

Hon. Mr. Hall-Jones.

TIMARU HARBOUR DISTRICT AND HARBOUR BOARD.

[LOCAL BILL.]

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Timaru Harbour Board and Waimate Borough Council to each appoint a Commissioner to inquire as to inclusion of Borough of Waimate in the Timaru Harbour District, and the terms, &c., of its inclusion. 3. Colonial Secretary to appoint a Stipendiary Magistrate to act as Chairman of Court of Inquiry, and a Commissioner on default of either body. 4. Powers of Court of Inquiry. 5. Borough of Waimate to be deemed to be included in or excluded from the Timaru</p>	<p>Harbour District, as decided, on decision being gazetted. 6. Power to authorise imposition of differential dues and charges unless Borough of Waimate included. 7. How vacancies in Court of Inquiry to be supplied. 8. Costs of inquiry. 9. Power to Harbour Board to make changes in allocation of contributions on changes in territorial limits or contributing authorities, also in mode of levying rates. 10. Board may borrow money pending raising of loan. Rate of interest. 11. Act to be deemed to be a special Act.</p>
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A BILL INTITULED

AN ACT to provide for the Inclusion of the Borough of Waimate in the Timaru Harbour District, should such Inclusion be found to be just and equitable, and for other Purposes. Title.

5 WHEREAS when the boundaries of the Timaru Harbour District were originally defined the Borough of Waimate was excluded therefrom, and it has since continued to be so excluded, although comprised within the territorial limits of the said harbour district: Preamble.
 10 And whereas it is alleged that the persons resident or carrying on business in the said borough benefit by the Port of Timaru, without contributing anything towards the rates or contributions levied on the harbour district for the payment of charges incurred in consequence of the construction of the harbour-works, and that such immunity from liability is unfair to the ratepayers in the said harbour district; and it is expedient that provision be made for inquiring into the aforesaid matters, and remedying any injustice that may be found to exist: And whereas it is also desirable to make provision for certain other matters hereinafter mentioned:

20 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 District and Harbour Board Act, 1901." Short Title.

Timaru Harbour Board and Waimate Borough Council to each appoint a Commissioner to inquire as to inclusion of Borough of Waimate in the Timaru Harbour District, and the terms, &c., of its inclusion.

2. On receipt of an application in writing from the Chairman of the Timaru Harbour Board, the Colonial Secretary shall require the Timaru Harbour Board and the Council of the Borough of Waimate respectively to each appoint a Commissioner to inquire and determine whether or not it is just and equitable that the Borough of Waimate be included in the Timaru Harbour District; and, if the decision is in the affirmative, then from what date it should be so included, the terms of its inclusion, particularly as to past and future liabilities, and how and by whom the same ought to be borne, the mode and proportion of representation to which it is to be entitled on the said Harbour Board, and any other matters that it may be necessary to inquire into or determine, in order to give due effect to such decision.

Colonial Secretary to appoint a Stipendiary Magistrate to act as Chairman of Court of Inquiry, and a Commissioner on default of either body.

3. The Colonial Secretary shall appoint some Stipendiary Magistrate to sit with the Commissioners aforesaid upon such inquiry, and to act as Chairman, and exercise equal jurisdiction with them in respect of the determination of the matters aforesaid. If either the said Harbour Board or the Council of the Borough of Waimate fails to appoint a Commissioner within one month after being required so to do, the Colonial Secretary shall make the necessary appointment.

Powers of Court of Inquiry.

4. The Commissioners and the said Stipendiary Magistrate shall sit as a Court of Inquiry, and shall have the powers of Commissioners under "The Commissioners' Powers Act, 1867," and any Act amending the same, and may accept, admit, and call for such evidence as in equity and good conscience such Court thinks fit, whether strictly legal evidence or not; and no proceedings in or decision of the said Court shall be removable into any other Court by *certiorari* or otherwise, or be liable to be challenged, appealed against, reviewed, quashed, or called in question by any Court of judicature on any account whatsoever.

