

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

Colonel Fraser.

THAMES HARBOUR BOARD EMPOWERING.

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A BILL INTITULED

AN ACT to authorize the Thames Harbour Board to borrow a Sum of Two Hundred Thousand Pounds, and also to increase the Powers of and to relieve the said Board in certain respects. Title.

5 WHEREAS by "The Thames Harbour Board Act, 1878," the Thames Harbour Board was authorized to borrow a sum of money not exceeding fifty thousand pounds, but of which sum no larger sum than twelve thousand pounds could be borrowed except under the provisions of a special Act to be passed by the Parliament of New Zealand for Preamble.
10 that purpose: And whereas by "The Thames Harbour Board Act 1878 Amendment Act, 1879," authority was given therein to the Thames Harbour Board to borrow a sum of money not exceeding twenty-five thousand pounds, including the twelve thousand pounds

authorized by the said "Thames Harbour Board Act, 1878:" And whereas the said Board, under and by virtue of the aforesaid powers, borrowed a sum of six thousand pounds, and caused to be issued debentures for the same: And whereas the Thames Harbour Board is desirous of having power to borrow the sum of two hundred thousand pounds in manner hereafter mentioned, for the following purposes: that is to say the sum of six thousand pounds for the purpose of paying off the aforesaid loan contracted, and a further sum of one hundred and ninety-four thousand pounds for the purposes hereinafter mentioned: And whereas it is expedient that such power should be given:

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 Thames Harbour Board Empowering Act, 1885." 15
- Interpretation.** 2. In the construction of this Act the expression—
 "The Board" means the Thames Harbour Board as constituted under "The Harbours Act, 1878;"
 "The Act" means and includes "The Harbours Act, 1878," and the several Acts amending the same; 20
 The word "Chairman" means the Chairman for the time being of the Thames Harbour Board;
 The word "district" means the Thames Harbour Rating District as constituted by this Act. 25
- Power to borrow.** 3. The Board may borrow and take up at interest from time to time any sum of money not exceeding in the whole the sum of two hundred thousand pounds for and to be applied to the several purposes specified in the *First* Schedule to this Act.
- Provisions of "Harbours Act, 1878," to apply to loan.** 4. The power given to the Board in and by the *last-preceding* section shall be exercised in the manner and subject to the conditions prescribed by the Act, and the provisions of the Act for the repayment of loans and the remedies of debenture-holders shall be and be deemed to be incorporated herein. 30
- Debentures already issued may be purchased.** 5. The Board is hereby empowered at any time or times to arrange with any holders of debentures already issued by the Board for the purchase or redemption of such debentures for such price and upon such terms as to the Board shall seem meet, and also to arrange with any such holders for the cancellation and delivery up of the same debentures, with their coupons, upon receiving in lieu thereof a debenture or debentures issued under this Act. 35 40
- Board may let foreshore for treatment of tailings, &c.** 6. It shall be lawful for the Board from time to time to let on lease, for any period of not less than one month and not exceeding twenty-one years, any portion of the Thames foreshore now vested in the Board, for the purpose of the removal or treatment of tailings, pyrites, or other minerals, or for industrial purposes, together with the power to erect such flumes, sheds, or machinery upon the said foreshore as may be necessary for such purpose, upon such terms and conditions as to the Board shall seem meet. 45
- Works to be carried out** 7. The Board is hereby empowered to construct any docks, groin, gridiron, or slip within the Port of Thames as and when the Board shall deem it expedient so to do. 50

8. The parcel of land described in the *Second* Schedule is hereby vested in the Board as an endowment to be held by it for the purpose for which it is constituted, and subject to the provisions of the Act or such other land as the Governor in Council may determine.

Endowment.

9. A district, to be called the "Thames Harbour Rating District," is hereby constituted, and shall consist of the borough and ridings set forth in the *Third* Schedule to this Act.

Rating district created.

