

## New Zealand.



### ANALYSIS.

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1883, No. 14.—*Local.*

AN ACT to provide for the Future Maintenance of the Bridge over  
the Wanganui River as a Free Bridge.

[8th September, 1883.]

WHEREAS under the provisions of "The Wanganui Bridge and Wharf Act, 1872," debentures were issued by the Mayor, Councillors, and Burgesses of the Borough of Wanganui, herein referred to as the "Corporation of Wanganui," for raising a sum of twenty thousand pounds for the purchase of the bridge aforesaid, and provision was made for the creation of a sinking fund for the repayment of the said sum, and Trustees were appointed for administering the said fund; and the said Trustees, after repayment of three thousand pounds of the aforesaid sum, have now in their hands a sum of two hundred and thirty pounds seventeen shillings and sixpence, or thereabouts, of accumulated sinking fund, which it is expedient to release and appropriate in manner hereinafter set forth:

And whereas under "The Wanganui Harbour and River Conservators Board Act, 1876," the said bridge, subject to all liabilities attaching thereto, was placed under the control of the Harbour Board constituted under the said Act:

And whereas under "The Wanganui Bridge Debentures Act, 1879," the Board aforesaid issued debentures as security for the repayment of an advance made to the Board out of the Public Account of a sum of seventeen thousand pounds, for the purpose of redeeming all such debentures issued by the Corporation of Wanganui as aforesaid for the sum of twenty thousand pounds as then remained unpaid, and the said Act provided that the principal sum to be borrowed thereunder should be repaid by the Board out of other moneys authorized to be borrowed as hereinafter mentioned:

And whereas all the aforesaid debentures have now been redeemed, and the purchase-money for the said bridge has been fully paid, and the aforesaid sum of seventeen thousand pounds has been repaid, but there yet remains unpaid in respect thereof a certain amount of interest :

And whereas it is expedient to release the Harbour Fund from all liability in respect of any moneys from time to time borrowed under the Acts hereinabove firstly and thirdly mentioned, except as hereinafter mentioned :

And whereas "The Wanganui Harbour Endowment and Borrowing Act, 1877," authorized the Harbour Board to borrow the sum of one hundred thousand pounds: And whereas the said Act was repealed by "The Harbours Act, 1878," but provision is there made by section one hundred and eighty-seven that where, under any Act or Ordinance thereby repealed, power was given to borrow and raise money, such power should still continue and subsist, but should be exercised in the manner provided by the said Act: And whereas the Harbour Board has borrowed a part of the said sum of one hundred thousand pounds, and may hereafter borrow the remainder thereof: And whereas in case of need it is expedient that the holders of debentures issued or to be issued under the said Act should have security on tolls to be levied on the said bridge by virtue of the powers hereinafter given :

And whereas, in pursuance of the terms of an agreement entered into between the Wanganui Harbour and River Conservators Board, the Borough Council of the Borough of Wanganui, and the County Council of the County of Wanganui, the bridge aforesaid has been declared open for public traffic free of tolls, as from and after the thirty-first day of March last past; and it is expedient to validate the aforesaid agreement, and to make provision for the future maintenance of the bridge aforesaid :

And whereas the General Assembly appropriated the sum of £17,000 as a contribution towards the loss which would be sustained by the said Board in consequence of the abolition of the tolls, and the same has been paid accordingly, and it is just that the said sum should be repaid if tolls are reimposed on the said bridge :

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

Short Title.

1. The Short Title of this Act is "The Wanganui Bridge Act, 1883."

Repeals.

2. The Acts, enactments, and provincial Ordinances enumerated in the Schedule hereto are hereby repealed.

Interpretation.

