



JETTIES AND WHARVES ORDINANCE AMENDMENT ORDINANCE, 1864.

THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

SESSION XIX., No. 171.

ANALYSIS :

<p>Title.</p> <p>Preamble.</p> <p>1. Superintendent empowered to let jetty dues by auction.</p> <p>2. To be conducted according to rules to be made by the Superintendent.</p> <p>3. If dues not let by auction a private tender may be accepted.</p> <p>4. Reserving biddings and limiting leases.</p> <p>5. Lessees or persons appointed by them may</p>	<p>occupy jetty premises.</p> <p>6. Lessees of jetty dues and wharfages may appoint persons to receive the same, who shall be subject to the like penalties as the jetty-keepers appointed by the Superintendent.</p> <p>7. Application of rents.</p> <p>8. Superintendent to act with advice and consent of Executive Council.</p> <p>9. Short title.</p>
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AN ORDINANCE to Amend the "*Jetties and Wharves Ordinance*, Title.
1858." [12th NOVEMBER, 1864.]

WHEREAS by an Ordinance of the Superintendent and Provincial Council of the Province of Otago intituled the "*Jetties and Wharves Ordinance 1858*" it is enacted that the management of all jetties and wharves shall be vested in and carried on by the Superintendent with the advice and consent of his Executive Council and that it shall be lawful for the said Superintendent with such advice and consent to levy such tolls dues and wharfages as the Superintendent with the advice and consent of his Executive Council shall from time to time think fit : And whereas it is expedient that the Superintendent of Otago should be empowered to let the tolls and dues authorised to be levied under the said recited Ordinance :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago by and with the advice and consent of the Provincial Council thereof as follows :—

Superintendent empowered to let jetty dues by auction.

I. It shall be lawful for the Superintendent of the Province of Otago to let the tolls dues and wharfages of all jetties and wharves the management of which by the said recited Ordinance is vested in him in the manner hereinafter mentioned that is to say the Superintendent of the said Province of Otago shall cause notice to be given of the time and place for letting the same at least one calendar month before the day to be appointed for that purpose in such manner as he shall think fit specifying in such notice the scale of tolls dues and wharfages authorised to be charged during the term for which the said dues shall be let and when practicable the sum which the said tolls dues and wharfages produced in the preceding year clear of the expense of collecting the same and stating that such tolls dues and wharfages will be let by auction to the highest bidder on his finding sufficient sureties for the payment of the money monthly or otherwise as in such notice shall be specified.

To be conducted according to rules to be made by the Superintendent.

II. To prevent any undue preference in the letting thereof the said Superintendent shall direct all such auctions to be conducted according to rules fitted to secure that end to be made by him and the last bidder shall be the farmer or renter of the said tolls dues and wharfages and shall forthwith enter into an agreement for the taking thereof and paying the money at the time stipulated and with such surety or sureties for the payment thereof and under such conditions and in such manner as the said Superintendent shall think fit and if the person being the last bidder shall not forthwith enter into such agreement it shall be lawful to put up the said tolls dues and wharfages again immediately for another bidder and in like manner to continue to put up the same until a bidder shall be found who shall enter into such agreement.

If dues not let by auction a private tender may be accepted.

III. In case the said tolls dues and wharfages shall not be let by auction it shall be lawful for the said Superintendent to accept a private tender for the same or to demise or let all or any of such tolls dues and wharfages at any sum which he may deem reasonable or the said Superintendent may appoint a Collector of such tolls and wharfages as he shall judge most proper upon giving notice in all cases as aforesaid.

Reserving biddings and limiting leases.

IV. At all such lettings the Superintendent shall be entitled by his agent to make one bid for the tolls dues and wharfages to be let by him to the intent that such dues may not be let for less than their adequate value and the auctioneer shall declare at the commencement of the auction whether the Superintendent has appointed an agent for the purpose of making such bid and no such tolls dues or wharfages shall be demised or let for any longer period than one year at any one time.

Lessees or persons appointed by them may occupy jetty premises.

V. During such time as the tolls dues and wharfages shall be leased demised or let to any person whomsoever it shall and may be lawful to and for the lessee or farmer thereof or such other per

son as he shall authorise or appoint to occupy and enjoy the jetty office and other buildings if any at which the tolls or dues so let are to be collected with all the appurtenances and conveniences thereunto belonging for the purpose of collecting such tolls and dues during so long a time as such lessee or farmer shall duly and regularly pay his rent and perform the covenants conditions and agreements of such lease demise or letting but no longer.

VI. During the time that the tolls dues and wharfages or any part thereof shall be leased to any person it shall be lawful for the lessee or farmer thereof or such other person as he shall by writing under his hand authorise or appoint to demand and take such tolls dues and wharfages so leased or farmed and to use all such means and methods for the recovery thereof in case of non-payment or evasion as any jetty keeper or collector of such tolls dues and wharfages would have been authorised and empowered to use under any rules or regulations made by virtue of the said recited Ordinance and such lessee or other person as aforesaid so demanding and taking such tolls dues and wharfages shall be subject to the rules and regulations made by and under the said recited Ordinance for the management and conduct of the said jetties and wharves.

Lessees of jetty dues and wharfages may appoint persons to receive the same, who shall be subject to the like penalties as the jetty-keepers appointed by the Superintendent.

VII. The tolls dues and wharfages by the said recited Ordinance authorised to be collected unless the same shall be let and if the same be let then the rents payable in respect of such tolls dues and wharfages by the lessees thereof shall be respectively accounted for and paid to the Provincial Treasurer and shall be applicable to the making repairing and maintaining of any public jetties or wharves the management and control of which is by the said recited Ordinance vested in the Superintendent of Otago and to the maintaining and repairing the works connected with such jetties and to the defraying any other expenses incurred in and about the management of such jetties and wharves.

Application of rents.

VIII. The Superintendent in the carrying out of the provisions of this Ordinance shall act with the advice and consent of his Executive Council.

Superintendent to act with advice and consent of Executive Council.

IX. This Ordinance may be referred to and cited as the "Jetties and Wharves Ordinance Amendment Ordinance 1864."

Short title.