



OTAGO HARBOUR BOARD ORDINANCE 1874.

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

SESSION XXXIII. No. 422.

ANALYSIS.

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An Ordinance to constitute a Harbour Board for the Title.
Otago Harbour 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 Otago Harbour in the Province of Otago pursuant to
the power in that behalf conferred by "The Harbour Boards Act 1870" and

pursuant to every other power enabling the Superintendent and Provincial Council of Otago in that behalf :

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 :—

Short Title.

1. This Ordinance shall be termed and may for all purposes be cited and referred to as the “ Otago 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 word “ Board ” and the words “ the said Board ” shall mean the “ Otago Harbour Board.”

The words “ City of Dunedin ” and the words “ Town of Port Chalmers ” shall respectively mean in this Ordinance the City of Dunedin and Town of Port Chalmers as defined by “ The Municipal Corporations Act 1867.”

The words “ Dunedin Chamber of Commerce ” shall signify the present Association in Dunedin so named.

The word “ mortgage ” shall mean a mortgage made and issued under this Ordinance.

The word “ rents ” shall include income and profits of all kinds.

The word “ dues ” shall include tolls dues and charges of all kinds.

The word “ wharf ” shall include every pier quay jetty and every other construction for facilitating the shipping and landing of passengers and goods.

Harbour Board constituted and named

3. There is hereby constituted for the Harbour of Otago a Harbour Board and the limits of the said Harbour shall be those which have been or may yet be defined under or in pursuance of “ The Marine Act 1867 ” or any Amendment thereof.

Number of Members of Board.

4. The Harbour Board hereby constituted shall consist of thirteen members of whom five shall be *ex officio* members and eight elective members.

Ex officio Members of Board.

5. The following persons shall be the *ex officio* members of the said Harbour Board that is to say the several and respective persons for the time being holding the offices of Superintendent of the Province of Otago Speaker of the Provincial Council of the Province of Otago Mayor of the City of Dunedin Mayor of the Town of Port Chalmers and President or Chairman of the Dunedin Chamber of Commerce.

By whom Member of Board elected.

6. The elective members of the Board shall be elected by the following bodies or persons (and except as hereinafter provided shall hold office for a period of two years) that is to say—Two of such members by the Provincial Council of the Province of Otago other two of such members by the City Council of Dunedin other two of such members by the Town Council of the Town of Port Chalmers and the remaining two of such members by the Dunedin Chamber of Commerce.

7. The said Board hereby constituted shall be a corporate body in fact and in law by the name of the "Otago Harbour Board" with perpetual succession and a common seal and with full power and authority by that name to sue and be sued plead and be impleaded defend and be defended in all Courts and in all causes and suits at law or in equity whatsoever with power to take purchase and hold all goods chattels and personal property whatsoever which may be required for the improvement or management of the Otago Harbour and also to take and hold all such lands hereditaments and possessions as may be transferred to or vested in the said Board as sites for wharfs docks or warehouses or as endowments for the said Board or for any other purpose connected with the improvement or management of the said Harbour and also to do all other matters and things incidental to or appertaining to a corporate body subject nevertheless to any provisions contained in this Ordinance or in the "Harbour Boards Act 1870" affecting such powers.

Harbour Board constituted a Corporation.

8. One of the elective members to be elected by each constituent body shall retire from office annually on the thirtieth day of June in each year the members so to retire shall be the members who shall have been longest in office without re-election but the Board before the next ensuing session of the Provincial Council shall decide by ballot what members shall retire : Provided always that any retiring member or members shall be eligible for re-election.

Retirement from office —how regulated.

9. The two members to be elected by the Provincial Council shall be elected in the first session of the Council that shall be held after the month of March in each year and a certificate signed by the Speaker of the Provincial Council that the person therein named has been duly elected shall be conclusive evidence of such election.

Members elected by the Provincial Council. When elected.

10. The other elective members shall be chosen and elected in the month of June in each year and all elective members whenever elected shall take and hold office as from the first of July in each year.

