Officers and Soldiers being in proper Staff Regimental or Military Uniform dress or undress or their horses or any carriages and horses belonging to Her Majesty or employed in Her Service when conveying persons baggage arms or ammunition or returning therefrom.

Power to lease ferries.

8. The Superintendent may if he think fit at any time and from time to time demise and let the ferries or any of them with the houses punts scows and appurtenances thereto and the dues to be collected and taken thereat either by public auction or private contract for any term of years not exceeding three years with or without a reservation of rent and upon such conditions and for such considerations and with such securities for the payment of rent (if any) or performance and observance of the covenants and conditions in consideration of which the ferry may have been leased as may be by him deemed advisable.

Lessee of ferry may appoint ferry keepers &c. Lessee to be answerable for the conduct of his man.

9. During such time as any ferry and dues shall be leased as aforesaid it shall be lawful for the lessee thereof to appoint such other person as he may think necessary to demand and take the dues at the ferry so demised and leased and also to appoint such persons as he may think necessary as boatmen or ferrymen or other servants provided however that such lessee shall be answerable for the conduct of such persons as he may authorise or appoint to demand collect and take such dues or to be such boat-

men or ferrymen as aforesaid and shall be subject and liable to the like actions and penalties for neglect and misconduct or for the breach of any law rule or regulation respecting the ferry or ferry dues committed by any collector boatman or ferryman appointed by him aforesaid as if the same had been done committed or wilfully neglected by such lessee.

10. Whenever the lessee of any ferry or dues shall refuse or neglect to perform the conditions on which the same shall be let to him or in case the rent (if any) agreed to be paid by such lessee shall be in arrear for the space of fourteen days next after any of the days on which the same ought to be paid or the term for which such lessee held the same shall in any other manner become void or in case any lessee shall on the expiration of the term of his lease refuse or neglect to deliver up possession of any ferry ferry-house boat punt scow or appurtenances to the person authorised by the Superintendent to receive possession thereof it shall be lawful for any Justice of the Peace upon complaint made by any person appointed by the Superintendent and on his behalf by warrant under his hand and seal to order a constable or other peace officer with such assistance as shall be necessary to enter upon and take possession of any ferry house and all buildings and appurtenances and every boat punt scow or other vessel thereto belonging and to remove and put out such lessee and the collector keepers servants or other persons who shall be found therein together with his and their goods from the possession thereof and from the collection of the dues in respect thereof and the lease contract or agreement for the same shall thenceforth cease and be utterly void to all intents and purposes whatsoever except as to the conditions and agreements contained therein on the lessees part and which may have been broken.

Mode of procedure on breach by lessee of conditions of lease.

11. Every ferry keeper licensee and lessee of a ferry shall erect and maintain in some conspicuous place at or near to the ferry house under his charge a board having painted thereon in distinct legible black letters on a white ground in the Native and English languages the

Table of dues &c to be erected; a light to be kept burning, &c.

name of his ferry and also a list of the dues payable thereat and shall likewise cause to be painted on such board his own Christian and Surname and shall continue the same during the whole time he shall be in charge of such ferry. He shall also keep a light burning from sunset until 12 o'clock at night.

Penalty for neglect of ferry regulations, &c

12. Every ferry keeper licensee or lessee of a ferry who shall refuse or neglect to maintain such board and keep such light as aforesaid or shall not be in attendance at his ferry at all times by day and by night or shall demand a greater due from any person than he shall be authorized to do or shall demand or take a due from any person who shall be exempt from payment thereof and who shall claim such exemption or shall under colour of his office as ferry keeper boatman or ferryman wilfully extort from any person any sum of money or thing of any value whatsoever as and for or in lieu of payment of due or shall refuse to permit any person to read or shall in any manner hinder or prevent any person from reading the inscription on such board of dues aforesaid or shall refuse to tell his Christian name and Surname to any person demanding to know the same on being paid the said dues or any of them or shall in answer to such demand give a false name or upon the legal due being tendered and paid shall unnecessarily detain or wilfully obstruct hinder or delay any passenger from passing over his ferry or if any such ferry keeper boatman or ferryman shall make use of any scurrillous or abusive language to any traveller or passenger shall forfeit and pay for every such offence any sum not exceeding five pounds to be recovered by summary proceeding.

In cases of the refusal of ferry dues, ferry keeper authorised how to act.

13. If any person liable to the payment of any due under this Act shall after demand neglect or refuse to pay the same or any part thereof it shall be lawful for any person authorized to collect the same to prevent such person from passing over such ferry until the dues payable by such person so refusing to pay the same shall be paid.

Persons not ferry keepers

14. It shall not be lawful for any person whomsoever except the several ferry keepers duly appointed under the

authority of this Act licensees or leasees and their boatmen or ferrymen or servants to use hire or employ on hire or for any pay fee or reward any boat punt scow or other vessel for the carrying transporting or conveying across or over any river or creek within the Province whereon any ferry shall be established or ferry license granted under this Act and within one mile of any such ferry or place for which such ferry license may have been granted any passengers beasts cart or carriage so transported carried or conveyed across any such river or creek within such distance as aforesaid of any sum not exceeding forty shillings except the same shall be done at the time of any flood or other urgent or unavoidable necessity Provided always that nothing in this Act shall be held to prevent any person horse cart or carriage from passing across any ford of any river at or near to which any such boat scow or punt shall be established.

nor connected with the ferries hiring any vessel and for payment conveying passengers, &c within one mile of any ferry subject to penalty of forty shillings.

15. If any person shall wilfully or maliciously pull down or injure destroy or damage any ferry house boat house or other building or erection attached to any ferry or shall wilfully or maliciously sink scuttle run down or drive aground or otherwise destroy or damage any punt boat scow or other vessel used or employed at any ferry then and in every such case every person so offending shall be guilty of a misdemeanour and being convicted thereof shall be punished accordingly.

Persons wilfully destroying or damaging ferryhouse, &c. guilty of a misdemeanor.

16. If any person shall wilfully pull down break injure or damage any table of ferry dues put up at any ferry house as required by this Act or shall wilfully or designedly deface or obliterate any of the inscriptions letters figures or marks thereon he shall forfeit and pay for every offence a sum not exceeding forty shillings over and above the damages occasioned thereby.

Penalties on persons damaging table of ferry dues, &c.

17. All fines and penalties payable under this Act shall be recoverable by summary proceedings.

Penalties how recoverable.

off land where they lawfully are. conviction thereof forfeit and pay a penalty not exceeding five pounds and shall remain liable in damages to every person injured by his wrongful act in the same manner as if this section had not been enacted.

Application
and construction
of Act.

13. This Act shall apply to all cattle remaining impounded when it comes into operation. It shall be read as if incorporated in the principal Act and words and phrases in this Act shall have the same meaning as the same words and phrases in the principal Act.