

TAMAKI BRIDGE ACT.

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

SESSION XVI., No. 9, 1864.

[3rd February, 1864.]

AN ACT to enable the Superintendent of the Province of Title.
*Auckland to expend a Sum not exceeding Fifteen
Thousand Pounds out of the Money to be raised under
the provisions of "The Auckland Loan Act 1863" for
the purpose of constructing a Bridge over the Tamaki at
Panmure.*

WHEREAS it is expedient to authorize the Superin- Preamble.
tendent to expend a sum not exceeding the sum of
£15,000 for the construction of a Bridge over the Tamaki
at Panmure out of the sum of £500,000 to be raised in
pursuance of the "Auckland Loan Act, 1863 :"

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

1. It shall be lawful for the Superintendent to expend Authority to ex-
out of the money to be raised by virtue of the Loan Act pend a sum not
1863 a sum not exceeding the sum of £15,000 for the exceeding £15,000
construction of a Bridge over the Tamaki at Panmure for the erection of
according to such plans and specifications as may be a Bridge at Pan-
approved of by the Superintendent with the advice and mure.
consent of the Executive Council of the Province.

No money to be spent until the Superintendent shall have taken security for payment of the Interest and Sinking Fund.

2. It shall not be lawful for the Superintendent to expend any money for the construction of the said Bridge until he shall have taken a bond from such and so many responsible freeholders and others interested in the construction of the Bridge as to the said Superintendent and Executive Council shall seem fit to secure the payment to the Provincial Treasurer of all Interest and Sinking Fund which may become payable by the Provincial Government in respect of any money raised and expended by virtue of this Act during the construction of the said Bridge.

Superintendent may erect Toll Bars &c.

3. Upon the completion of the said Bridge it shall be lawful for the Superintendent to cause Toll Gates Toll Houses or Toll Bars to be erected and built upon the said Bridge and to direct Tolls to be paid for all animals and vehicles passing or re-passing through such Toll Bars Toll Gates or Toll Houses at a rate not exceeding the rates set forth in the Schedule to this Act annexed and such rates from time to time reduce or raise again to any amount not exceeding the amount in the said Schedule Provided that no such Toll shall be taken at any such Toll Bar Toll Gate or Toll House as aforesaid until a List of the Tolls payable thereat shall have been publicly notified in the Provincial Government Gazette at least one month previously Provided also that no person shall be required to pay toll on his return on the same day through the Toll Bar or Toll Gate in respect of the same horse cattle or carriage.

People using road liable to Toll so published.

4. After publication in such Gazette as aforesaid the Tolls according to the rates therein specified shall be of the same force and effect as if the same were specifically directed to be paid by this Act and the same shall be paid to the respective Collectors thereof at the respective rates for the respective animals or vehicles as the same shall be specified in and by such publication and if any person other than those exempted from Toll as herein provided shall refuse to pay any such Toll the Collector thereof may seize and distrain any horse beast cattle carriage or other vehicle in respect of which any toll is payable or the goods and chattels of the person refusing to pay and if such Toll with reasonable charges for such seizure and distress shall not be paid within four days the animals goods or chattels seized may be sold and the proceeds applied in payment of such Tolls and charges.

Exemption from Tolls.

5. No Toll shall be demanded or taken by virtue of this Act at any Toll Bar Toll Gate or Toll House of or from any

person for any horses or vehicles employed in carrying or going empty to carry on the same day any stones or other materials for the purpose of repairing the said Bridge or when engaged in surveying inspecting executing or proceeding to execute any works for repairing or maintaining the said Bridge or for any horses or carriages employed only in conveying or returning from conveying the Mails of Letters under the authority of the Postmaster-General or for the horses of any officers or soldiers in Her Majesty's service in uniform and on duty or for any horses cattle or carriages employed only in carrying or conveying the arms or baggage of any such officers or soldiers or for any horses cattle or carriages employed only in conveying any Ordnance Barrack or Commissariat or other public Stores of or belonging to Her Majesty or returning empty from having been so employed or of or from any person in respect of any horse or vehicle used for conveying any person or persons to attend any funeral or of or from any person in respect of any horse ridden by such person for the purpose of attending any jury to which he shall have been lawfully summoned to attend provided that no person shall be entitled to claim such last-mentioned exemption unless he shall on passing through any such gate produce to the Collector the summons requiring his attendance upon any such jury.

6. If any person or persons shall by any fraudulent or collusive means whatsoever claim or take the benefit of any exemption from Toll in this Act contained every such person shall for every such offence forfeit and pay any sum not exceeding five pounds and in all cases the proof of exemption shall be upon the person claiming the same. Penalty for fraudulently taking benefit of exemption.

7. Any person who shall in any manner evade or attempt to evade or aid or assist or abet any person in evading or attempting to evade the payment of any Toll authorized by this Act or who shall fraudently or forcibly pass through or by any Toll Bar Toll Gate or Toll House erected or established under this Act or shall do any other act whatsoever in order or with intent to evade the payment of any such Toll or whereby the same shall or may be evaded shall for every such offence forfeit and pay a sum not exceeding five pounds. Penalty for evading Tolls or forcing Toll Bars.

8. The Superintendent may from time to time employ and appoint such proper persons as he may think fit to be Collectors and who shall take charge of any such Toll Bars Toll Gates and Toll Houses and collect thereat all Tolls Superintendent may appoint Collector}

authorised to be collected or taken under this Act Provided
 And to require always that the said Superintendent shall require the said
 Securities. Collector to find two good and sufficient sureties for the
 due performance of his duties and for the due accounting
 of all monies that may come into his hands as such
 Collector.