10. Before any loan is raised under this Act the consent of the ratepayers in the district shall first be obtained in the mode hereinafter prescribed. The Chairman shall convene meetings of the ratepayers, to be held within the borough and several ridings comprising the district upon a day not more than seven days after the last publication of a notice to be published as hereinafter mentioned, to consider the said proposal. Such meeting shall be convened by notice published on three consecutive days in a newspaper circulating in the district, and every such notice shall specify the time and place in the borough and ridings at which meetings are to be held, and also the following particulars, namely—

Chairman to call meeting of ratepayers to consider proposal to borrow.

- (1.) The particular works proposed to be undertaken :
- (2.) The sum proposed to be borrowed for such purpose :
- (3.) Any special rate or tolls which it is proposed to pledge as security for such loan, not being moneys received by way of grant from the General Government or moneys theretofore pledged as security for any loan or appropriated to any special purpose.

11. The Chairman shall appoint one of the members of the Borough Council and of the County Council elected for each riding in the district to preside at each meeting within the borough or riding which he represents, if such member is willing to act ; and, if such member is unwilling to act, or becomes incapacitated from acting from any cause, then such person as the Chairman thinks fit. The member or person so appointed shall be called "the Presiding Officer," and he shall preside at the meeting to be held in the borough or riding for which he has been appointed, and shall also preside at the taking of any poll as hereinafter provided. After due consideration and discussion of the proposal, the Presiding Officer shall give notice that a poll will be taken.

Chairman to appoint Presiding Officer.

12. The poll shall be taken as follows :—

- (1.) The Chairman shall publish a notice setting forth the day, not less than one or more than three weeks from the day of the said meetings, on which the poll will be taken :
- (2.) The Chairman shall give notice to the Presiding Officer requiring him to take the poll upon the day appointed :
- (3.) The Presiding Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by "The Regulation of Local Elections Act, 1876," for taking a poll at any election, and shall provide voting-papers and all things necessary for taking the poll :
- (4.) The voting-papers shall be printed in the form in the *Fourth* Schedule to this Act, with the words, "I vote for the above proposal" and "I vote against the above proposal" legibly printed at the foot of each voting-paper :

How poll to be taken.

(5.) The voter shall erase one or other of the said lines, and his vote shall be deemed to be given according to the one of the said lines which he leaves un erased :

(6.) All the provisions of "The Regulation of Local Elections Act, 1876," as regards taking a poll shall, so far as they are applicable, and except as by this section otherwise provided, apply to the taking of a poll on the proposal to raise a special loan :

(7.) A separate poll shall be taken in the borough and several ridings comprising the district.

Ratepayers to have one vote.

13. Every ratepayer within the district whose name appears on the burgess rolls of the borough mentioned in the said *Third* Schedule or on the electoral roll of any riding of the counties mentioned in such *Third* Schedule for the time being in force, shall be entitled to vote at the taking of the said poll, and every ratepayer shall have one vote and no more.

When resolution to be deemed to be carried.

14. If the number of votes given for the proposal within the district exceeds the number given against it the resolution in favour of the proposal shall be deemed to be carried, and the Board may proceed with the proposal accordingly; but, if there is no such majority in favour of the proposal, the resolution shall be deemed to be rejected, and the Board shall not so proceed.

Chairman to declare numbers polled.

15. As soon as conveniently may be after the result of the poll has been ascertained the Chairman shall give public notice of the number of votes recorded for and against the proposal as above provided, and shall declare the resolution to be carried or rejected as the case may be.

And send result of polling to Colonial Secretary. Gazette notice final.

16. When any such resolution is carried the Chairman shall send a notice thereof to the Colonial Secretary, who shall publish the same in the *Gazette*, and such notice so gazetted shall be final that the raising of the loan to which it refers has been duly authorized under the provisions of this Act notwithstanding any omission or irregularity in any provision, matter, or thing required to be done hereunder or under "The Regulation of Local Elections Act, 1876."

Sinking fund to be provided.

17. For the purpose of providing a sinking fund for the liquidation of any debenture or loan authorized by this Act there shall, on the first day of July in each and every year after the passing of this Act, be set apart by the Board, out of rates or other moneys upon which the principal and interest of such debentures are to be charged, a sum not exceeding one pound per centum per annum on the aggregate amount for which debentures shall at that time have been issued.

Sinking fund to be invested.

