

New Zealand.

ANALYSIS.

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1887, No. 19.—*Local.*

AN ACT to amend "The Gisborne Harbour Act, 1884." T^e title.
[23rd December, 1887.]

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 Gisborne Harbour Act 1884 Amendment Act, 1887." Short Title.

2. This Act shall be read together with "The Gisborne Harbour Act, 1884," herein called "the principal Act." Interpretation.

3. The consent of the ratepayers in the harbour district to the construction at or near the site reported upon by Sir John Coode of a breakwater to afford refuge and accommodation for vessels of large tonnage evidenced by resolution carried on the third day of March, one thousand eight hundred and eighty-five, and published as such resolution under the hand of the Colonial Secretary in the *Gazette* of the twenty-third day of April, one thousand eight hundred and eighty-five, shall be deemed for all purposes to have been duly given, notwithstanding that no plans were then prepared, and that the particular works proposed to be undertaken, and which have been since approved by the Governor in Council on the twenty-ninth day of December, one thousand eight hundred and eighty-five, may have been insufficiently described in the notice published as required by the principal Act on the sixth day of March, one thousand eight hundred and eighty-five, in a newspaper circulating in the harbour district, and that such notice may not strictly have complied with all the provisions of the principal Act; and the particular works approved as aforesaid, or which may hereafter be approved, or modi-

fication thereof so approved, shall be deemed to be the particular work proposed to be undertaken within the meaning of section eighteen of the principal Act.

Validation of sinking fund provided to secure harbour loan.

4. Whereas the Gisborne Harbour Board has, in pursuance of powers vested in it by the principal Act, borrowed two hundred thousand pounds upon debentures, and has entered into engagements with the debenture-holders that, in order to better secure the repayment of the sum so borrowed, a sum of twenty-five thousand pounds out of the proceeds of the said loan should be set aside and invested as a sinking fund: And whereas such sum has been set aside and invested, and doubts have arisen as to whether such investment could be lawfully made: It is hereby declared that, notwithstanding anything contained in the principal Act or "The Harbours Act, 1878," or any amendment thereof, requiring the proceeds of any loan to be expended in the construction of works or otherwise, the appropriation to sinking fund hereinbefore recited is hereby validated as if authorised and sanctioned by the principal Act, and the interest from time to time accruing therefrom shall be applied towards the Sinking Fund.

Bank overdraft may be paid out of loan.

5. And whereas the Harbour Board has, prior to the passing of "The Harbours Act 1878 Amendment Act, 1886," and of this Act, incurred an overdraft at the bank on the General Account: Be it enacted that it shall be lawful for the Harbour Board to advance such sum from the Loan Account as shall be sufficient to pay off such overdraft, provided the Harbour Board shall refund one-tenth part of such sum to the Loan Account out of the general revenue of the Board during each year for ten years after the passing of this Act: Provided, however, that the premium of four thousand one hundred and seven pounds five shillings or thereabouts received by the Board on the floating of the loan shall not be deemed to be overdraft or part thereof requiring repayment.

This Act a special Act authorising the construction of railway in First Schedule.

6. This Act shall be deemed to be a special Act authorising the construction of the railway mentioned in the First Schedule, within the meaning and for the purposes of "The Public Works Act, 1882," and any Act amending the same, which said Acts, so far as applicable, are hereby incorporated with this Act; and the said railway so far as it is finished shall be deemed to have been made, and so far as it is unfinished may be completed under the said Acts and this Act.

Power to construct sidings and erect buildings required in construction of works.

7. For the purpose of carrying out the harbour works at the Port of Gisborne, and also to construct such sidings to the railway already constructed, and to make such additions or alterations to the rolling-stock, buildings, and plant thereon, as may be found necessary or desirable for the purpose of facilitating the working of the railway, the construction of such harbour works, and the preparation of material therefor, it shall be lawful for the Gisborne Harbour Board to construct such railway and sidings, and to make such additions, as may be approved by the Governor in Council on the recommendation of such Gisborne Harbour Board. And it is hereby expressly declared that such railway and such additions so approved as aforesaid are works which the said Board is respectively authorised to construct or provide for under the principal Act or any Act incorporated therewith; and for that purpose, and for the working and

management of such railway or any addition thereto, such Board shall have and may exercise all the powers and authorities which by "The Public Works Act, 1882," or any Act amending the same, are vested in or may be exercised by the Governor or the Minister for Public Works as effectually as if all such powers and authorities had been set out in this Act.

8. The Gisborne Harbour Board may take any earth, stone, boulders, gravel, sand, or other material required for the construction of harbour works at the Port of Gisborne off, from, or out of the lands described in the Second Schedule hereto, for the purpose of using the same in or about such harbour works in the manner provided by "The Public Works Act, 1882," and "The Harbours Act, 1878," and any amendments thereof.

Power to remove earth, stone, &c., from land in Second Schedule.

