

New Zealand.

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1899, No. 10.—*Local.*

AN ACT to authorise the Auckland Harbour Board to borrow the Title
 Sum of Seventy-five Thousand Pounds for the Equip-
 ment of Calliope Dock, and to extinguish Rights of Water-
 frontage within the Harbour of Auckland, and for other
 Purposes. [7th October, 1899.]

WHEREAS the Auckland Harbour Board has constructed a dock Preamble
 in the Harbour of Auckland known as the Calliope Dock: And
 whereas the Board has concluded arrangements with the Lords
 Commissioners of the Admiralty of the United Kingdom of Great
 Britain and Ireland, *inter alia*, for the use of the said dock for the
 purpose of equipping, fitting, repairing, and docking Her Majesty's
 vessels: And whereas it is one of the conditions of the said
 arrangements that the Board should expend the sum of sixty
 thousand pounds in the equipment of the said dock, and the
 furnishing of the same with plant, machinery, and appliances, and
 the construction of storehouses, workshops, and other buildings on
 the land adjacent thereto, and otherwise in connection therewith.
 And whereas it may be necessary to spend other sums for the same
 purpose, not exceeding in the whole the sum of seventy-five
 thousand pounds: And whereas it is desirable to authorise the
 Board to raise the said sum of seventy-five thousand pounds by way
 of loan: And whereas the Board is seised of land within the Har-
 bour of Auckland lying below high-water mark: And whereas it is, for
 the public benefit that the Board should have power to procure the
 extinguishment of rights of water-frontage appurtenant to lands

bounded by high-water mark and abutting upon the lands aforesaid belonging to the Board: And whereas the land described in the Second Schedule hereto was a portion of land reclaimed from the sea, the property of the Board, but the Board has not a registered title therefor: And whereas, for the purpose of enabling the Board to acquire an additional piece of land for the purposes of Admiralty House, it is desirable to empower the Board to extinguish leases of and acquire the fee-simple of the land described in the Third Schedule hereto:

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 Auckland Harbour Board Empowering Act, 1899."

Interpretation.

2. In this Act "the Board" means the Auckland Harbour Board.

Power to Board to borrow

3. It shall be lawful for the Board to borrow, by debentures in the form in the First Schedule hereto, for such period and upon such terms and conditions as it thinks fit, a sum or sums not exceeding in all seventy-five thousand pounds. But no debentures under this Act shall be sold at a price that will produce a greater interest than four pounds per centum per annum.

Money so borrowed to be expended on Calliope Dock.

4. The said sum of seventy-five thousand pounds, or so much thereof as shall be borrowed, shall be expended in the equipment of the said Calliope Dock, and the furnishing of the same with plant, machinery, and appliances, and the construction of storehouses, workshops, and other buildings upon land adjacent to the said dock, and for such other purposes in connection with the equipment of the said dock as the Board shall determine.

Provisions of "The Harbours Act, 1878," incorporated.

5. The provisions of "The Harbours Act, 1878," and the amendments thereof, for the repayment of loans and other remedies of debenture-holders, and such further provisions of that Act as shall be applicable for the protection of lenders of money to a Harbour Board, shall be and be deemed to be incorporated herein.

Trustees of savings-bank may advance money to Board

6. It shall be lawful for the trustees of any savings-bank established under "The Savings-bank Act, 1858," to lend the said sum of seventy-five thousand pounds, or any part thereof, to the Board upon such debentures as aforesaid.

Board may enter into contracts as regards water-frontage, &c.

7. It shall be lawful for the Board, and it is hereby authorised and empowered, to enter into contracts for the surrender to the Board of rights of water-frontage appurtenant to lands bounded by high-water mark within the Harbour of Auckland, and for the purposes aforesaid the Board by any such contract may—

- (1.) Agree with any owner for the payment of and pay such sum of money as may be agreed on between the Board and such owner:
- (2.) Agree with any such owner as to the position of any boundary-line:
- (3.) Transfer to any such owner, as the consideration for such surrender, and for the purpose of straightening boundaries, any land the property of the Board:
- (4.) Exchange with any such owner land on either side of any boundary-line.

8. In case the Board shall reclaim from the sea any land vested in the Board lying below high-water mark, and the Board and the owner of the adjoining land shall not have entered into any agreement under the foregoing clause, the owner of such adjoining land shall be entitled, within the time and in the manner provided by "The Public Works Act, 1894," and its amendments, to claim and obtain compensation for any injury he may sustain by the deprivation of water-frontage, the amount of such compensation to be ascertained in the manner provided by the said last-mentioned Act in the case of lands injuriously affected by any public work.

Compensation may be claimed by owners of land for loss of water-frontage.

9. For the purpose of giving effect to the provisions of section seven hereof the Board may make, enter into, do, and execute all such manner of agreements, contracts, conveyances, and assurances as may be necessary.

