



NEW RIVER HARBOUR BOARD ORDINANCE 1874.

IN THE THIRTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXXIII. No. 429.

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An Ordinance for the constitution of a Harbour Board ^{Title.}
for the Port of New River in the Province of Otago.

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 15TH JUNE, 1874.]

WHEREAS it is expedient to provide for the constitution of a Harbour ^{Preamble.}
Board for the Port of New River in the Province of Otago pur-
suant to the power in that behalf conferred by "The Harbour Boards Act
1870:"

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:—

1. This Ordinance shall be termed and may be cited and referred to ^{Short Title.}
as the "New River Harbour Board Ordinance 1874."

Interpretation.

2. The following words and expressions in this Ordinance shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction that is to say :—

The word “person” shall include Corporation whether sole or aggregate.

The words “Board” and “the Board” shall mean the New River Harbour Board.

The words “the said Ordinance” shall mean the “Otago Municipal Corporations Ordinance 1865.”

The word “lands” shall include messuages lands tenements and hereditaments.

The word “Superintendent” shall mean the Superintendent for the time being of the Province of Otago.

Harbor Board of New River constituted.

3. There shall be and there is hereby constituted and appointed a Harbour Board for the Port of New River in the Province of Otago under the authority of “The Harbour Boards Act 1870” and the limits of the said Port shall be those which have been or may be defined under “The Marine Act 1867.”

Name of Board.

4. The name of the Board shall be the New River Harbour Board and the number of Members of which the Board shall consist shall be nine.

Qualification of Members of Board.

5. No person shall be qualified to be elected a member of the Board unless he be enrolled on the citizens’ roll prepared and kept for the Corporation of Invercargill under the “Otago Municipal Corporations Ordinance 1865” or any other Act or Ordinance regulating the election of Municipal Councillors for the said Corporation of Invercargill.

Appointment of Board.

6. At the first meeting of the Council of the Corporation of Invercargill in each year after the election of Mayor and Councillors the Council shall appoint nine of their number of whom the Mayor shall be one as members of the Board and the said members so appointed shall continue in office on the Board for one year.

Disqualifications of Members.

7. The disqualifications for holding office specified in the “Otago Municipal Corporations Ordinance 1865” shall be disqualifications for being appointed or continuing a member of the Board and in the event of any vacancy occurring in the Board the Council of the said Corporation shall on notification thereof appoint another member to fill the vacancy until the end of the then current year.

Election of President.

8. Until a by-law to the contrary shall be passed by the Board the Mayor or in his absence such member as the members of the Board assembled shall choose to be a chairman shall preside at the meetings of the Board and such presiding chairman in all cases of equality shall have a casting vote only. No business shall be transacted unless five members are present.

First Meeting of Board.

9. On the first Tuesday after their appointment at three o’clock in the afternoon the members of the Board shall hold their first meeting within the Council Chamber at Invercargill and in the event of five members not

being present the meeting shall stand adjourned to the following day at the same hour and so on till a quorum be present.

10. The Board may enter into contracts with any person for the execution of any works directed or authorised by this or any other Ordinance or Act to be done by the Board or for furnishing materials or for any other things necessary for the purposes of this Ordinance and every such contract for the execution of any work shall be in writing and shall specify the work to be done and the materials to be furnished and the price to be paid for the same and the time or times within which the work is to be completed and the penalties to be suffered in case of non-performance thereof and the power hereby granted to the Board to enter into contracts may lawfully be exercised as follows that is to say :—

Board may enter into Contracts.

Any contract which if made between private persons would be by law required to be in writing and under seal the Board may make in writing and under the common seal of the Board and in the same manner may vary or discharge the same.

Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith the Board may make in writing signed by the members thereof or any two of their number acting by the direction and on behalf of the Board and in the same manner may vary or discharge the same.

Any contract which if made between private persons would be by law valid although made by parol only and not reduced into writing the members of the Board or any two of them acting by the direction and on behalf of the Board may make by parol only without writing and in the same manner may vary or discharge the same: provided that any agreement made by parol only shall not be valid for any sum exceeding ten pounds.

11. The Town Clerk of the Corporation of Invercargill for the time being shall be the Clerk of the Board and the Board may from time to time appoint and employ a treasurer engineer surveyor collectors and all such other officers to assist in the execution of this Ordinance as it shall think proper and necessary and from time to time remove any of such officers and appoint others in the room of such as shall be so removed or as may die resign or discontinue their offices and may out of the funds of the Board pay such salaries and allowances to the said officers respectively as the Board shall think reasonable and any two or more of the said offices may be held by the same person.