The decision of the Commissioners and the said Stipendiary Magistrate, or of the majority of them who act, shall be final and conclusive, and shall be stated in writing signed by the Stipendiary Magistrate as Chairman, and forwarded to the Colonial Secretary.

Borough of Waimate to be deemed to be included in or excluded from the Timaru Harbour District, as decided, on decision being gazetted.

5. On receipt of the written statement of such decision by the Colonial Secretary, he shall cause the same to be published in the *New Zealand Gazette*, and thereupon the said Borough of Waimate shall become and be deemed to be part of the Timaru Harbour District in accordance with the terms of the said decision, or shall continue to be excluded therefrom if the decision be to that effect. In either case the Timaru Harbour District as now existing, or as enlarged by the inclusion of the said borough, shall be deemed to be the Timaru Harbour District referred to in all general and special Acts relating to or affecting the said Board.

Power to authorise imposition of differential dues and charges unless Borough of Waimate included.

6. Should the Commissioners and the said Stipendiary Magistrate, or the majority of them who act, be of opinion for any reason that the Borough of Waimate should not be included within the Timaru Harbour District, but that it is just and equitable that the said Board should have power to impose and levy differential dues and charges on goods consigned to or by persons resident or carrying on business in the Borough of Waimate, and landed or shipped at the Port of Timaru, they shall give their

decision accordingly. Such decision shall be final and conclusive ; and on the same being stated in writing, signed, forwarded, and gazetted as aforesaid, the said Board shall have power to impose and levy differential dues and charges accordingly, and such
5 dues and charges shall be imposed and levied by by-law under "The Harbours Act, 1878."

7. If any vacancy in the membership of such Court of Inquiry shall arise by death, or if in the opinion of the Colonial Secretary any member thereof shall become unfit to act, or be incapacitated from
10 acting, such vacancy shall be supplied or another member shall be appointed in lieu of the member becoming unfit or incapacitated as aforesaid, it shall be supplied in the same manner as the original appointment, and in such case it shall not be necessary to commence the proceedings afresh, but they may be continued from the stage at
15 which the vacancy occurred.

How vacancies in Court of Inquiry to be supplied.

8. The costs of and incidental to such inquiry shall be fixed and determined by the said Court of Inquiry, or the majority of the members thereof, and borne and paid as directed by the decision. In default of payment, the amount thereof may be recovered by the
20 Colonial Secretary from the party in default as a debt due to the Crown, and when received shall be paid as may have been directed by the said Court of Inquiry.

Costs of inquiry.

9. In the case of any alterations heretofore made or that may hereafter be made in the territorial limits, designation, constitution
25 or incorporation of, or of the local authority of, any borough, road district, town district, county, or place situated within the Timaru Harbour District, the said Harbour Board may, as from the date of any such alteration, make such changes in the allocation of the contributions provided for by subsections two and four of section three
30 and other provisions of "The Timaru Harbour Board Empowering Act, 1900," or as to the mode of levying the rates which the Board is now or may hereafter be authorised by law to levy, as may be just.

Power to Harbour Board to make changes in allocation of contributions on changes in territorial limits or contributing authorities also in mode of levying rates.

10. The provisions of section one hundred and ninety-six of "The Harbours Act, 1878," shall apply to the loan or loans autho-
35 rised by and under "The Timaru Harbour Board Loan Act, 1899," with the additional provisions that the powers thereby conferred may be exercised by the Board or the Agents for raising the loan or loans in respect of any portion or portions of the same, pending the raising thereof, and that the rate of interest payable on the moneys borrowed
40 shall not exceed five pounds per centum per annum ; and debentures hypothecated or mortgaged shall not be sold at a price that will produce a higher rate.

Board may borrow money pending raising of loan.

11. This Act shall be deemed to be a special Act within the meaning of "The Harbours Act, 1878"; and all the provisions of
45 that Act as amended, and of the special Acts relating to the said Board, shall apply to this Act, except so far as such provisions may be repugnant to or inconsistent with this Act, and to that extent they shall be deemed to be modified.

Rate of interest.

Act to be deemed to be a special Act.