Other Members.

11. If from any cause whatever any or all of the said constituent bodies shall fail to elect a member during the first or any future year the Superintendent by and with the advice and consent of his Executive Council shall have power and he is hereby authorised to appoint from time to time as such failure may happen such person as he shall think fit to be a member to fill the vacancy in the Board and any member so appointed shall hold office until the next annual election and no longer and if any of the elective members shall die or by notice in writing signed by him and delivered to the Chairman or the Secretary or Clerk of the Board resign his office or shall by any rule or order of the Supreme Court be ousted from such office or shall be absent from five successive ordinary meetings of the Board without leave obtained from the Board in that behalf or become otherwise legally incapacitated then the office of such member shall become and be vacant and every such vacancy shall be supplied by such person as the Superintendent by and with the advice of his Executive Council shall appoint and any persons so appointed shall hold office until the next annual election and no longer.

If members not elected Superintendent to elect.

On death or resignation of elective members Superintendent to elect.

12. A certificate under the corporate seal of the City of Dunedin shall be conclusive evidence of the due election of a member by the City Council of Dunedin.

Evidence of election of Member.

13. A certificate under the corporate seal of the Town of Port Chalmers shall be conclusive evidence of the due election of a member by the Town Council of the Town of Port Chalmers.

Evidence of election of Member.

Evidence of election
of member.

14. A certificate under the hand of the President or Chairman of the Dunedin Chamber of Commerce shall be conclusive evidence of the due election of a member or members by the Dunedin Chamber of Commerce.

Chairman.

15. At all meetings of the Board the Superintendent or in his absence such member of the Board as the members assembled shall choose shall be Chairman and such Chairman shall have a deliberative vote and in all cases of equality of votes a casting vote also. Unless five members are present no meeting of the Board shall be constituted for the transaction of business and all acts to be done by the Board (except where any special provision is made herein) and all questions of adjournment or other questions may be done and decided by the majority of members present provided five at least be present.

Quorum.

Power to make By-
laws.

16. The Board may from time to time make such by-laws as it shall think fit for regulating the manner in which and times at which its meetings shall be called and held its place of meeting the appointment remuneration and duties of its officers and generally for regulating the conduct of its business and proceedings.

Appointment of Offi-
cers.

17. The Board may from time to time appoint and employ a treasurer a secretary and such and so many engineers surveyors clerks collectors and 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 or resign 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.

Officer to find security

18. 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.

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

19. Every member of the Board and 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 (if any) 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.

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

20. All moneys of the Board amounting to five pounds and upwards shall within three 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 out of such bank save by cheques signed at a meeting of the Board by the presiding Chairman and countersigned by the Treasurer of the Board or by such other person as the Board may appoint.

Duties of Collector.

21. Every collector appointed or employed by the Board by virtue of this Ordinance to collect any rents or dues shall within three days after he shall have received any moneys on account of any such rents 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 it 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 rent due or money owing to it with a statement of the moneys due from them respectively and in respect of what several periods rents and dues the same are due respectively and every such collector shall when required by the Board so deliver such a list embracing the particulars brought down to the day of his delivering such list.

22. 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 applied or 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 to account when called upon.

23. 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.

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

24. 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.

Remedy against surety preserved.

25. 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.

Books to be provided and open for inspection.

26. 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 and any person being a creditor of the Board without fee or reward and the members of the Board and every such person as 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 member of the Board or any such 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.

Accounts to be balanced and audited.

27. The Board shall cause their accounts to be balanced in each year to a period 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 Provincial Auditor or other the person appointed by the Superintendent to audit the accounts of the Board 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 or such person as aforesaid 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 its custody or power relating thereto and any person interested in the said accounts as a creditor of the Board 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 or other person shall sign the same in token of his allowance thereof but if such auditor or other person 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.

Statement and Account to be open for inspection.

28. 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 or person acting on behalf of any such creditor 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 without fee if printed and if written upon reasonable payment to be fixed by the Board not exceeding sixpence 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 of the Board.