18. As soon as conveniently may be after the first day of July in each year after the passing of this Act, the Board shall invest the sum of money set forth in the *preceding* section of this Act, together with the interest and profits accruing therefrom, in such securities as the Board shall from time to time direct.

Board to make and levy a rate yearly.

19. The Board, after the passing of this Act, may once in each year make and levy a rate not exceeding in any one year a sum equal to threepence in the pound upon all rateable property in the district, and the proceeds of such rate shall be applied towards payment of the annual charges to accrue in respect of any portion of the loan authorized to be

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raised under this Act, and to provide for the sinking fund for the repayment thereof.

20. The rateable value appearing in the assessment rolls under "The Property Assessment Act, 1879," and its amendments in force for the time being, shall be the rateable value of all property in the district for the purposes of this Act, copies of all which rolls shall be supplied by the Property-Tax Commissioner to the Board upon request, and free of charge.

The rateable value to be as defined by the Property Assessment Act.

21. For the purpose of making, levying, and recovering the rates hereby authorized to be made and levied, the Board shall have, and may exercise, all the powers of making, levying, and recovering rates within the district which any local body having rating powers within such district shall or may have under any law for the time being in force for the making, levying, and recovering of rates.

Powers of Harbour Board with respect to rate.

22. No rate made, or purporting to be made, under this Act shall be capable of being set aside, or of being quashed by any proceeding of any Court or otherwise, and no defect in the same shall be set up as a defence to any action which may be brought to recover the same.

No rate can be quashed.

23. All proceedings for the recovery of any rate shall be taken in the name of the Board, and the Secretary for the time being of the Board may appear and act on behalf of such Board in any Court of competent jurisdiction.

Proceedings for recovery of rate.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

To pay and discharge the debt or loan of £6,000 mentioned in the preamble to this Act.	£6,000
To construct and execute the following works within the Harbour and Port of Thames, or such of them as the Board may in its discretion think fit, with such modification, amendments, or additions as to the Board may seem meet:—	
(a.) The construction of permanent harbour works at Rocky Point, Tararu, within the said Port of Thames, as shown in the plans and report prepared by Mr. Alexander Aitken, bearing date the 9th day of May, 1885, hereto annexed, and the erection of buildings and stores shown on such plan, or any modifications thereof or additions thereto;	£194,000
(b.) The construction of permanent harbour works between the Shortland Wharf and Burke Street Wharf, in the said Port of Thames, as shown in the said plans and report prepared by Mr. Alexander Aitken, or any modification thereof or addition thereto;	
(c.) The construction and improvement of Burke Street and Shortland Wharves.	

SECOND SCHEDULE.

Struck out.

ALL that piece or parcel of land containing 90,000 acres, or thereabouts, being the south-eastern portion of the Piako Block, situate in the Counties of Thames and Piako, in the Provincial District of Auckland, the boundaries whereof are as follow: Commencing from a point on the Waihou River called Hauhaupounamu, and running thence by the western bank of the Waihou River to where the Tahanui Block joins the river; thence by the outside boundaries of the following blocks until it again comes to the Waihou River—Tahanui, Hotungahoro, Tekapara, Rangiora, Waihou West No. 1B, Ngahinepouri, Te Koutou; thence by the river to the point where the Parahamuti No. 2 Block joins it; thence by the outside boundaries of the Parahamuti and Komataraututu Blocks to the river; thence by the river to where the Waihou West Blocks join the river; thence by the outside boundaries of the Waihou West

