

New Zealand.



ANALYSIS,

<p>Title.</p> <p>Preamble.</p> <p>1. Short Title.</p> <p>2. Power to reclaim land, and enter into contracts, &c., for that purpose.</p> <p>3. Power to obtain soil and materials, and execute incidental works.</p> <p>4. Power to provide appliances and enter into contracts for purpose of obtaining necessary facilities.</p> <p>5. Power to construct roads, &c., on reclaimed land.</p>	<p>6. Land described in First Schedule vested in the Board.</p> <p>7. Land so vested not liable to be sold at suits of creditors or debenture-holders.</p> <p>8. Restriction on exercise of powers in respect of land in Third Schedule.</p> <p>9. Board to have all additional powers conferred by "The Harbours Act, 1878," &c.</p> <p>10. Act to be deemed a special Act.</p>
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1894, No. 7.—*Local.*

AN ACT to vest in the Timaru Harbour Board certain Land in the Harbour of Timaru, and to authorise the said Board to reclaim the Same and other Land in the said Harbour from the Sea, and for other Purposes. Title.
[8th September, 1894.]

WHEREAS the land described in the Second Schedule to this Act is already vested in the Timaru Harbour Board, and the land described in the First Schedule to this Act is intended to be vested in the said Board by this Act, and it is expedient that power should be given to the said Board to reclaim all the above-mentioned land from the sea, as also the land described in the Third Schedule to this Act, and that power should also be given to the said Board for the other purposes hereinafter mentioned: Preamble.

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 Timaru Harbour Reclamation Act, 1894." Short Title.

2. The Timaru Harbour Board may from time to time fill up and reclaim from the sea the land described in the several Schedules to this Act, or any part or parts thereof respectively, and may for that purpose, if they think fit, enter into and from time to time rescind or vary any contract or contracts for the execution of all or any works, and, by their agents, servants, and workmen, do and execute all or any works which may be necessary or expedient in or about the filling-up and reclamation of such lands as aforesaid upon such terms and conditions as may seem to them proper and reasonable. Power to reclaim land, and enter into contracts, &c., for that purpose.

Power to obtain soil and materials, and execute incidental works.

3. The said Board may from time to time, by their agents, servants, or workmen, or by any contractor for the time being for the execution of the said works, take from any place, with the consent of the owner and of any occupier for the time being thereof, and in the case of land vested in Her Majesty the Queen with the consent of the Minister for Public Works and of any occupier for the time being of such land, any soil or materials which may be necessary for such works, and may also, by purchase, lease, or otherwise, acquire any land, or the right to take soil or materials from any land from which it may be necessary or expedient to take any such soil or materials, and may from time to time execute and carry out all such other works as they may think expedient, or which may be necessary in connection with and for the purposes of the said undertaking.

Power to provide appliances and enter into contracts for purpose of obtaining necessary facilities.

4. The said Board may purchase, hire, or otherwise acquire the use of appliances, plant, machinery, and implements, and may construct, lease, or otherwise acquire the use of any buildings, lines of railway, tramways, enter into contracts for the purpose of obtaining facilities for or in respect of the said works, and generally do everything that may be necessary or expedient in or about the same.

Power to construct roads, &c., on reclaimed land.

5. The Board may from time to time, if they think fit, construct and lay out roads and streets and public places through or within any part of the same, or appropriate any part of the same to any other purposes of utility for the benefit of the public.

Land described in First Schedule vested in the Board.

6. The land described in the First Schedule hereto shall be and the same is hereby vested in the Timaru Harbour Board and its successors for an estate in fee-simple in possession, and the District Land Registrar at Christchurch shall, on the passing of this Act, issue a certificate of title for the said land, in accordance with the provisions of "The Land Transfer Act, 1885," in favour of the said Board and its successors accordingly.

Land so vested not liable to be sold at suits of creditors or debenture-holders.