29. The accounts of the Board so balanced as aforesaid and audited and either allowed or disallowed by the auditor or other person as aforesaid together with 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 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 the same shall be final in regard to all persons whomsoever. The annual meeting of the Board shall be held on the thirtieth day of the month of June in each year unless that day shall happen to fall on a Sunday or holiday in which case the said meeting shall be held on the preceding day or on the first of the preceding days which shall not be a Sunday or holiday.

Accounts when audited to be produced at annual meeting.

Annual meeting when held.

30. The Board shall every year cause an annual account in abstract to be prepared showing the total receipts and expenditure of all funds received by virtue of this Ordinance or otherwise for the year ending on the day down to which its 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 shall cause the same to be published in the Provincial Government *Gazette* 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.

Abstract of accounts to be published.

31. The Superintendent is hereby authorised by deed under his hand and sealed with the seal of the Province to convey to and vest in the Board the lands described in the first Schedule hereto and also all other lands which already have been or may hereafter be granted to the Superintendent in trust for the endowment of or for purposes of public utility for the said Harbour of Otago subject nevertheless to any contracts leases mortgages and other charges and debts for the time being affecting such lands.

Superintendent authorised to vest reserves in Board. (First Schedule.)

32. There shall be and is hereby reserved to the City Council of Dunedin for the benefit of the citizens of Dunedin full rights privileges and easements of drainage and sewerage in through and over such of the said land as may be adjacent or contiguous to the City of Dunedin and to the Town Council of the Town of Port Chalmers for the benefit of the citizens of Port Chalmers the like rights privileges and easements in through and over such of the said lands as may be adjacent or contiguous to the said Town of Port Chalmers and the Board in any lease granted by it of any lands vested or to be vested in it under this Ordinance shall expressly reserve such rights privileges and easements as are hereinbefore referred to and should any dispute or difference arise between the Board and the said City Council or the said Town Council as to the exercise of the rights privileges and easements aforesaid such difference or dispute shall be referred to the Superintendent and his Executive Council and their decision shall be final and conclusive on the matter in dispute.

Provision for drainage sewerage, &c.

33. It shall be lawful for the Board with the sanction of the Superintendent and his Executive Council to lease the said lands at such rents issues and profits 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.

Board may lease reserves.

Appropriation of rent
of reserves.

34. 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 for the purposes of this Ordinance in such manner as the Board may from time to time determine.

Board may provide
dredges.

35. The Board shall provide such dredges and other machines as may be necessary to enable it to improve the said Harbour of Otago by deepening cleansing and scouring the same.

Board may reclaim
Lands.

36. The Board is hereby authorised and empowered to reclaim from the sea all land which may be or become vested in it or which may hereafter be vested in it and for such purpose may construct and maintain such training walls and embankments and may provide such dredges and other machines as shall be by the Board thought necessary.

Board may construct
docks, &c.

37. The Board may subject to the approval of the Superintendent and his Executive Council construct such training walls docks quays wharfs piers and jetties as shall be by it considered necessary for the purposes of this Ordinance and also with the like approval such cranes sheds breasts graving docks repairing slips or other works for the improvement of the said Harbour of Otago as shall be by the Board judged necessary and proper for the safety convenience or reception of ships and vessels resorting to the said Harbour or for the more convenient loading and unloading of such ships and vessels: Provided always that the approval of the Superintendent and his Executive Council to the construction of any work hereinbefore mentioned shall not be withheld if after any change shall have taken place in the persons constituting the Board a resolution to construct such work shall have been again passed by the Board.

Power to borrow
money.

38. In order to raise money for the purpose of constructing such works as aforesaid it shall be lawful for the Board from time to time to borrow on the security of the lands described in the first Schedule hereto and of all other lands which may for the time being be vested in the Board and of the rents thereof and of the dues chargeable or receivable by the Board under this Ordinance any sums of money not exceeding in the aggregate the sum of two hundred and fifty thousand pounds at any rate not exceeding six pounds per centum per annum payable half-yearly and so often as such sum shall be repaid the Board may re-borrow the same or any less sum.

