

New Zealand.



ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Governor in Council may grant lands described in the Schedule to the Corporation.</p> <p>4. Corporation may reclaim lands described in the Schedule.</p> <p>5. Corporation may lease lands described in the Schedule.</p> <p>6. Rents to form part of the Harbour Fund.</p>	<p>7. Lands described in the Schedule shall form part of the Borough of Invercargill immediately they have been granted to the Corporation.</p> <p>8. Council may itself undertake reclamation and raise loans not exceeding £15,000 to defray cost.</p> <p>9. Council may acquire land for roads to and from lands in Schedule.</p> <p>10. Act to be a special Act within the meaning of "The Harbours Act, 1878." Schedule.</p>
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1902, No. 16.—*Local.*

Title.

AN ACT to authorise the Grant to the Mayor, Councillors, and Burgesses of the Borough of Invercargill of certain Parts of the New River Harbour, and to empower the said Mayor, Councillors, and Burgesses of the Borough of Invercargill by their Council to reclaim the said Lands from the Waters of the said Harbour, and to lease the said Lands for Fourteen Years upon such Terms and Conditions as they shall think fit, and also to authorise the said Council, in order to defray the Cost of such Reclamation, to raise by way of Special Loan the Sum of Fifteen Thousand Pounds, and for other Purposes.

[26th September, 1902.]

Preamble.

WHEREAS by virtue of the provisions of "The Invercargill Corporation Empowering Act, 1888," the New River Harbour Board, before then incorporated by "The Harbours Act, 1878," was dissolved, and all the real and personal property vested in or held by the Board at the time of its dissolution thereupon vested in the Mayor, Councillors, and Burgesses of the Borough of Invercargill, upon the same trusts and for the same purposes upon which the Board held the same, and all the powers, functions, duties, and authorities by "The Harbours Act, 1878," and every amendment thereof, conferred upon the Board should and might thenceforth be exercised and performed by the Corporation acting by and through the Council, in as full and effectual manner as if the Corporation had been constituted a Harbour Board by and under the said Act: And whereas it is expedient to authorise the Governor in Council to grant to the Corporation the parcels of land described in the Schedule hereto, which form part of the New River Harbour, upon trust as an endow-

ment for the maintenance and improvement of the said harbour, and also to empower the Corporation to reclaim the said lands from the waters of the said harbour :

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

1. The Short Title of this Act is “The New River Harbour Reclamation Act, 1902.” Short Title.

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

“Board” means the New River Harbour Board formerly constituted under “The Harbours Act, 1878,” and dissolved by “The Invercargill Corporation Empowering Act, 1888” :

“Corporation” means the Mayor, Councillors, and Burgesses of the Borough of Invercargill, constituted under “The Municipal Corporations Act, 1900,” as a borough incorporated before and existing at the time of the commencement of the said Act :

“Council” means the Council of the said borough.

3. Anything contained in “The Harbours Act, 1878,” to the contrary notwithstanding, it shall be lawful for the Governor in Council, in the name and on behalf of His Majesty, to grant to the Corporation the parcels of land described in the Schedule hereto in trust as an endowment for the maintenance and improvement of the New River Harbour. Governor in Council may grant lands described in the Schedule to the Corporation.

4. It shall be lawful for the Corporation, subject to the provisions of section one hundred and fifty-six of “The Harbours Act, 1878,” to reclaim the said parcels of land from the waters of the said harbour. Corporation may reclaim lands described in the Schedule.

5. It shall be lawful for the Council from time to time to lease by public auction or public tender, at an upset rental to be fixed by the Council, the parcels of land described in the Schedule hereto, or any subdivision thereof, either before or after the same shall have been so reclaimed, for any term of years not exceeding fourteen years, to take effect in possession and upon and subject to such terms and conditions as the Council may think fit ; and the tenant in such lease shall, if the Council so think fit, covenant to reclaim at his own expense from the waters of the said harbour the lands comprised in such lease, within such time and in such manner and upon such terms in all respects as the Council may agree upon with him or direct ; and the Corporation may in such lease covenant to grant renewals from time to time for a period not exceeding fourteen years for each renewal, but at a rent to be fixed by valuation or arbitration. Any such lease may provide for the payment by the incoming tenant of the value of any improvements theretofore made upon the land by the outgoing tenant, or any former tenant, and the work of reclaiming the said land from the waters of the said harbour may, if so agreed upon, and in accordance with such special provisions as may be made in respect thereof, be deemed to be an improvement ; and any such lease may also provide that the incoming tenant of the said land, or any subdivision thereof, shall not be allowed to enter into possession thereof, or any part thereof, until he shall have paid to or secured to the satisfaction of the Corporation may lease lands described in the Schedule.