7. No person being a present or future creditor of the Board, whether as a debenture-holder or in any other manner, shall be entitled to require, nor shall any Judge or Court be authorised under any law or rule now or hereafter in force to direct, that any portion of the land described in the said First Schedule shall be sold or otherwise alienated or disposed of for the purpose of satisfying the claim of such debenture-holder or other creditor, or any part thereof, nor shall such land or any part thereof be liable to be taken in execution, or sold, alienated, or disposed of for the purpose of satisfying any debt or demand due or payable by the Board in any manner whatsoever.

Restriction on exercise of powers in respect of land in Third Schedule.

8. Notwithstanding anything herein contained, the said Board shall not, in respect of the land described in the Third Schedule hereto, exercise all or any of the powers granted by this Act without the consent in writing of the New Zealand Railway Commissioners, or, in the event of the said land being vested in Her Majesty the Queen at the time when such power shall be exercised, then with the consent in writing of the Honourable the Minister for Public Works for the time being.

Board to have all additional powers conferred by "The Harbours Act, 1878," &c.

9. In addition to and not in restriction of the special powers conferred by this Act the said Board shall have all the powers conferred by "The Harbours Act, 1878," and the amendments thereof, and any other statutes under which Harbour Boards have powers

conferred upon them, or the right to acquire and exercise such powers.

10. This Act shall be deemed to be a special Act within the meaning of sections one hundred and forty-seven and one hundred and forty-eight of "The Harbours Act, 1878."

Act to be deemed
a special Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that area containing by admeasurement 6 acres 2 roods 26 perches, more or less, situate in the Harbour of Timaru. Bounded by a line commencing at high-water mark at a point opposite the 105 miles 45 chains on the railway-line, and 53ft. distant seaward from same, and proceeding thence south-easterly along high-water mark to a point where it intersects the Railway Reserve at a distance of 875 links measured along said Railway Reserve; thence south-easterly and north-easterly along said reserve and high-water mark to Breakwater, and along the latter to a point about 4 chains distant from Railway Reserve measured at a right angle; and thence north-westerly along a line parallel to and 4 chains distant from Railway Reserve to centre-line of north mole; and thence southerly and south-easterly, following curve of centre-line of north mole to boundary-line of Railway Reserve; and thence along that boundary-line to the commencing-point: as the same is coloured yellow on plan marked M.D. 1947, and deposited in the office of the Marine Department, Wellington.

SECOND SCHEDULE.

ALL that area containing by admeasurement 101 acres 2 roods, more or less, situate near the Borough of Timaru, being portion of the foreshore there, and wholly, or in part, covered by the sea. Bounded by a line commencing at the seaward extremity of the dividing-line between Rural Section No. 1298 and Reserve No. 884 (in red), and proceeding thence southerly, south-easterly, and easterly, following the western, south-western, and southern boundaries of the land defined in the Schedule to "The Timaru Harbour Board Act 1876 Amendment Act, 1881," to the shore end of the centre-line of the north mole of Timaru Harbour, at a point opposite about 105 miles 44½ chains on the railway mileage; thence in a north-westerly and north-easterly direction, following the centre-line of said north mole for a distance of 2535 links; and thence north-westerly along a straight line to commencing-point: as the same is coloured blue on plan marked M.D. 1947, deposited in the office of the Marine Department, Wellington.

THIRD SCHEDULE.

ALL that area situate in Timaru Harbour, being portion of Railway Reserve, containing by admeasurement about 28 perches, more or less. Bounded by a line commencing at a point at the intersection of the line forming one of the north-eastern boundaries of the Railway Reserve with high-water mark, the said point being opposite to 105 miles 58 chains and 80 links on the railway mileage, and proceeding thence north-westerly along said Railway Reserve for a distance of about 500 links to its intersection with high-water mark; and thence south-easterly along high-water mark to the commencing-point: as the same is coloured red on plan marked M.D. 1947, deposited in the office of the Marine Department, Wellington.