

Hon. Mr. Carroll.

WAIKOKOPU HARBOUR.

[LOCAL BILL.]

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Act to be read with "The Waikokopu Harbour Act, 1902."</p> <p>3. Incorporation of prior Acts.</p> <p>4. Interpretation.</p> <p>5. Vesting in Board lands included in <i>First</i> Schedule.</p> <p>6. Quarry reserve.</p> <p>7. Power to lease.</p> <p>8. Power to borrow upon debentures.</p> <p>9. Security for debentures.</p> <p>10. Harbour district.</p>	<p>11. Proceedings in certain events when raising loan.</p> <p>12. Levy of rate.</p> <p>13. How rates to be applied. Annual amount leviable. Sinking fund. Wharfage dues, how leviable.</p> <p>14. Certain expenses payable out of loan-moneys.</p> <p>15. Validation of rate levied.</p> <p>16. Appointment of Receiver in case of default.</p> <p>17. Special rate vested in Receiver.</p> <p>18. Disposal of moneys.</p> <p>19. Revesting powers in Board Schedules.</p>
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A BILL INTITULED

AN ACT

- BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
- 5 1. The Short Title of this Act is "The Waikokopu Harbour Act, 1903."
2. This Act shall be read together with "The Waikokopu Harbour Act, 1902."
- 10 3. This Act shall be deemed to be a special Act within the meaning of "The Harbours Act, 1878," and the amendments thereof, all of which Acts are hereby incorporated with this Act.
4. In this Act, if not inconsistent with the context,—
- 15 "Board" means the Waikokopu Harbour Board, as constituted under "The Waikokopu Harbour Act, 1902";
- "Chairman" means the Chairman of the Board;
- "Harbour district" or "district" means the harbour district established under this Act;
- "The said Act" means "The Harbours Act, 1878."
- 20 5. The Governor in Council, in the name and on behalf of His Majesty, may issue a grant to the Board of the lands described in the *First* Schedule hereto in trust for harbour purposes; and the Board, after the issue of such grant, shall have authority to reclaim the same from the sea. The provisions of the said Act shall apply
- 25 to the grant of lands to be made hereunder as if such grant has been made under powers contained in the said Act.

Quarry reserve.	6. The parcels of land described in the <i>Second</i> Schedule hereto are hereby set apart as a quarry reserve and as an endowment for the Waikokopu Harbour Board for the purposes of this Act: Provided always that such portions of the lands not required as a quarry for public purposes shall only be disposed of by lease as provided for in this Act. The Board shall have sole control of the quarry reserve and full power to work the same. 5
Power to lease.	7. The Board may let any lands vested in it, or any part thereof, 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, to take effect from the time of the execution thereof. 10
Power to borrow upon debentures.	8. It shall be lawful from time to time for the Board to borrow upon debentures, for a period not exceeding thirty years, a sum not exceeding twelve thousand pounds as the said Board may require for the construction of such a breakwater, pier, or such other harbour-works at or near Waikokopu as may first be approved by the Minister. 15
Security for debentures.	9. The said debentures, together with interest, shall be secured on the lands and hereditaments described in the <i>Second</i> Schedule hereto and the proceeds thereof, upon the rents, profits, and dues chargeable and receivable by the said Board as harbour or other dues or in respect of the said land and harbour-works, and upon the rates hereinafter mentioned by virtue of this Act to be made and levied. 20
Harbour district.	10. A harbour district is hereby constituted for the purposes of this Act, and such district shall comprise the lands specifically described in the <i>Third</i> Schedule hereto. 25
Proceedings in certain events when raising loan.	11. The Minister may authorise the raising of the loan by certificate under his hand, but if he shall be of opinion that it would be desirable to submit the matter to the ratepayers of the harbour district then and in such case— 30 <ul style="list-style-type: none"> (a.) The particular work proposed to be undertaken; (b.) The sum proposed to be borrowed for such purpose; (c.) Any special rate or tolls or the rents and profits of any property which it is proposed to pledge as security for such loan,— 35
Levy of rate.	shall be submitted to the ratepayers by the Board in such manner as the Governor in Council by regulation may prescribe. 12. If the Minister shall certify that the loan may be raised, or if after submission of the matter to the ratepayers an absolute majority of the votes exercisable within the harbour district shall be given in approval of the proposals submitted to them, then the Board shall make and levy a rate not exceeding one penny in the pound upon all rateable property in the harbour district. 40
How rates to be applied.	13. The proceeds of such rate shall be applied towards payment of the annual charges to accrue in respect of any loans to be raised under this Act. 45
Annual amount leviable.	The amount to be levied by the Board in each year shall not exceed such amount as is required to provide for the payment of interest on the aggregate amount for which debentures shall at that time be issued, and in addition one pound per centum per annum on such aggregate amount, to be appropriated for the purposes of a 50

sinking fund, after taking into account whatever sum of money may be available from the revenue of the Board for the previous year for payment of interest and sinking fund on the loan hereby authorised to be made. inking fund.