9. All notices given, all surveys and maps made and deposited, by the Gisborne Harbour Board in terms of "The Public Works Act, 1882," and the amendments thereof, so far as such notices, surveys, and maps relate to the lands or parts thereof in the First and Second Schedules hereto, shall be deemed to have been properly given, made, or deposited; and the Governor may, if he think fit, by Proclamation publicly notified, declare that the said lands, a correct description of which shall be contained in or annexed to the Proclamation, are taken for the purposes of the railway or the Gisborne harbour works, without requiring any further notices, surveys, or maps to be first given, made, or deposited.

Previous notices to stand good.

10. Notwithstanding anything in this Act or in any other Act contained, it shall not be lawful for the Gisborne Harbour Board, without the sanction of the General Assembly first had and obtained, to enter into any engagement or contract, or to incur any liability whereby, together with the moneys heretofore expended by the Board out of loan, and the estimated expenditure of such Board, any sum in excess of a total sum of sixty-five thousand pounds shall be in any manner paid, engaged, promised, or pledged.

Operation of Act limited.

11. Every member of the Board who consents to the payment, engagement, promise, or pledge of any money in excess as aforesaid, shall be liable, for every such offence, to a penalty not exceeding one hundred pounds, to be recovered, with full costs of suit, in any Court of competent jurisdiction; and it shall be the duty of the Controller and Auditor-General to institute the necessary proceedings for the recovery of any such penalty, in manner as directed by section thirteen of "The Harbours Act 1878 Amendment Act, 1886," which shall be applicable for the purpose.

Restrictions on expenditure.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

A LINE of railway from the Gisborne Harbour works, at the mouth of the Turanganui River, to the Tuamotu Island; length about four miles.

SECOND SCHEDULE.

DESCRIPTION of the boundaries of land required by the Gisborne Harbour Board, being portion of Kaiti Block, situated in Block VII., Turanganui Survey District, Cook County, Provincial District of Auckland: Commencing at a peg marked I.,

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situated on south side of present road running from Block Yard to East Coast Road; thence in a south-westerly direction, 47·6 links, to peg marked II.; thence in a south-easterly direction, 474·5 links, to peg marked III.; thence in a southerly direction, 236·5 links, to peg marked IV.; thence in a south-westerly direction 928·6 links to peg marked V., 149·3 links to peg marked VI., and 159·9 links to peg marked VII.; thence in a northerly direction, 191·8 links, to peg marked VIII.; thence in a north-easterly direction 136·4 links to peg marked IX., and 921·2 links to peg marked X.; thence in a northerly direction, 217·5 links, to peg marked XI.; thence in a north-westerly direction, 550·1 links, to peg marked XII., situated on south side of said road; thence, bounded by the south side of said road, 61·6 links and 34 links or thereby, to starting-point: containing by admeasurement 3 roods and 13 perches, more or less: all as delineated on Sheet I. of plan of railway prepared by the Gisborne Harbour Board.

Description of the boundaries of the land required by the Gisborne Harbour Board, being portions of Kaiti Block, situated in Block VII., Turanganui Survey District, Cook County, Provincial District of Auckland: Commencing at the south-east diagonal peg of Peg IV. of main road through Kaiti and Papawhariki Blocks; thence towards the North-east and East, by lines of 536·7 and 144 links respectively, to Ocean Beach; thence towards the South by the South Pacific Ocean, 1700 links or thereby, to the south-east boundary of said road; thence towards the North by side lines of said road, 175, 306·8, and 622·4 links, or thereby, to starting-point: containing by admeasurement 3 acres 3 roods 14 perches, more or less. Also that portion bounded towards the North-west by the south-east side of aforesaid road, 140 links; towards the west by portion of Papawhariki Block boundary, 31 links; and towards the South-east by the South Pacific Ocean: containing by admeasurement 3 perches, more or less: all as delineated on Sheet IV. of plan of railway prepared by the Gisborne Harbour Board.

Description of the boundaries of land required by the Gisborne Harbour Board, being portion of Papawhariki Block, situated in Block VII., Turanganui Survey District, Cook County, Provincial District of Auckland, containing by admeasurement 5 acres and 32 perches, more or less, and bounded as follows: Commencing at a point on the south-east side of main road through Kaiti and Papawhariki Blocks, on boundary between said Kaiti and Papawhariki Blocks; thence towards the North-west by side lines of road, 159 and 182·7 links respectively; still towards the North-west to Ocean Beach by a line of 2001 links; thence towards the West, South, and South-east by the South Pacific Ocean for 4650 links or thereby to Kaiti Block boundary; thence towards the East by Kaiti Block, 31 links or thereby, to starting-point: excepting from the above description portion of main road through Papawhariki Block containing by admeasurement 1 acre and 16 perches, more or less: all as delineated on Sheet IV. of plan of railway prepared by the Gisborne Harbour Board.

Description of Tuamotu Island: Tuamotu Island, lying to the north-east of Poverty Bay, and south of Papawhariki Block, required by the Gisborne Harbour Board, being portion of Block VII., Turanganui Survey District, Cook County, Provincial District of Auckland, containing by admeasurement 8 acres and 26 perches, more or less: all as delineated on Sheet IV. of plan of railway prepared by the Gisborne Harbour Board.