

Mr. Graham.

GISBORNE HARBOUR BOARD ACT 1884 AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Original poll for loan validated.</p> <p>4. Validation of sinking fund provided to secure harbour loan.</p> <p>5. This Act a special Act authorising the construction of railway in First Schedule.</p> <p>6. Power to construct sidings and erect buildings required in construction of works.</p>	<p>7. Power to remove earth, stone, &c., from land in Second Schedule.</p> <p>8. Previous notices to stand good.</p> <p>9. Amendment of clause 23 of the principal Act to remove limitation of rating-power.</p> <p>10. Powers to lease Tawharaparae Reserve enlarged, and as to the reserves defined.</p> <p>11. Repeal of section 14 of principal Act.</p> <p>12. The terms in Land Act made applicable to Harbour Board Schedules.</p>
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A BILL INTITULED

AN ACT to amend "The Gisborne Harbour Board Act, 1884." Title.

BE IT 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 Gisborne Harbour Board Act 1884 Amendment Act, 1887." Short Title.

2. "The Gisborne Harbour Board Act, 1884," is herein called "the principal Act." Interpretation.

3. The consent of the ratepayers in the harbour district to the construction at or near the site reported upon by Sir John Coode of a breakwater to afford refuge and accommodation for vessels of large tonnage evidenced by resolution carried on the third day of March, one thousand eight hundred and eighty-five, and published as such resolution under the hand of the Colonial Secretary in the *Gazette* of the twenty-third day of April, one thousand eight hundred and eighty-five, shall be deemed for all purposes to have been duly given, notwithstanding that no plans were then prepared, and that the particular works proposed to be undertaken, and which have been since approved by the Governor in Council on the twenty-ninth day of December, one thousand eight hundred and eighty-five, may have been insufficiently described in the notice published as required by the principal Act on the sixth day of March, one thousand eight hundred and eighty-five, in a newspaper circulating in the harbour district, and that such notice may not strictly have complied with all the provisions of the principal Act; and the particular works approved as aforesaid, or which may hereafter be approved, or modification thereof so approved, shall be deemed to be the particular work proposed to be undertaken within the meaning of clause eighteen of the principal Act. Original poll for loan validated.

4. Whereas the Gisborne Harbour Board has, in pursuance of powers vested in it by the principal Act, borrowed two hundred thousand pounds upon debentures, and has entered into engagements with the debenture-holders that, in order to better secure the repayment of

Validation of sinking fund provided to secure harbour loan.

the sum so borrowed, a sum of twenty-five thousand pounds out of the proceeds of the said loan should be set aside and invested as a sinking fund: And whereas such sum has been set aside and invested, and doubts have arisen as to whether such investment could be lawfully made: It is hereby declared that, notwithstanding anything 5 contained in the principal Act or "The Harbours Act, 1878," or any amendment thereof, requiring the proceeds of any loan to be expended in the construction of works or otherwise, the appropriation to sinking fund hereinbefore recited is hereby validated as if authorised and sanctioned by the principal Act, and the interest from time to 10 time accruing therefrom may be lawfully paid into the general account of the Harbour Board.

And whereas the Harbour Board has, prior to the passing of "The Harbours Act 1878 Amendment Act, 1886," and of this Act, incurred an overdraft at the bank on the General Account: Be it enacted that 15 it shall be lawful for the Harbour Board to advance such sum from the Loan Account as shall be sufficient to pay off such overdraft, provided the Harbour Board shall refund one-tenth part of such sum to the Loan Account out of the general revenue of the Board during each year for ten years after the passing of this Act: Provided, however, 20 that the premium of four thousand one hundred and seven pounds five shillings or thereabouts received by the Board on the floating of the loan shall not be deemed to be overdraft or part thereof requiring repayment.

5. This Act shall be deemed to be a special Act authorising the 25 construction of the railway mentioned in the *First* Schedule, within the meaning and for the purposes of "The Public Works Act, 1882," and any Act amending the same, which said Acts, so far as applicable, are hereby incorporated with this Act; and the said railway so far as it is finished shall be deemed to have been made, and so far as it is 30 unfinished may be completed under the said Acts and this Act.