Form of mortgage.
(Second Schedule.)

39. Every such security shall be by mortgage of the said lands rents and dues and shall be in the form or to the effect set forth in the second Schedule to this Ordinance and shall be sealed with the common seal of the Board and the consideration therefor shall be truly stated therein. No such mortgage shall create any liability against the revenues of the Colony or of the Province of Otago and the holder shall have no claim whatsoever on such revenues in respect thereof and every such mortgage may be assigned or transferred by deed in the form or to the effect set forth in the third Schedule hereto.

How transferred.
(Third Schedule.)

Mortgages to be num-
bered.

40. Such mortgages shall be numbered consecutively commencing with number one and may have coupons attached thereto for every half-year's interest payable to bearer.

Board may make ar-
rangements for
places of payment.

41. The Board may from time to time make such arrangements as it may think fit for the payment of any of the mortgages or coupons at any office or bank in the Colony of New Zealand or elsewhere as to the Board may seem desirable.

- 42.** No holder of any mortgage shall have any preference over any other holder by reason of any priority of date or otherwise but all holders shall rank alike and be entitled to equal rights. No preference between mortgage holders.
- 43.** It shall be lawful for the Board under its Common Seal from time to time to appoint an agent or agents for the purpose of raising any loan by this Ordinance authorised to be raised and such agent or agents shall have power to do all acts that may be specified in the instrument by which such appointment is made. Agents may be appointed to raise loan.
- 44.** All mortgages under this Ordinance together with the interest thereon shall be a first charge on all lands of which the Board may become seised or possessed and on all rents and dues which shall be payable to or receivable by the Board. Mortgages to be a first charge on lands rents rates and dues
- 45.** It shall not be lawful for the Board to sell or dispose of otherwise than by lease for a term of years as hereinbefore provided any of the lands vested in or held by the Board. Board may not dispose of lands, &c., except as herein provided.
- 46.** For the purpose of providing a sinking fund for the payment of mortgages under this Ordinance there shall on the thirtieth day of June in such year as shall be fixed by the Board not being later than the thirtieth day of June next after the expiration of five years after the date of the first mortgages issued be set apart out of the said rents and dues a sum equal to one per cent. on all mortgages issued at that time. Sinking fund provided.
- 47.** Such sums shall be applied in taking up so many mortgages as the sum so set apart will cover and the balance (if any) shall be invested at interest and added together with the interest to the amount set apart for the same purpose in the next succeeding year. How to be applied.
- 48.** The order in which the mortgages shall be taken up shall be determined by lot in such convenient manner on a day and at a place to be from time to time fixed by the Board. Order in which mortgages shall be paid.
- 49.** On the thirtieth day of June in every subsequent year a sum equal to one per cent. on the total amount for which mortgages have then been issued with the addition of a sum equal to the interest on all mortgages already paid off shall be applied in taking up so many mortgages to be determined by lot as aforesaid as such two sums with any balance from the preceding year and interest thereon added together will cover and the balance (if any) shall be invested at interest and added together with the interest thereon to the amount to be set apart for the same purpose in the next succeeding year. Further provision as to application of sinking fund.
- 50.** When it shall be so decided by lot that any mortgage shall be paid off interest thereon shall be paid up to the thirtieth day of September following but no longer: Provided that the full amount of the mortgages with interest thereon to that date be paid on presentation and such mortgages with the coupons belonging thereto and not then due shall be given up to some person authorised by the Board to receive the same. Interest to cease after time fixed for payment of mortgages.
- 51.** In case any interest due in respect of any mortgage shall be in arrear or any sum due in respect of the sinking fund shall not be applied as hereinbefore provided for six calendar months it shall be lawful for the holder of any mortgage to apply by petition to the Superintendent praying that a Receiver may be appointed. If interest of Sinking Fund in arrear, holder of mortgage may apply for appointment of a Receiver.