Blocks till they come back to the river; thence by the western bank of the Waihou River to the point where the Thames Borough endowment joins it; thence by the outside boundary of the Thames Borough endowment to the point where it joins the Hounerangi and Te Tautiti (No. 2) Blocks; thence by the Te Tautiti Block to where it joins the Koromatua No. 2 Block; thence by the outside boundary of the Koromatua No. 2 to where it joins the Waitoa River; thence by the outside boundary of the Kopuatai Block till it again joins the Waitoa River; thence by the Waitoa River till it comes to the point where the Whakahoro Block joins it; thence by the outside boundary of the Whakahoro Block to the Piako River; thence by the Piako River to its junction with the Waitoa River; thence by the Piako River to where the Maukoro Block ends; thence by the outside boundaries of the Maukoro Block to where they join A. Willis's land; thence by his outside boundaries back to the Piako River; thence by the western bank of the Piako River to its conflux with the Mangakahika Stream; thence by the Mangakahika Stream to its source; thence by the outside boundaries of the Hangawera Block to the Confiscation Boundary; thence along the Confiscation Boundary to a hill called Mangakawa; thence by a straight line to a point called Huirere, on the Piako River; thence by the western bank of the Piako River to a place called Awakeriapaka; and from thence by a straight line to the point of commencement, Hauhaupounamu, on the Waihou River: as the same piece of land is delineated on the plan hereto annexed, coloured red.

New Second Schedule.

ALL that piece or parcel of land situated in the Piako, Hapuakohe, Waihou, and Waitoa Survey Districts, Provincial District of Auckland, and containing approximately 90,000 acres, commencing at a point on the Confiscation Boundary-line known as Maungakawa. Bounded generally towards the North-west by lines, 28504 links, 3336 links, and 30340 links respectively, by the Piako River, and by a line, 55911 links; towards the East generally by the Waihou River; by the Tahanui Block, 1636, 3569, 2642, 8840, 988, 1181, 1150, 1456, 636, 870, 874, 1453, 1584, and 804 links; by Sections Nos. 11, 10, 9, 8, 7, 6, and 5 of Block XI., Waihou Survey District, 3750, 2640, 1710, 13149, and 8650 links; by the Te Kapara Block, 3165 links; by the Te Rangiora Block, 2535 links, and by a line, 220 links; by the Waihou West No. 1B Block, 7000 links; by the eastern boundary of the Waihou West No. 1A Block, 12631 links; again by the Waihou River aforesaid; by the eastern boundary of the last-named block, 1444 links and 7196 links; again by the aforesaid Waihou River; by the Waihou West No. 3, No. 2, and No. 4 Blocks, 7000, 18280, and 5800 links; again by the Waihou River aforesaid, to the northernmost angle of the Thames Borough Endowment; towards the South-west generally by the Thames Borough Endowment aforesaid, 4923, 1364, and 24764 links; by the Koromatua No. 1 Block, 17500 links; by the Koromatua No. 2 Block, 9625 links and 5500 links; and by the Kopuatai No. 6, No. 3, No. 2, and No. 1 Blocks, 35034 links and 27000 links; towards the North-east by the Waitoa River; towards the South-east by the Whakahoro Block, 35545 links; towards the West by the Piako River aforesaid; towards the South by the Maukoro Block, granted to F. Whitaker, 36825 links; towards the North-east generally by said block, 20576 links, 26580 links, and 7439 links; by land granted to A. Willis, 8857 links, 6000 links, 2600 links, and 22800 links, and by the Piako River aforesaid; again towards the South by the Mangakahika River and by the Hangawera Block, 1729 links, 352 links, 1343 links, 2001 links, and 20630 links; and again towards the West by the Confiscation Boundary-line aforesaid, 54414 links, 1620, 745, 699, 2490, 730, 290, 271, 512, 368, 1112, 418, 446, 222, 656, 248, 308, 915, 309, 1208, 978, 290, 1625, 513, 335, 664, 827, 263, 1070, 378, 750, 426, 762, 968, 2920, 2027, 1641, 512, 604, 465, 2519, 647, 390, 687, 1724, 613, 542, and 1072 links respectively to the point of commencement: be all the aforesaid linkages more or less.

THIRD SCHEDULE.

THE Borough of Thames, the Ridings of Hastings, Waiotahi, Kauaeranga, Parawai, Totara, Ohinemuri, in the County of the Thames; the Riding of Te Aroha, in the County of Piako.

FOURTH SCHEDULE.

FORM OF VOTING PAPER FOR SPECIAL LOAN.

PROPOSAL to raise a special loan, upon which a poll will be taken on the day of _____, 188 .

[Insert Notice required by Section 10.]

1. I vote FOR the above proposal.
2. I vote AGAINST the above proposal.