6. For the purpose of carrying out the harbour works at the Port of Gisborne, and also to construct such sidings to the railway already constructed, and to make such additions or alterations to the rolling-stock, buildings, and plant thereon, as may be found necessary or 35 desirable for the purpose of facilitating the working of the railway, the construction of such harbour works, and the preparation of material therefor, it shall be lawful for the Gisborne Harbour Board to construct such railway and sidings, and to make such additions, as may be approved by the Governor in Council on the recommendation 40 of such Gisborne Harbour Board. And it is hereby expressly declared that such railway and such additions so approved as aforesaid are works which the said Board is respectively authorised to construct or provide for under the principal Act or any Act incorporated therewith; and for that purpose, and for the working and 45 management of such railway or any addition thereto, such Board shall have and may exercise all the powers and authorities which by "The Public Works Act, 1882," or any Act amending the same, are vested in or may be exercised by the Governor or the Minister for Public Works as effectually as if all such powers and authorities had 50 been set out in this Act: Provided that where by "The Public Works Act, 1882," or any Act amending the same, anything is required to be done by Proclamation or notice gazetted, the same may

This Act a special Act authorising the construction of railway in First Schedule.

Power to construct sidings and erect buildings required in construction of works.

be done by the Board by notice published in one or more newspapers circulating in the harbour district.

7. The Gisborne Harbour Board may take any earth, stone, boulders, gravel, sand, or other material required for the construction of harbour works at the Port of Gisborne off, from, or out of the lands described in the *Second* Schedule hereto, for the purpose of using the same in or about such harbour works in the manner provided by "The Public Works Act, 1882," and "The Harbours Act, 1878," and any amendments thereof.

Power to remove earth, stone, &c., from land in *Second* Schedule.

8. All notices given, all surveys and maps made and deposited, by the Gisborne Harbour Board in terms of "The Public Works Act, 1882," and the amendments thereof, so far as such notices, surveys, and maps relate to the lands or parts thereof in the *First* and *Second* Schedules hereto, shall be deemed to have been properly given, made, or deposited; and the Governor may, if he think fit, by Proclamation publicly notified, declare that the said lands, a correct description of which shall be contained in or annexed to the Proclamation, are taken for the purposes of the railway or the Gisborne harbour works, without requiring any further notices, surveys, or maps to be first given, made, or deposited.

Previous notices to stand good.

9. All the words in section twenty-three of the principal Act after the words "hereinafter mentioned" are struck out, and the section so amended shall be read as if the words so struck out had never been inserted.

Amendment of clause 23 of the principal Act to remove limitation of rating-power.

10. Whereas all that parcel of land described in the Schedule to "The Gisborne Harbour Board Act, 1882," and all that parcel of land, situated in the Tologa Bay District, known as Tawharaparae Block, containing by admeasurement forty-four thousand one hundred and fifty acres, have been set apart as an endowment for the Gisborne Harbour Board: It is hereby enacted that the Board may let the Tawharaparae Block in any parcels it sees fit for any term or terms not exceeding thirty years, and may in and for the purpose of any one or more of such leases adopt the general provisions of "The Land Act, 1885," regulating the grant of leases of land for pastoral purposes; except as to the special provisions contained therein in respect of runs within the Land Districts of Canterbury and Otago, which shall not be applicable; and it may set aside any portion of the said Tawharaparae Block, and adopt the provisions as to perpetual leases of rural land contained in Part IV. of "The Land Act, 1885," excepting always the provisions giving the lessee a right to purchase the freehold, all of which, and any rules or regulations for the time being in force in relation to such leases, shall be deemed, *mutatis mutandis*, to be applicable to leases of the said portion so set aside as aforesaid of the Tawharaparae Block; and the Board may let any other lands vested in it at such rents and profits, and upon such terms and conditions, as the Board shall determine, so that such leases be for any term not exceeding sixty-five years.

Powers to lease Tawharaparae Reserve enlarged, and as to the reserves defined.

11. Section fourteen of the principal Act is hereby repealed.

Repeal of section 14 of principal Act.