Superintendent may
appoint Receiver.

52. On being satisfied that such default as alleged has been made the Superintendent shall by writing under his hand appoint some fit and proper person to be Receiver with the powers hereinafter mentioned.

Receiver to enter into
possession of rents
and dues.

53. Upon his appointment the Receiver shall enter into possession of all lands which may be vested in the Board and thenceforth all rents arising therefrom and dues in respect of any wharf or dock of the Board shall be paid to the Receiver or some person appointed by him in writing and all books papers accounts muniments of title and other documents relating to the matters aforesaid shall be handed over to the Receiver by the person in whose possession the same may be.

Application of money

54. The money so received shall be applied first in payment of the expenses incurred in the execution of the powers hereby vested in the Receiver: Secondly in or towards payment rateably amongst the several holders of mortgages of arrears of interest and future interest from time to time accruing: Thirdly in discharge of any sums due and accruing in respect of the sinking fund and if there be any surplus the same may be expended in improving any portion of the property held in security and the balance if any shall be temporarily deposited at interest at some Bank in the Province so as to be available when required for any of the purposes aforesaid.

Arrears paid applica-
tion may be made
to withdraw receiver

55. At any time when the arrears of interest and sinking fund have been fully paid and discharged it shall be lawful for the Board to apply to the Superintendent by petition praying that the Receiver may be withdrawn and possession given to the Board.

Superintendent may
comply.

56. It shall be lawful for the Superintendent on being satisfied that all arrears of interest and sinking fund have been paid and discharged and that there is a reasonable probability that the same will not again be allowed to run into arrear to comply with the prayer of the petition.

Interest again in ar-
rear Receiver may
again be appointed.

57. Whenever at any future time any interest or sinking fund is again permitted to get into arrear for six calendar months it shall be lawful for the Superintendent from time to time upon a like petition and in like manner to appoint a Receiver with the same powers as are by this Ordinance given to the first appointed Receiver and such Receiver to withdraw in manner herein-before provided.

Receiver's powers.

58. During the time any Receiver is in possession he shall have the following powers namely—

- (1) To keep all wharfs houses and other buildings in repair.
- (2) To insure against loss or damage by fire.
- (3) To exercise all the powers and perform all the functions and duties given to and imposed on the Board by this Ordinance: Provided that no lease shall be granted without the approval of the Superintendent and his Executive Council.
- (4) To employ and pay all such persons as may be necessary to assist in the discharge of the duties imposed by this Ordinance.
- (5) Subject to the approval of the Superintendent and his Executive Council to impose and alter dues for the use of wharfs and docks and for that purpose to exercise all the necessary powers.

Receiver's remunera-
tion.

59. The Receiver shall be paid such remuneration out of the money

received under this Ordinance by way of salary or commission or otherwise as shall be from time to time fixed by the Superintendent in that behalf.

60. Any person who shall in any way obstruct or interfere with the Receiver or with any person appointed by him while in the exercise of the powers or performance of the duties given or imposed by this Ordinance or who after being applied to shall neglect or refuse to give up to the Receiver any books papers accounts muniments of title or other documents directed to be handed over to him by this Ordinance shall for every such offence forfeit and pay any sum not exceeding one hundred pounds.

Penalty for obstructing Receiver.

THE FIRST SCHEDULE ABOVE REFERRED TO.

PROPOSED HARBOR TRUST ENDOWMENT.