Appointment of Clerk and other Officers.

12. The Board may from time to time make such by-laws as it may think fit for regulating the manner in which and times at which its meetings shall be called and held its place of meeting and the manner and person by whom its meetings shall be presided over for fixing the number of its members required to be present at the meetings for the exercise and performance of its powers and duties the appointment remuneration and duties of its officers and generally for regulating the conduct of its business and proceedings and the mode in which such by-laws shall be made.

Power to make By-laws.

13. All moneys of the Board amounting to five pounds and upwards shall within thirty days after they shall have come to the hands of the proper officer of the Board be paid into such Bank as the Board shall from time to time appoint for that purpose and no such money shall be drawn

Moneys to be paid into Bank and mode of drawing cheques.

out of such bank save by cheques signed by the Chairman of the Board and countersigned by the Treasurer of the Board or by such other person as the Board may appoint.

Officer exacting fees unlawfully liable to a penalty of £50.

14. Every officer employed by the Board who shall exact or accept on account of anything done by virtue of his office or in relation to the matters to be done under this Ordinance any fee or reward whatsoever other than the salary or allowance allowed by the Board or who shall be in anywise concerned or interested in any bargain or contract made by the Board shall be liable to a penalty of not exceeding fifty pounds.

Officer to find security

15. Before any officer entrusted by the Board with the custody or control of moneys by virtue of his office shall enter upon such office the Board shall take sufficient security from him for the faithful execution thereof.

Duties of Collector.

16. Every collector appointed or employed by the Board by virtue of this Ordinance to collect any rates tolls or dues shall within seven days after he shall have received any moneys on account of any such rates tolls or dues pay over the same to the treasurer to the account of the Board and the receipt of such treasurer for the moneys so paid shall be a sufficient discharge to the collector and every such collector shall in such time and in such manner as the Board shall direct deliver to the Board true and perfect accounts in writing under his hand of all moneys received by him and of all moneys paid by him to the said treasurer by virtue of this Ordinance and also a list of the names of all persons who have neglected or refused to pay any rate or money owing to the Board with a statement of the moneys due from them respectively and in respect of what several periods and rates the same are due respectively and every such collector shall when required by the Board so to do deliver such a list embracing the particulars brought down to the day of his delivering such list.

Officer to account when called upon.

17. Every officer appointed or employed by the Board by virtue of this Ordinance shall from time to time when required by the Board make out and deliver to it or to any person appointed by it for that purpose a true and perfect account in writing under his hand of all moneys received by him on behalf of the Board and such account shall state how and to whom and for what purpose such moneys have been disposed of and together with such account such officer shall deliver the vouchers and receipts for such payments and every such officer shall pay to the Board or to any person appointed by it to receive the same all moneys which shall appear to be owing from him upon the balance of such accounts.

Officer failing to account liable to a penalty not exceeding £100.

18. If any such officer fail to render such accounts as aforesaid or to produce and deliver up the vouchers and receipts relating to the same in his possession or power or to pay the balance thereof when thereunto required or if for five days after being thereunto required any officer of the Board fail to deliver up to the Board or to any person appointed by it to receive the same all papers and writings property matters and things in his possession or power relating to the execution of this Ordinance or belonging to the Board he shall be liable to a penalty of not exceeding one hundred pounds.

Remedy against surety preserved.

19. No such proceeding against or dealing with any officer as aforesaid shall deprive the Board of any remedy which it might otherwise have against any surety of such officer.

Books to be provided and open for in-

20. The Board shall cause books to be provided and kept in such form (if any) as shall from time to time be appointed by the Superintendent to

be used by Harbour Boards and true and regular accounts to be entered therein of all sums received and paid for and on account of this Ordinance and of the several purposes for which such sums of money shall have been received and paid which books shall at all reasonable times be open to the inspection of any of the members of the Board or persons enrolled on the citizens' roll and any creditor of the body corporate without fee or reward and the members of the Board and persons aforesaid or any of them may take copies of or extracts from the said books without paying anything for the same and any clerk or other person having the custody of the said books who shall not on any such reasonable demand of any such member of the Board ratepayer or creditor as aforesaid permit him to inspect the said books or to take such copies or extracts as aforesaid shall be liable to a penalty of five pounds for every such offence.