outgoing tenant the amount of valuation (if any) of the improvements to be paid to such outgoing tenant.

Rents to form part of the Harbour Fund.

6. The rents and profits which may arise from the lease of any land under this Act shall form part of the Harbour Fund and be applied accordingly, and may be applied in repayment of any harbour loans of the Corporation by means of a sinking fund or otherwise.

Lands described in the Schedule shall form part of the Borough of Invercargill immediately they have been granted to the Corporation.

7. The lands described in the said Schedule shall, immediately on their being granted to the Corporation as aforesaid, form part of the said Borough of Invercargill.

Council may itself undertake reclamation, and raise loans not exceeding £15,000 to defray cost.

8. The Council may from time to time itself undertake the work of so reclaiming the said parcels of land or any subdivision thereof, and in such cases the Council may, for the purpose of defraying the cost of any such reclamation, raise from time to time by way of special loan, in the manner provided by Part XIII. of "The Municipal Corporations Act, 1900," such sum or sums of money not exceeding in the whole the sum of fifteen thousand pounds as the Council may deem necessary, and in so doing shall comply with and be subject to the provisions of "The Municipal Corporations Act, 1900," in respect of special loans; and the money so raised from time to time shall be deemed to have been raised for the purpose of constructing, providing, and establishing a public work within the meaning of section one hundred and twenty-one of the said last-named Act.

Council may acquire land for roads to and from lands in Schedule.

9. It shall be lawful for the Council to acquire by purchase or by gift, or to take under the provisions of "The Public Works Act, 1894," and its amendments, or of any substituted enactment or enactments, any lands for the purpose of a public road or public roads to or from the said parcels of land, or either of them, or any part thereof respectively, from or to any existing public road or public roads.

Act to be a special Act within the meaning of "The Harbours Act, 1878."

10. This Act shall be deemed to be a special Act within the meaning of "The Harbours Act, 1878."

Schedule.

SCHEDULE.

ALL that area, the greater part of which is covered by the tidal waters of the New River, containing by estimation 980 acres, more or less, forming part of the estuary of the New River Harbour, and bounded by a line commencing at a point 600 links distant from the south-east corner of Section 8, Block XXI., Invercargill Hundred, and bearing N. 10° 34' 33" E., and proceeding thence, bearing N. 10° 34' 33" E., for a distance of 17400 links; thence, bearing S. 63° 58' 41" W., for a distance of 7867 links to Trig. GG; thence along high-water mark to the point of commencement: as the same is delineated by a border of dark-blue on Sheet No. 1 of the plan marked M.D. 2510, deposited in the office of the Marine Department, at Wellington, in the Land District of Wellington.

Also all that area, the greater part of which is covered by the tidal waters of the New River, containing by estimation 111 acres, more or less, forming part of the estuary of the New River Harbour, and bounded by a line commencing at a point 600 links distant from the south-east corner of Section 34, Block XV., Invercargill Hundred, and bearing N. 63° 58' 41" E., and proceeding thence, bearing N. 63° 58' 41" E., for a distance of 5864 links; thence, bearing N. 69° 36' 00" E., for a distance of 2600 links; thence, bearing S. 26° 42' 13" W., for a distance of 1833 links; thence, bearing S. 63° 58' 41" W., for a distance of 8007 links; thence, bearing N. 10° 34' 33" E., for a distance of 1700 links, to the point of commencement: as the same is delineated by a border of dark-blue on Sheet No. 2 of the plan marked M.D. 2510, deposited in the office of the Marine Department, at Wellington, in the Land District of Wellington.