All that area in the Province of Otago, in the Colony of New Zealand, containing by estimation one hundred (100) acres, more or less, situate in Otago Harbour, being part of area granted to Superintendent in trust for Harbour reclamation: bounded by a line commencing at the north-eastern corner of section 8, block LII, and proceeding in a north-north-easterly direction, parallel to Castle Street, one thousand four hundred and fifty (1,450) links; thence in a north-easterly direction two thousand nine hundred and fifty (2,950) links; thence in an east-north-easterly direction, one thousand nine hundred and eighty (1,980) links to a point on the south side of Albany Street, in an east-south-easterly direction, one thousand five hundred and fifty (1,550) links; thence in a south-westerly direction, six thousand (6,000) links, to Training Wall; thence in a westerly direction along the Training Wall, seven hundred and forty (740) links: thence in a northerly direction along a street line, seven hundred and twenty (720) links; thence in a westerly direction along a street line to the south-east corner of section 8, block LII, eight hundred and forty (840) links; thence along the eastern boundary of section 8, block LII, two hundred and forty-six (246) links, to the starting point: excepting out of the above description three (3) Wet Docks, with entrances and rights-of-way thereto, be all the aforesaid linkages more or less.

THE SECOND SCHEDULE ABOVE REFERRED TO.

PROVINCE OF OTAGO, NEW ZEALAND,

No.	OTAGO HARBOUR BOARD LOAN, £250,000.	No.
	Mortgage for £	

This Deed made between the Otago Harbour Board of the one part and C D of the other part Witnesseth that in consideration of the sum of £ sterling this day paid to the Otago Harbour Board for the purposes of the Otago Harbour Board Ordinance 1874 by the said C D (the receipt whereof is hereby acknowledged) the Otago Harbour Board hereinafter called "the said Board" by virtue and in pursuance of the said Ordinance do hereby convey and assign by way of Mortgage unto the said C D all and singular the lands tenements and hereditaments whatsoever and wheresoever situate of the said Board and all and singular the rents income and profits thereof And also all and singular the tolls dues and charges payable to or receivable by the said Board under or by virtue of the said Ordinance To hold the premises unto the said C D his heirs and assigns (or their successors and assigns as the case may be) until the said principal sum of £ together with interest for the same at the rate of (Six pounds) per centum per annum be satisfied And it is hereby agreed and declared between and by the said parties hereto that such principal and interest respectively shall be repaid at the times and in manner respectively hereinafter mentioned (that is to say)

1. The said principal sum by the application to annual drawings of a one per cent. accumulative sinking fund the liability of the said Board continuing at the rate of (seven pounds) (£1 more than the rate of interest) per centum per the total amount of debt contracted until the whole shall have been extinguished and the balance after paying the interest on the outstanding mortgages to be applied to the annual drawings.

2. The holder for the time being of this Mortgage will be entitled to receive from the said Board the sum of £ sterling on the day of following that on which this Mortgage shall have been drawn for payment.

3. Such holder will also be entitled to receive interest on the said principal sum half-yearly at the rate of (Six Pounds) per centum per annum to be computed from the day of 187 to the day on which the principal sum shall have become due and payable by reason of this Mortgage having been drawn.

4. The drawings aforesaid shall take place in the month of in each year commencing in the year 18 and shall be conducted in the presence of such of the Mortgage holders as may be pleased to attend and of a Notary Public.

5. The Mortgages drawn shall be paid off at par on the day of next following the date on which the same shall have been drawn and together with the amount of such Mortgage interest thereon shall be paid up to the said day of and no longer,

6. No holder of this Mortgage shall have any claim whatever on the Revenues of the Colony of New Zealand or of the Province of Otago in respect of this Mortgage.

In witness whereof The Otago Harbour Board have hereunto set their Common Seal and the said hath hereunto set his hand this day of 187

Sealed with the Common Seal of the Otago Harbour }
Board, in presence of }

(L.S.)

THE THIRD SCHEDULE ABOVE REFERRED TO.

FORM OF TRANSFER OF MORTGAGE.

This Deed made between the within named C D of the one part and E F of London Merchant of the other part *Witnesseth* that in consideration of the sum of £ (the receipt whereof is hereby acknowledged) the said C D doth hereby transfer to the said E F and his assigns the within written Mortgage security and all benefit and advantage thereof. Dated this day of 18 C D.
Signed by the said C D in the presence of

DUNEDIN, NEW ZEALAND:

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