

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

Mr. Graham.

WAIROA HARBOUR ENDOWMENT AND BORROWING.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Endowment.</p> <p>3. Power to lease lands.</p> <p>4. Borrowing powers.</p> <p>5. Security of debentures.</p> <p>6. Harbour district constituted.</p> <p>7. Consent of ratepayers to be obtained before loan is raised.</p> <p>8. Chairman to call meeting of ratepayers to consider proposal to borrow.</p> <p>9. As to number of votes for each ratepayer.</p> <p>10. When resolution deemed to be carried. Chairman to declare numbers polled.</p>	<p>11. Board shall levy rate.</p> <p>12. Application of rate.</p> <p>13. Proportion of rate.</p> <p>14. Board to have powers of local body for levying rate.</p> <p>15. No rate to be quashed.</p> <p>16. Creditor of Board may apply to Supreme Court for appointment of Receiver.</p> <p>17. Special rate to vest in Receiver.</p> <p>18. Powers of Board exercisable by Receiver.</p> <p>19. Moneys collected by Receiver, how applied.</p> <p>20. When Receiver's powers cease.</p> <p>21. Board shall have power to levy a special rate. Schedule.</p>
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A BILL INTITULED

AN ACT to vest certain Lands as an Endowment for the Wairoa Harbour, and to empower the Harbour Board to borrow Money for the Improvement of the said Harbour. Title.

5 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 Wairoa Harbour Endowment and Borrowing Act, 1887." Short Title.

10 2. The lands described in the Schedule hereto are hereby set aside as an endowment for the Wairoa Harbour Board, constituted under "The Wairoa Harbour Board Act, 1878" (hereinafter referred to as "the Board"). Endowment.

15 3. The Board may let any 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 thirty years, to take effect from the time of the execution thereof. Power to lease lands.

20 4. 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 ten thousand pounds, at a rate not exceeding six per centum per annum, as the Board may require for the construction of certain harbour-improvement works at and within the entrance of the said harbour, to be hereafter determined upon: Provided always that such works shall only be carried out in accordance with section four of "The Harbours Act 1878 Amendment Act, 1883," or by the authority of a special Act to be passed for the purpose. Borrowing powers.

Security of debentures.

5. The said debentures, together with interest, shall be secured on the lands and hereditaments described in the Schedule hereto and the proceeds thereof, upon the rents, dues, and profits chargeable and receivable by the said Board as harbour or other dues or in respect of the said lands and harbour works, and upon the rates hereinafter mentioned by virtue of this Act to be made and levied. 5

Harbour district constituted.

6. A harbour district is hereby constituted for the purposes of this Act, and such district shall comprise the whole of the Clyde and Waikaremoana Ridings, in the Wairoa County.

Consent of rate-payers to be obtained before loan is raised.

7. Before the loan authorised by this Act is raised, the consent of the ratepayers in the harbour district shall first be obtained in the mode hereinafter prescribed: 10

A notice shall be published in a newspaper circulating in the district, and shall specify the time and place in each riding at which meetings are to be held to consider a proposal to raise such special loan or any part thereof, and the following particulars, namely,— 15

- (1.) The particular work proposed to be undertaken;
- (2.) The sum proposed to be borrowed for such purpose;
- (3.) Any special rate or the rents and profits of any property which it is proposed to pledge as security for such loan, not being moneys received by way of grant from the General Government, or appropriated to any special purpose. 20

Chairman to call meeting of rate-payers to be considered proposal to borrow.

8. The Chairman of the Harbour Board shall call meetings of the ratepayers of such harbour district, to be held at Clyde and Frasertown respectively, upon a day not more than ten days after the last publication of such notice, to consider the said proposal; and shall appoint one of the members of the Town Board or County Council to preside at such meeting, or, in default, such other person as the Chairman thinks fit; and such member or person shall be called the Presiding Officer. 25 30

After due consideration and discussion of the proposal the Presiding Officer shall give notice that a poll will be taken.

The poll shall be taken as follows:—

- (1.) The Chairman shall publish a notice setting forth the day, not less than one nor more than three weeks from the day of the said meeting, on which the poll will be taken: 35
- (2.) The Chairman shall give notice in writing to the Presiding Officer, requiring him to take the poll upon the day appointed: 40
- (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: 45
- (4.) The voting-papers shall contain the particulars required by section seven of this Act, and shall have attached thereto the words, "I vote for the above proposal" and "I vote against the above proposal," legibly printed at the foot of each voting-paper: 50
- (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 unerased:

(6.) A separate poll of the ratepayers of each riding in the said harbour district shall be taken at Clyde and Frasertown respectively, and each voter shall have and may exercise as many votes as he has and may exercise at any election of the members of the Wairoa County Council or Clyde Town District Board respectively.

9. Every ratepayer within the said harbour district shall be entitled to vote according to the following scale, that is to say,—

As to number of votes for each ratepayer.

(1.) If his rateable property is valued on any valuation-roll at not more than one thousand pounds, he shall have one vote :

(2.) If such property is so valued at more than one thousand pounds, but not more than two thousand pounds, he shall have two votes :

(3.) If such property is so valued at more than two thousand pounds, but not more than three thousand pounds, he shall have three votes :

(4.) If such property is so valued at more than three thousand pounds, but not more than seven thousand five hundred pounds, he shall have four votes :

(5.) If such property is valued at more than seven thousand five hundred pounds, he shall have five votes.