21. The Board shall cause its accounts to be balanced in each year to a period of not less than one month before the annual general meeting at which they are to be produced as hereinafter mentioned and twenty-one days at least before such meeting the Board shall cause a full and true statement and account to be drawn out of the amount of all contracts entered into and of all moneys received and expended by virtue of this Ordinance during the preceding year and of all available assets and of all debts then owing by the Board and such statement and account shall be laid before the auditor of the Corporation accounts who is hereby required to attend at the office of the Board as soon as conveniently may be after the balancing of the said accounts and drawing out of the said statement and account and who shall in the presence of the Clerk of the Board if he desire to be present proceed to audit the accounts of the year preceding such balancing and the Board shall by its Clerk produce and lay before the auditor the accounts so balanced as aforesaid together with the said statement and account accompanied with proper vouchers in support of the same and all books papers and writings in the custody or power of the Board relating thereto and any person interested in the said accounts either as a creditor of the Board or as a person enrolled as aforesaid may be present at the audit of the said accounts by himself or his agents and may make any objection to any part of such accounts and if the said accounts of the Board be found correct such auditor shall sign the same in token of his allowance thereof but if such auditor thinks there is just cause to disapprove any part of the said accounts he may disallow any such parts of the said accounts as shall be disapproved.

Accounts to be balanced and audited.

22. The Board shall cause such statement and account to be fairly copied or printed and shall allow such statement and account to remain for inspection at the office of the Board and every creditor of the Board and every person enrolled as aforesaid or paying any rate toll or dues or any person acting on behalf of any such creditor or other person may at all reasonable times inspect such statement and account and compare the same with the books and documents relating thereto in the possession of the Board and the Clerk shall on demand furnish a written or printed copy of the said statements and accounts to every such creditor and other person without fee if printed and if written upon reasonable payment to be fixed by the Board not exceeding fourpence per folio of seventy-two words and fourteen days at the least before the meeting for examining and settling the said accounts as hereinafter mentioned the Board shall give public notice of such intended meeting stating in such notice that the said statement and account are printed and lie at the office of the Board ready for the inspection of the creditors and ratepayers or other parties interested.

Statement and account to be open for inspection.

23. The accounts of the Board so balanced as aforesaid and audited and either allowed or disallowed by the auditor as aforesaid together with

Accounts when audited to be produced at annual meeting.

the said statement and account shall be produced at the annual meeting of the Board or at some adjournment thereof at which meeting all such creditors and other persons interested as aforesaid may be present and the accounts shall be then finally examined and settled by the Board and if the same be found just and true they shall be allowed by the Board and certified accordingly under the hand of the chairman of such meeting and after such accounts have been so allowed and signed by such chairman and also by the auditor as hereinbefore provided the same shall be final in regard to all persons whomsoever.

Abstract of account to be published.

24. The Board shall every year cause an annual account in abstract to be prepared showing the total receipt and expenditure of all funds levied by virtue of this Ordinance for the year ending on the day down to which their accounts shall have been made up for the said annual meeting or on some other convenient day in each year under the several distinct heads of receipt and expenditure with a statement of the balance of such account duly audited and certified by the Chairman of the Board and also by the auditor of the Corporation and shall cause the same to be published in some newspaper generally circulated within the district and shall also within one month after such account shall have been audited send a copy of the said account free of charge to the Superintendent who shall cause the same to be forwarded to the Provincial Council within ten days after the commencement of its next Session.

Superintendent authorised to vest reserves in Board.

25. The Superintendent is hereby authorised by deed under his hand and sealed with the seal of the Province to vest in the Board any lands which already have been reserved or may hereafter be reserved and are or shall be granted to the Superintendent in trust for the endowment of or for purposes of public utility for the said Port or Harbour of New River subject nevertheless to any contracts leases mortgages and other charges and debts for the time being affecting such lands.

Board may lease reserves.

26. It shall be lawful for the Board to lease the said lands at such rents issues and profits as it may deem expedient and upon such terms and conditions as the Board shall determine so that such leases be for any term not exceeding twenty-one years to take effect from the time of the execution thereof.

Appropriation of rents of reserves.

27. All moneys received by the Board for the rents issues and profits of the said lands shall be managed by the Board and shall be applied and disposed of in the same manner as the moneys which may be raised by the Board are by this Ordinance to be applied and disposed of.

Board may provide dredges for deepening harbour and erect wharf.

28. The Board may provide such dredges or other machines as may be necessary to enable it to improve the Harbour of New River by obtaining an increased depth of water and work the same and may also erect construct maintain and repair any wharf pier or jetty and furnish all proper appliances for the same which the Board may deem necessary for the accommodation of the trade or shipping there.

DUNEDIN, NEW ZEALAND:

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