5 And whereas some portions of the harbour district are not directly benefited by the harbour-works proposed to be constructed at Waikokopu, the Board is required, so long as any loan-moneys remain unpaid, to levy wharfage dues at rates from time to time to be approved by the Minister, so that those who use the harbour and
10 wharves shall contribute equitably towards the payment of interest upon loan-moneys raised. Wharfage dues,
how leviable.

14. It shall be lawful for the Board and it is hereby empowered to defray the expenses of the promotion of this Bill and the first year's interest upon any loan which may be raised hereunder out of
15 loan-moneys. Certain expenses
payable out of
loan-moneys.

15. No rate 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. Validation of rate
levied.

20 16. When and so often as the Board shall fail to pay at the proper time and place for so paying any sum either of principal or interest which it ought to pay under this Act, then immediately or at any time thereafter any person to whom such sum is owing may apply *ex parte* by petition in a summary way to a Judge of the
25 Supreme Court for relief under this Act, and the Judge may, if satisfied of the truth of the matters alleged in such petition, appoint upon such terms as to security and remuneration as he shall think fit a Receiver of the rate liable for the payment of such sum. Appointment of
Receiver in case of
default.

17. The before-mentioned special rate shall, from the date of
30 the order, and upon its being publicly notified by the Receiver, vest in the Receiver, and shall cease to be vested in the Board. Special rate vested
in Receiver.

18. All moneys received by the Receiver shall be applied— Disposal of moneys.
(a.) In payment of the expenses of the application and order;
(b.) In payment of the Receiver's remuneration, fixed as aforesaid, and his reasonable and necessary expenses;
35 (c.) In payment *pro rata* of the sums then overdue by the Board which are secured by the said rate; and
(d.) The residue, after payment of the above, to the Board;
and the Receiver shall account for all such moneys in such manner as
40 the Judge directs.

19. When all the sums then overdue are paid, or at any time by an order of a Judge of the Supreme Court, on the application of the Board, if such Judge shall think fit to make such order, the powers of the Receiver shall cease, and he shall forthwith pay any moneys in
45 his hands to the Board, who shall again be capable of exercising the powers of which the appointment of the Receiver had deprived them. Revesting powers
in Board.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that portion of land, not yet defined by survey or estimation, lying between high- and low-water mark of the ocean, and extending along the eastern, southern, and western boundaries of all that portion of Block No. 3 and the whole of Block No. 1, Waikokopu Block, Block X., Nuhaka Survey District, more particularly described in the *Second* Schedule hereto, commencing at the Waikokopu Harbour Reserve on the east and terminating in line with the western boundary extended, together with all islands and jutting rocks within these limits and adjacent thereto.

SECOND SCHEDULE.

ALL that portion of Block No. 3, Waikokopu Block, in the Nuhaka Crown Grant District, Block X., Nuhaka Survey District, Land District of Hawke's Bay, containing 5 acres 3 roods. Bounded as follows: Commencing at the south-west corner, bounded towards the north-west by other part of the said Block No. 3, by a line running north-easterly, 2030 links; towards the north by the said Block No. 3, by a line due east, 240 links, to high-water mark (the northernmost point of the Waikokopu Harbour Reserve, as given in the *New Zealand Gazette* No. 8, page 342, dated the 5th February, 1903); and towards the south-east and south-west by the said reserve to the point of commencement.

Also all that portion of Block No. 3 and the whole of Block No. 1, Waikokopu Block, in the Nuhaka Crown Grant District, Block X., Nuhaka Survey District, containing 45 acres 3 roods. Bounded as follows: Commencing near the north-east corner of Block No. 1, at a point on the coast due east of peg marked II.; thence towards the east, south, and west by the ocean at high-water mark to a bight in Onepoto Bay; thence towards the west by another part of the said Block No. 3 and a public road, by lines running north-easterly 950 and 240 links respectively; thence towards the north-west by Block No. 2, by lines running north-easterly 154.5 and 213.9 links respectively; and towards the north by the Waikokopu Harbour Reserve to the point of commencement.

THIRD SCHEDULE.

ALL that portion of the Waikaremoana Riding (in the County of Wairoa, Land District of Hawke's Bay) lying eastward of the boundary of the Town District of Clyde, as the same is described in the Third Schedule of the Wairoa Harbour Board Empowering and Loan Act, No. 26, page 404 of the *New Zealand Statutes*, 1898. Bounded on the north-east by the Cook County to Paritu; and on the east, south, and west by the Pacific Ocean and Hawke's Bay to the mouth of the Tahaenui River; and on the west by the above-named Town District of Clyde to the point of commencement.