And with respect to letting or leasing the said Tolls be
 it enacted :

Tolls may be let. 9. It shall be lawful for the said Superintendent from
 time to time to let and farm out for any term not exceeding
 one year all or any of the Tolls authorised to be collected
 under the provisions of this Act together with any Toll
 Bar Toll Gate or Toll House such letting or farming out
 to be by Public Auction whereof due notice shall be given
 by publishing the same in not less than two newspapers
 circulated in the Province fourteen days at the least before
 such letting and such security shall be taken by the said
 Superintendent as he may deem necessary and advisable
 for the due payment of the rent or sum stipulated to be
 paid for such Tolls and any lessee or farmer of Tolls during
 the continuance of any such letting or farming out or any
 Collector or person by him appointed is hereby authorised
 and empowered to demand take have and receive such tolls
 so let or farmed out and to enforce the recovery thereof in
 the same mode and by the same ways and means to all
 intents and purposes as the said Collector appointed by
 the Superintendent could by virtue of this Act have
 demanded taken and received such Tolls if the same had
 not been so let or farmed out Provided that no Tolls shall
 be so let until the maximum rate of Tolls which may be
 demanded and taken under this Act during the continuance
 of such letting or farming out shall be fixed in manner
 aforesaid.

If not sold by 10. If at any such auction as aforesaid no bidder shall
 auction may be offer or in case the said Tolls shall not be let at such
 let by private auction it shall be lawful for the said Superintendent to
 tender. advertise for tenders for the said Tolls in the same manner
 as tenders for other public works are advertised for and to
 accept a private tender for the same and any such person
 who shall take the said Tolls by private contract shall be
 entitled to the same privileges and shall in all respects be
 deemed and taken to be for the purposes of this Act a
 person who shall have taken the said Tolls by reason of
 his being the highest bidder at any such auction.

11. If the person who shall be the farmer or renter or collector of such Tolls shall demand or take a greater or less Toll from any person than what is authorised or directed by this Act he shall for every such offence forfeit the sum of five pounds and after any such conviction the Superintendent may if he shall think fit in case the said Tolls shall have been let as aforesaid vacate any agreement or contract for that purpose and the same shall thereupon become null and void.

Penalty for demanding or taking more than legal Toll.

12. Every Toll Collector shall cause to be placed and kept on some conspicuous part of the Toll Bar Toll Gate or Toll House at which he shall be stationed and so that the same shall appear to public view his Christian or first and Surname and a list of the Tolls payable thereat painted in black letters at least one inch in length on a board with a white ground. And if any such Collector shall not place and keep such board as aforesaid during the time he shall be such Collector or shall in any wise hinder any person from reading the inscription on such board or shall refuse to tell his Christian or first and Surname to any person who shall demand the same or shall give a false name or shall demand more than the legal Toll or upon the legal Toll being tendered shall detain any passenger horses cattle or carriage or shall use any abusive language every such Collector shall upon conviction for every such offence forfeit and pay any sum not exceeding £10.

Collectors to have their names in front of Toll House and List of Tolls.

13. Any person who shall wilfully injure damage or destroy any Toll Bar Toll Gate or Toll House or any board or list of Tolls erected or put up in pursuance of this Act or who shall wilfully obstruct or prevent any such collector in the due execution of his duty under the provisions of this Act shall for every such offence forfeit and pay any sum not exceeding £5.

Penalty for injuring Toll Bars &c.

Penalty for obstructing Collector.

And as to the disposal of the Tolls to be collected in pursuance of this Act be it enacted :

14. All moneys and rents collected and received by virtue of this Act shall be paid to the Provincial Treasurer of the Province of Auckland who shall keep a separate account of the same to be called the Tamaki Bridge Fund and the said Treasurer shall thereout in the first place pay into the Provincial Treasury all interest and sinking fund which may from time to time be due to the Provincial Government in respect of any money raised or expended for the purpose of

Monies collected to be paid to Provincial Treasurer.

constructing the said bridge and in the next place the said Treasurer shall pay all the costs charges and expenses incurred occasioned and incident to the collection of the said Tolls and the letting thereof and all costs incurred in prosecuting any persons for penalties incurred under this Act and in the next place the said Treasurer shall pay thereout all costs charges and expenses in and about the repairs of the said Bridge the erection construction and repairs of all Toll Bars Toll Gates and Toll Houses erected in pursuance of this Act and lastly the balance shall from time to time be expended in repaying to the persons who may have entered into the aforesaid Bond any moneys that they may have paid to the Treasurer as interest and sinking fund in respect of moneys expended in constructing the said Bridge.

Short Title.

15. The Short Title of this Act shall be "The Tamaki Bridge Act 1864."

SCHEDULE REFERRED TO.

	£	s.	d.
For every Single or Saddle Horse ...	0	0	6
For every Carriage or Vehicle drawn by one Horse ...	0	1	0
For every Carriage or Vehicle drawn by two Horses ...	0	1	6
For every Carriage or Vehicle drawn by more than two Horses ...	0	2	0
For every Public Van or Conveyance carrying Passengers for hire ...	0	2	0
For every Dray drawn by Bullock every two Bullocks to be charged as one Horse			
For all great and small Cattle per head	0	0	3
For Pigs Sheep and Goats per head ...	0	0	2
For every Foot Passenger ...	0	0	2