3. In this Act, if not inconsistent with the context,—

"Board," or "Harbour Board," means the Wanganui Harbour and River Conservators Board constituted under "The Wanganui Harbour and River Conservators Act, 1876," and "The Harbours Act, 1878:"

"Borough Council" means the Council of the Borough of Wanganui :

"Bridge," or "Wanganui Bridge," means the bridge constructed over the River Wanganui, at the foot of the Victoria Avenue, in the Borough of Wanganui, and includes the

tollhouses, tollgates, and all other things appertaining to or forming part of the said bridge :

“Harbour Fund” means the Harbour Fund of the Harbour Board, as herein defined.

4. Conditional on payment by the Board into the Public Account of all moneys remaining due for interest on the sum of seventeen thousand pounds advanced to it as hereinbefore recited, the sum of two hundred and thirty pounds seventeen shillings and sixpence hereinbefore mentioned as sinking fund accumulated under “The Wanganui Bridge and Wharf Act, 1872,” shall be paid, with all accrued interest thereon, to the Board on its request by the Trustees holding the same, and the said Trustees are hereby authorized to pay such moneys accordingly, and are also hereby discharged from all liability or responsibility in respect of such moneys after they shall have paid the same as herein is provided.

Accumulated sinking fund unexpended to be paid to Harbour Board.

The said moneys when so paid shall form part of the Harbour Fund.

5. The Wanganui Bridge and the tollhouses and tollgates belonging thereto shall remain vested in the Corporation of the Borough of Wanganui, and the limits of the said borough shall remain as extended under “The Wanganui Bridge and Wharf Act, 1872,” so as to include the whole of the said bridge and the said tollhouses and gates. And the said Corporation shall hold the same as part of the property of the corporate body of the said borough.

Wanganui Borough Council charged with repair and maintenance of bridge free of tolls.

- (1.) The Wanganui Borough Council shall preserve the said bridge, except the turntable thereof, and its approaches in efficient repair and good order, and shall maintain the same as a public highway, with full privilege for the public to use, cross, and recross over the same at all times free of any tolls for themselves, their vehicles of all sorts, and animals of every kind, subject to the provisions hereinafter mentioned.
- (2.) The cost of the maintenance and repair of the said bridge, except the turntable thereof, shall be defrayed year by year, in equal proportions, respectively by the Borough Council aforesaid and the Council of the County of Wanganui.
- (3.) The Wanganui Harbour Board shall at their own expense keep the turntable of the bridge and everything connected therewith properly painted and planked, and in good working order; and shall, at the like expense, appoint and maintain a competent person to open the bridge, with as little delay as possible, for the passage of vessels through the same, and to keep the bridge opened for a reasonable time to allow any such vessel to pass through.
- (4.) The bridge shall be opened for the passage of vessels free of cost to such vessels, their respective masters or owners, subject, however, that whenever the said bridge shall be opened to allow any vessel to pass through, and shall have remained open for thirty minutes, the same shall forthwith be closed; and, if such vessel shall not have passed through during that period, the bridge shall not be opened again

on the same day to allow such vessel alone to pass through, except upon payment of the sum of ten shillings by the master or person in charge of such vessel to the person employed to open the bridge on behalf of the Board.

- (5.) The Borough Council may from time to time, under their ordinary powers, make, alter, and repeal by-laws for regulating the pace of traffic over the said bridge and otherwise for the protection of the same from injury. All by-laws and regulations in force at the passing of this Act relating to the matters hereinabove mentioned shall continue in force until altered or repealed under this Act.

Saving of rights of creditors.

Nothing herein contained shall be deemed to affect the rights of any holder of any debenture, or in any way to alter the security of any loan raised under the authority of law by the Wanganui Harbour and River Conservators Board upon the security of the said bridge and of the rents, tolls, and profits thereof.

Annual contribution to be paid by Wanganui Borough and County respectively during 21 years.

6. As part compensation to the Harbour Board for the loss of revenue arising from the abolition of the bridge-tolls, the Corporation of the Borough of Wanganui and the Corporation of the County of Wanganui respectively shall each pay to the Board an annual contribution of the sum of two hundred and thirty-six pounds six shillings and eightpence, in two equal half-yearly instalments, to be payable on the thirtieth day of September and the thirty-first day of March in every year; and the first of such half-yearly instalments shall be due and payable on the thirtieth day of September in the present year.