Board empowered to make all necessary contracts.

10. It shall be lawful for the Board to contract with the Corporation of the Mayor, Councillors, and Citizens of the City of Auckland (hereinafter termed "the Corporation") for the acquisition from the Corporation of the undivided interest of the Corporation in Allotment Two of Section Eight of the City of Auckland for the purpose of providing a site for an Admiralty House and grounds in the City of Auckland, and the Corporation is hereby authorised to enter into such contract, and to make and execute all transfers or other assurances of such property or interest therein necessary to vest the same in the Board for the purposes aforesaid.

Board and Corporation empowered to arrange for site for Admiralty House.

11. It shall be lawful for the Board to establish, erect, equip, and maintain within the Harbour of Auckland a depot for the storage of coal for the use of Her Majesty's navy, and for these purposes the Board may, in addition to the foregoing powers,—

Depot for storage of coal.

(1.) Acquire a site or sites for such depot:

(2.) Purchase from time to time such supplies of coal as it may consider advisable, and may from time to time dispose of the same to the warships of Her Majesty's navy:

(3.) May, in order to keep a fresh supply of coal in stock, from time to time sell such coal or any part thereof publicly or privately to any person, provided that no greater amount shall be sold than may be necessary to keep up a fresh and available supply of coal.

12. The Board may purchase fresh water, and supply the same within the limits of the Harbour of Auckland as defined by "The Harbours Act, 1878," and its amendments, to the wharves, docks, and landing-places abutting thereon, and to shipping within the said harbour and docks, at such prices and upon such terms as it may think fit.

Purchase of fresh water.

13. All that piece of land described in the Second Schedule hereto shall be vested in the Board, to be held by it for an estate in fee-simple, and the District Land Registrar for the Auckland Land Registration District shall cause a certificate of title therefor to issue to the Board.

Land vested in Board to be held as estate in fee-simple

14. (1.) It shall be lawful for the School Commissioners for the Auckland Provincial District to accept a surrender of any existing lease of the land described in the Third Schedule hereto upon such terms as the said School Commissioners shall think fit, and to

Power to Board to acquire land from School Commissioners for purposes of Admiralty House.

convey to the Board upon such terms as they shall think fit the said land in fee-simple for the purposes of Admiralty House, and the Board is hereby empowered to acquire the said land from the said School Commissioners either by purchase or by exchanging therefor any other land of equivalent value the property of the Board, and for the above purposes the said School Commissioners and the Board may execute all such conveyances, transfers, and assurances, and pay all such moneys, as may be necessary.

Disposal of moneys
received by School
Commissioners from
Board.

(2.) All moneys received by the School Commissioners in respect of the purchase of the land by the Board, and all land vested in them by way of exchange from the Board, shall be held by them upon the same trusts as affected the first-mentioned land immediately prior to its being so purchased or exchanged; and for the purpose of giving effect to the trusts the School Commissioners shall, when necessary, apply the moneys in the purchase of other land.*

Schedules.

SCHEDULES.

FIRST SCHEDULE.

"The Auckland Harbour Board Empowering Act, 1899."

No.
DEBENTURE for £ , payable in , issued by the Auckland Harbour Board under an Act of the General Assembly of New Zealand intituled "The Auckland Harbour Board Empowering Act, 1899."

The Board shall have the right to pay off this debenture at any time on giving six months' notice.

N B—The holder of this debenture has no claim in respect thereof on the public revenue of New Zealand or the General Government thereof.

On presentation of this debenture at , on or after the day of , the bearer thereof will be entitled to receive £ , and in the meantime interest thereon at the rate of £ per centum per annum by payments, payable at

Interest on this debenture will cease after the day when the payment falls due, unless default be made in payment.

Issued under the seal of the Auckland Harbour Board, this day of , 1 .

, Chairman of the Board.
, Treasurer of the Board.
, Agent or Agents of the Auckland
Harbour Board.

SECOND SCHEDULE.

ALL that piece of land in the City of Auckland, in the Provincial District of Auckland, New Zealand, bounded—commencing at the north-eastern corner of Allotment 144, Quay Street, part of the land comprised in certificate of title, Vol. lxiii., folio 157, of the register of the Auckland Land Registration District; towards the north-east by Quay Street, 100 links; towards the east by Railway Street, 152·8 links, towards the south-west by the Auckland Railway-station, 100 links; and towards the west to the commencing-point by said Allotment 144, 152·8 links.

THIRD SCHEDULE.

ALL that piece or parcel of land in the Land District of Auckland, being Allotment No. 1, Section 8, of the City of Auckland, bounded on the north by Customhouse Street; towards the north-east by Jermyn Street; towards the south-east by Allotment No. 2; and towards the west by Emily Place.