

Wellington Queen's Wharf and Store Sales Act 1881

Local Act 1881 No 2
Date of assent 27 August 1881

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An Act to authorize the Sale of the Queen's Wharf and Bonded Store at the City of Wellington to the Harbour Board.

Preamble

WHEREAS the Mayor, Councillors, and Citizens of the City of Wellington (hereinafter called **the Corporation**) have agreed, subject to Legislative sanction, to sell to the Wellington Harbour Board (hereinafter called **the Board**), and the Board have agreed to purchase, the wharf known as the Queen's Wharf, with the bonded store adjoining, vested in the Corporation by The Wellington Reclaimed Land Act 1871, with all the rights and privileges annexed thereto, together with the hulk and weighbridge respectively hereinafter mentioned, for sum of one hundred and twenty-eight

thousand dollars: And whereas it is expedient that such agreement for sale should be carried into effect in manner hereinafter mentioned:

The words "one hundred and twenty-eight thousand dollars" were substituted, as from 10 July 1967, for the words "sixty-four thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

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

1 Short Title

The Short Title of this Act is The Wellington Queen's Wharf and Store Sales Act 1881.

2 Corporation may sell and Board may purchase wharf, bonded store, hulk, and weighbridge

The Corporation may sell to the Board, and the Board may purchase from the Corporation, the wharf and bonded store aforesaid, and also the hulk commonly called the "Omega", and now anchored in the said harbour, and the weighbridge erected on Customhouse Quay near the said wharf, and all rolling-stock, plant, machinery, and appliances used in or about the said wharf, store, hulk, or weighbridge, for the sum of one hundred and twenty-eight thousand dollars, of which the sum of fifty thousand dollars is to be paid to the Corporation within three calendar months after the passing of this Act, and the sum of seventy-eight thousand dollars, balance thereof, is to be paid on the twenty-eighth day of February, one thousand nine hundred and seven, with interest thereon in the meantime until payment at the rate of six dollars per centum per annum by equal half-yearly payments, the first of such payments to become due and be made at the expiration of six calendar months after the said wharf and store shall have become vested in the Board as hereinafter mentioned:

Provided that the money to be paid to the Corporation of Wellington shall be applied in reduction of the municipal debt, and not otherwise.

The words "one hundred and twenty-eight thousand dollars", "fifty thousand dollars", "seventy-eight thousand dollars" and "six dollars" were substituted, as from 10 July 1967, for the words "sixty-four thousand pounds", "twenty-five

thousand pounds”, “thirty-nine thousand pounds” and “six pounds” pursuant to section 7(1) and (2) Decimal Currency Act 1964 (1964 No 27).

3 On payment of \$50,000, wharf, &c, to vest in Board

Upon payment by the Board to the Corporation of the said sum of fifty thousand dollars, the said wharf and store, with all rights and privileges annexed thereto, and also the said hulk, weighbridge, rolling-stock, plant, machinery, and appliances, shall vest in the Board as part of the property of the Board without any further or other assurance; and the Corporation shall grant to the Board a lease for any term not exceeding forty-two years in possession, at a peppercorn rent, of the parcel of land upon which the said weigh-bridge and the office connected therewith have been erected, notwithstanding the same form part of a public street or quay, with power to remove the said weigh-bridge and office, or any weighbridge or office which may during the said term be erected in lieu thereof, at the expiration of the said term, if the Board shall think fit.

The words “fifty thousand dollars” were substituted, as from 10 July 1967, for the words “twenty-five thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

4 Corporation may apply for appointment of Receiver on default by Board

The aforesaid sum of seventy-eight thousand dollars and the interest for the same respectively shall be deemed to be charged upon the revenues for the time being of the Board, and, in case at the expiration of three calendar months from the time when the said principal money or any interest for the same shall have become due the same shall remain unpaid, the Corporation may, without prejudice to any other mode of recovery, apply to the High Court for the appointment of a Receiver, and the said Court is hereby empowered, after hearing the parties, to appoint some person to collect and receive the whole or any competent part of the revenues until such principal or interest, or both, as the case may be, together with the costs of the application and the cost of the collection, are fully paid; and, upon such appointment being made, all moneys arising from the revenues or such competent part of the revenues until such principal or interest, or both, as

the case may be, together with the costs of the application and the cost of collection as aforesaid, shall be paid to the person appointed, and, when so paid, shall be so much money received by or to the use of the Corporation, and shall be paid over to them accordingly.

The words "seventy-eight thousand dollars" were substituted, as from 10 July 1967, for the words "thirty-nine thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

The words "High Court" were substituted, as from 1 April 1980, for the words "Supreme Court of New Zealand" pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

5 Board to have all rights, &c, over part

The Board shall henceforth have all and the like rights, privileges, and powers in respect of any part of the Harbour of Wellington in which the sea-line of the said harbour abuts upon any public way or place forming part of the City of Wellington as the Board now has by law in respect of any part of the said harbour; and the Board shall have full power to construct all such harbour works (as defined by The Harbours Act 1950,) as may be necessary or useful for the purposes of the Board: Provided always that, in the exercise of such rights, privileges, and powers, the Board shall do no act which shall lessen or interfere with the ordinary and convenient use of the public ways or places which shall be connected with such works as aforesaid.

A reference to the Harbours Act 1908 was substituted, as from 4 August 1908, for a reference to the Harbours Act 1878 pursuant to section 1(2) Harbours Act 1908 (1908 No 75). That reference was in turn substituted, as from 1 January 1924, by a reference to the Harbours Act 1923 pursuant to section 259(1) Harbours Act 1923 (1923 No 40). That reference was in turn substituted, as from 15 October 1950, by a reference to the Harbours Act 1950 pursuant to section 269(1) Harbours Act 1950 (1950 No 34).

6 Nothing herein to prejudice Te Aro Reclamation Act 1879.

Nothing herein contained shall prejudice or interfere with the rights, powers, and authorities of the Corporation under the provisions of The Te Aro Reclamation Act 1879, but the Board shall not be entitled to any compensation for any loss or damage which shall arise or be occasioned by the execution of the works authorized by the said Act, or of any act, matter, or

thing done, permitted, or suffered under its provisions, unless the same be wilful or arise or be caused from negligence.

7 Existing securities not affected

Nothing in this Act contained shall vary or prejudicially affect any security already existing for payment of the said sum of seventy-eight thousand dollars, or any remedies now subsisting relating thereto.

The words "seventy-eight thousand dollars" were substituted, as from 10 July 1967, for the words "thirty-nine thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).