In case the aforesaid Corporations, or either of them, shall neglect or fail to pay any such instalment of contribution-money within thirty days after the same shall have become payable, the Supreme Court may, at the instance of the Board, compel the payment thereof by *mandamus*, and may, if necessary, make an order that the Corporation making default shall levy a special rate for the purpose of paying such instalment as aforesaid.

The aforesaid contribution-moneys shall be payable by the above-mentioned Corporations during such time only as the said bridge shall remain a public bridge free of tolls, and shall be payable from time to time when the said bridge is so maintained during a term of twenty-one years, to be computed from the thirty-first day of March, in the year one thousand eight hundred and eighty-three, unless it is otherwise mutually arranged between the Corporations aforesaid and the Harbour Board.

Moneys so received to form part of the securities for Harbour Board loans.

7. All moneys received by the Board under the provisions of the last-preceding section shall form part of the Harbour Fund, subject to the provisions of "The Harbours Act, 1878."

Release of Harbour Fund from payment of £17,000.

8. The moneys borrowed by the Board under "The Wanganui Harbour Endowment and Borrowing Act, 1877," and "The Harbours Act, 1878," are hereby released from the charge of the repayment of the sum of seventeen thousand pounds borrowed under "The Wanganui Bridge Debentures Act, 1879," as hereinbefore recited.

The aforesaid moneys may be applied by the Board in such manner and for such purposes as moneys forming part of the Harbour Fund may be applied.

9. If any person holding a debenture issued under "The Wanganui Harbour Endowment and Borrowing Act, 1877," and "The Harbours Act, 1878," shall apply for relief under sections two hundred and eight, two hundred and nine, two hundred and ten, and two hundred and eleven of the Act last mentioned, and the lands, money, dues, and rates specified in the said sections are insufficient to satisfy the principal and interest due on the said debentures, any Judge of the Supreme Court may, by order in or out of Court, from time to time cause to be placed toll-houses and toll-gates on the said bridge, and may from time to time fix the scale of tolls to be collected thereat, and may by any such order revoke or alter any such scale.

Tolls may be reimposed if Harbour Fund insufficient for interest on loans.

A Receiver, to be appointed as provided by "The Harbours Act, 1878," shall cause the said tolls to be collected, and shall apply the money arising therefrom for the benefit of the debenture-holders, in like manner as money received under the last-mentioned Act.

10. If at any time hereafter tolls shall be reimposed on the said bridge as hereinbefore provided, the said sum of £17,000 so paid as aforesaid shall be repaid to Her Majesty, and the same shall be deemed to be a debt due to Her Majesty by the said Board, and be recoverable accordingly, and until paid shall bear interest at the rate of five per centum per annum.

If tolls reimposed £17,000 to be refunded to the Queen by Board.

Subject to the rights of debenture-holders under this Act, the said principal sum of £17,000, and all sums payable for interest thereon, shall be a first charge on the Wanganui Bridge, and on the rents, tolls, and profits thereof, until the same respectively are fully paid.

## SCHEDULE.

Schedule.

### ACTS AND ORDINANCES REPEALED.

#### *Acts of the Assembly.*

- 1872, No. 65.—"The Wanganui Bridge and Wharf Act, 1872."  
 1876, No. 86.—"The Wanganui Harbour and River Conservators Board Act, 1876." *In part, namely, sections seventeen, eighteen, nineteen, thirty-two, thirty-three, and thirty-four.*  
 1879, Local, No. 18.—"The Wanganui Bridge Debentures Act, 1879."

#### *Acts of the Province of Wellington.*

- 1863, Sess. 10, No. 6.—"The Wanganui Bridge Act, 1863."  
 1865, Sess. 12, No. 6.—"The Wanganui Bridge Time Extension Act, 1865."