10. If the number of votes given for the proposal represent an absolute majority of the votes exercised at the poll, 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 not such a majority in favour of the proposal, the resolution shall be deemed to be rejected, and the Board shall not so proceed.

When resolution deemed to be carried. Chairman to declare numbers polled.

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.

11. The Board, after the passing of this Act, shall, if the resolution in favour of the proposal be carried as aforesaid, make and levy a rate in the proportions in the different parts of the district hereinafter mentioned, not exceeding one penny in the pound upon all rateable property in the said harbour district.

Board shall levy rate.

12. 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.

Application of rate.

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 purpose of a 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.

13. The rate to be levied under this Act on the rateable property in the Town District of Clyde shall be double the rate to be levied on

Proportion of rate.

the rateable property in the other portion of the Clyde Riding, and of so much of the Waikaremoana Riding as extends from the boundary of the Clyde Riding to the Nuhaka River and a straight line from its source to the nearest point in the northern boundary of the Wairoa County, and shall be treble the rate to be levied on the rateable property in the remaining portion of the Waikaremoana Riding lying to the eastward of the Nuhaka River and extending to the boundary of the Cook County. 5

Board to have powers of local body for levying rate.

14. For the purpose of making, levying, and recovering the herein-abovementioned rates, the Board shall have and may exercise all the powers of making, levying, or recovering rates in each town district and in each riding or part of riding within the said harbour district which any local body having rating-powers within such town district or riding has or may have under the law for the time being in force regulating the recovery of rates therein respectively. 10 15

No rate to be quashed.

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. 15

Creditor of Board may apply to Supreme Court for appointment of Receiver.

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 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. 20 25

Special rate to vest in Receiver.

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

Powers of Board exercisable by Receiver.

18. All powers for the recovery of such rates shall, after the appointment of the Receiver, and upon its being publicly notified, cease to be exercised by the Board, and shall be exercised by the Receiver. 35

Moneys collected by Receiver, how applied.

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

When Receiver's powers cease.

20. When all the sums then overdue are paid, or at any time by an order of the 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 money in his hands to the Board, who shall again be capable of exercising the powers of which the appointment of the Receiver had deprived them. 45 50

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21. The Board shall also have power to make and levy a special rate, in the proportions in the different parts of the district herein-before mentioned, not exceeding one-sixteenth of one penny in the pound upon all rateable property in the said harbour district, for the purpose of raising funds wherewith to pay for opening a navigable channel through the sandspit at the mouth of the Wairoa River, whenever it becomes necessary so to do by reason of the mouth of the said river being completely silted up, and for other general purposes connected therewith. The rating district for the purpose of this clause shall comprise the whole of the Clyde Riding, and so much of the Waikaremoana Riding as lies to the westward of the Nuhaka River and a straight line from its source to the nearest point in the northern boundary of the Wairoa County.

Board shall have power to levy a special rate.

SCHEDULE.

Schedule.

1. All that parcel of land situate in the County of Cook, Provincial District of Auckland, known as the Tauwharetoi Block, 50,389 acres in extent, the boundary of which commences at a point where the northern boundary of the Tauwharetoi Native Reserve No. 4 strikes the Ruakituri River; thence followings up the Ruakituri River to the point where the eastern boundary of the Tuahu Block Native Reserve 5250 commences; thence followings the said boundary-line and the boundary-line of the Tuahu Run to near the head of the Makokomuka Stream; thence to a point where the north-east boundary strikes by a line to and along the Kawaimango and Pomui Streams to the Hangaroa River; thence followings down the said Hangaroa River to the northern boundary-line of Tauwharetoi Native Reserve aforesaid No. 1; thence by the said boundary-line follows the northern and western boundaries of the said Reserve to the Hangaroa River aforesaid; thence follows that river to Tauwharetoi Native Reserve No. 4, and along the said Native Reserve No. 4 to the starting-point on the Ruakituri River: as the same is more particularly delineated on the official plans of the Survey Department.

2. All that parcel of land containing by admeasurement 6 acres 2 roods 20 perches, more or less, being known as the Pilot Reserve, situate on the south-west side of the entrance to the Wairoa River, in the County of Wairoa and Clyde Survey District. Bounded towards the north by a public road, 170 links, 206 links, and 35 links; towards the east by the Tawhara Stream; towards the south-east by the Wairoa River and by the sea; towards the south by a line bearing 280° 56' (true), about 300 326 links; towards the west by a public road, 580½ links and 489 links; and again towards the north and west by a reserve for Toha (Native chief of the Wairoa), Section No. 2, Block V., Clyde Survey District, 367 links and 534 links respectively: be all the aforesaid linkages more or less.

3. All that parcel or strip of land situate in the County of Wairoa and Clyde Survey District, being the foreshore, on the south side, of the Wairoa River adjoining the Clyde Town District, extending from the bend of the river known as Lockwood's Point (the north-west extremity of the Clyde Town District) to the entrance of the said river, and comprising all the land between low-water mark, spring-tides, and the river-side edge of the roads in the Clyde Town District aforesaid known as Marine Parade and Kopu Road respectively, allowing 1 chain as the width of the said roads from end to end. Also the foreshore outside the entrance of the said Wairoa River for one mile and one-half of a mile on each side of the Western Bluff at the said entrance.