12. Wherever in "The Land Act, 1885," any power, duty, or direction is given to or imposed upon the Waste Lands Board, the Board, or the Commissioner, such power, duty, or direction for the purposes of this Act shall be deemed to be given to or imposed upon the Gisborne Harbour Board.

The terms in Land Act made applicable to Harbour Board.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

A LINE of railway from the Gisborne Harbour works, at the mouth of the Turanganui River, to the Tuamotu Island; length about four miles.

SECOND SCHEDULE.

DESCRIPTION of the boundaries of land required by the Gisborne Harbour Board, being portion of Kaiti Block, situated in Block VII., Turanganui Survey District, Cook County, Provincial District of Auckland, containing by admeasurement 3 roods 13 perches, more or less, and bounded as follows: Commencing at a peg marked I., situated on south side of present road running from Block Yard to East Coast Road; thence in a south-westerly direction, 47·6 links, to peg marked II.; thence in a south-easterly direction, 474·5 links, to peg marked III.; thence in a southerly direction, 236·5 links, to peg marked IV.; thence in a south-westerly direction 928·6 links to peg marked V., 149·3 links to peg marked VI., and 159·9 links to peg marked VII.; thence in a northerly direction, 191·8 links, to peg marked VIII.; thence in a north-westerly direction 136·4 links to peg marked IX., and 921·2 links to peg marked X.; thence in a northerly direction, 217·5 links, to peg marked XI.; thence in a north-westerly direction, 550·1 links, to peg marked XII., situated on south side of said road; thence, bounded by the south side of said road, 61·6 links and 34 links or thereby, to starting-point: containing by admeasurement 3 roods and 13 perches, more or less: all as delineated on Sheet I. of plan of railway prepared by the Gisborne Harbour Board.

Description of the boundaries of the land required by the Gisborne Harbour Board, being portions of Kaiti Block, situated in Block VII., Turanganui Survey District, Cook County, Provincial District of Auckland, containing by admeasurement 3 acres 3 roods 17 perches, more or less, and bounded as follows: Commencing at the south-east diagonal peg of Peg IV. of main road through Kaiti and Papawhariki Blocks; thence towards the North-east and East, by lines of 536·7 and 144 links respectively, to Ocean Beach; thence towards the South by the South Pacific Ocean, 1700 links or thereby, to its intersection with the south-east boundary of said road; thence towards the North by side lines of said road, 175, 306·8, and 622·4 links, or thereby, to starting-point: containing by admeasurement 3 acres 3 roods 14 perches, more or less. Also that portion adjacent to Papawhariki Block bounded towards the North-west by the south-east side of aforesaid road, 140 links; towards the west by portion of Papawhariki Block boundary, 31 links; and towards the South-east by the South Pacific Ocean: containing by admeasurement 3 perches, more or less: all as delineated on Sheets III. and IV. of plan of railway prepared by the Gisborne Harbour Board.

Description of the boundaries of land required by the Gisborne Harbour Board, being portion of Papawhariki Block, situated in Block VII., Turanganui Survey District, Cook County, Provincial District of Auckland, containing by admeasurement 5 acres and 32 perches, more or less, and bounded as follows: Commencing at a point on the south-east side of main road through Kaiti and Papawhariki Blocks, on boundary between said Kaiti and Papawhariki Blocks; thence towards the North-west by side lines of road, 159 and 182·7 links respectively; still towards the North-west to Ocean Beach by a line of 2001 links; thence towards the West, South, and South-east by the South Pacific Ocean for 4650 links or thereby to Kaiti Block boundary; thence towards the East by Kaiti Block, 31 links or thereby, to starting-point: excepting from the above description portion of main road through Papawhariki Block containing by admeasurement 1 acre and 16 perches, more or less: all as delineated on Sheet IV. of plan of railway prepared by the Gisborne Harbour Board.

Description of Tuamotu Island: Tuamotu Island, lying to the north-east of Poverty Bay, and south of Papawhariki Block, required by the Gisborne Harbour Board, being portion of Block VII., Turanganui Survey District, Cook County, Provincial District of Auckland, containing by admeasurement 8 acres and 26 perches, more or less: all as delineated on Sheet IV. of plan of railway prepared by the Gisborne Harbour Board.