

New Zealand.

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1900, No. 22.—Local.

Title.

AN ACT to constitute a Harbour Board for the Harbour of Nelson.
[20th October, 1900.]

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 Nelson Harbour Board Act, 1900."

This Act shall be deemed to be a special Act within the meaning of "The Harbours Act, 1878," and shall be read subject to the said Act.

Short Title.

Incorporation of
"The Harbours
Act, 1878."

Interpretation.

Harbour Board for
Nelson constituted.

2. In this Act—

"Board" means the Harbour Board constituted under this Act:

"Harbour" means the Port and Harbour of Nelson:

"The said Act" means "The Harbours Act, 1878," and all amendments of same:

"District" means the Nelson Harbour Board District.

3. A Harbour Board is hereby constituted under the said Act for the Harbour of Nelson, and such Board shall consist of ten members, of whom six shall form a quorum, and such members shall be respectively appointed, succeed to office, and be elected as follows:—

(1.) Three members shall be appointed by the Governor:

(2.) Three members shall be elected by the burgesses of the City of Nelson:

(3.) Two members shall be elected by the electors of the County of Waimea:

(4.) One member shall be elected by the burgesses of the Borough of Richmond:

(5.) One member shall be elected by the burgesses of the Borough of Motueka.

4. The Board is hereby endowed with—

(1.) The foreshore of the Nelson Harbour, the Waimea Mud-flats, and the flats within the harbour as described in the First Schedule of this Act;

(2.) All pilotage and port charges in the Harbour of Nelson.

5. There shall be payable to the Board during each year ending the thirty-first day of March the subsidy following, that is to say,—

(1.) The amount of the subsidy for each year ending the thirty-first day of March shall be one thousand five hundred pounds, diminished by one pound for every pound by which the Board's revenue derived from pilotage and port charges during the year exceeds the sum of one thousand five hundred and fifty pounds (being the estimated yearly revenue derived from these sources at the Port of Nelson at the time of the passing of this Act):

Provided that for the period elapsing between the passing of this Act and the thirty-first day of March thereafter a duly proportionate part of the yearly subsidy shall be payable.

(2.) The subsidy for each year shall be payable by such instalments during the year as the Colonial Treasurer thinks fit.

(3.) The subsidy shall be payable out of the Consolidated Fund without further appropriation than this Act.

(4.) The subsidy shall in no case continue to be payable after the maturity of the first debentures issued by the Board, being not more than thirty years after the passing of this Act.

6. (1.) The Motueka Wharf with its assets and liabilities is hereby vested in the Board.

(2.) The Governor, after making such inquiry as he thinks fit, may determine what constitute the assets and liabilities of the said wharf, and may also do or direct to be done whatever is requisite in order that the wharf, its assets and liabilities, may be effectively transferred to the Board.

(3.) Wharfage dues on goods inwards and outwards to and from Motueka shall be paid at Motueka.

(4.) Goods on which the wharfage dues are paid at Motueka shall not be liable to wharfage dues at Nelson.

7. The Nelson Harbour District shall comprise all that area in the Nelson Land District being the Waimea County as described in the First Schedule to "The Counties Acts, 1876," and the Boroughs of Nelson, Richmond, and Motueka.

8. Every person whose name at the time of any election of a member of the Board is on the burgess or electors roll in force in the respective boroughs, city, or counties referred to in section three hereof in respect of any property or other qualification within the

Endowments of
Board.

Subsidy payable to
Board.

Motueka Wharf
vested in Board.

Harbour district.

Electors.

First election.

said harbour district shall be entitled to a vote at such election for the subdivision wherein his name is enrolled.

9. The Governor shall by Proclamation appoint a day, not exceeding thirty days after the date of such Proclamation, for the election of the members of the first Board, and also shall appoint the day for the first meeting of the Board, and by warrant under his hand shall appoint some fit person as Returning Officer, who shall fix the necessary polling-places, and shall conduct the said election under the provisions of "The Regulation of Local Elections Act, 1876," and all Acts amending the same, in so far as the said Act is not inconsistent with the express provisions of this Act.

Borrowing.

10. The Board shall have power from time to time to borrow on the security of its endowments, subject to the provisions of the said Act and to the Governor's previous approval of a plan of the works proposed to be constructed, any sum not exceeding one hundred thousand pounds for the construction or completion of harbour-works in or towards the improvement of the said harbour.

But no money shall be borrowed under the authority of this Act at a higher rate of interest than four per centum per annum, anything contained in the said Act notwithstanding.

Board may make special rate.

11. As further security for the money authorised to be borrowed as aforesaid the Board may make and levy a special rate not exceeding one penny in the pound in the year on all rateable property in the district.

Consent of rate-payers.

12. Before any loan authorised by this Act is raised the consent of the ratepayers in the district shall first be obtained, in the mode hereinafter prescribed.

Notice to be published.

13. A notice shall be published in a newspaper circulating in the district, and shall specify the time and place in each borough, city, and county within the district at which meetings are to be held to consider a proposal to raise such loan, or any part thereof.

Particulars to be set forth in notice.

14. The notice shall also specify the following particulars :—

- (1.) The particular work proposed to be undertaken:
- (2.) The sum proposed to be borrowed for such purpose :
- (3.) Any special rate or tolls, 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 moneys theretofore pledged as security for any loan or appropriated to any special purpose.

Meetings of ratepayers.

15. The Chairman of the Board shall call meetings of the ratepayers, to be held at the respective places as aforesaid, 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 Borough, City, or County Council in whose local governing district the place of meeting is situate to preside at such meeting, if such member is willing to act; and if no such member is willing to act, or becomes incapacitated from acting from any cause, then such person as the Chairman thinks fit.

"Presiding Officer."

16. The member or person so appointed shall be called the "Presiding Officer," and he shall preside at the meeting for which he has been appointed, and shall also preside at the polling-place in

his borough, city, or county at the taking of any poll as hereinafter provided.

17. After due consideration and discussion of the proposal, the Presiding Officer shall give notice that a poll will be taken; and 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, and the polling-place in each borough, city, and county within the district.
- (2.) The Chairman shall give notice in writing to the Presiding Officer, requiring him to take the poll at the specified polling-place upon the day appointed.
- (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.
- (4.) The voting-papers shall be printed in the form in the Second Schedule hereto attached, with the words, "I vote for the above proposal," and "I vote against the above proposal," legibly printed at the foot of each voting-paper.
- (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.) All the provisions of "The Regulation of Local Elections Act, 1876," as regards taking a poll shall, so far as they are applicable, and except as by this section otherwise provided, apply to the taking a poll on the proposal to raise a special loan.
- (7.) Each voter shall have and may exercise one vote and no more.
- (8.) The Presiding Officer at each polling-place shall count the votes and ascertain the result of the polling at his polling-place, and notify the result to the Chairman, who shall, after receiving the results from all the polling-places, ascertain the general result of the poll.

18. If the number of votes given for the proposal represent an absolute majority of all the valid votes recorded at the poll at all the polling-places 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.

19. As soon as conveniently may be after the general 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.

20. When any such resolution is carried the Chairman shall send a notice thereof to the Colonial Secretary, who shall publish the same in the *Gazette*; and such notice so gazetted shall be final that

Result of poll.

Public notice of
result to be given.

Resolution to be
published in *Gazette*.

Rate not to exceed
1d. in the pound.

Application of
proceeds of rate.

Board may exercise
certain powers for
levying rates.

"The Rating Act,
1894," to apply.

Repeal.

the raising of the loan to which it refers has been duly authorised under the provisions of this Act, notwithstanding any omission or irregularity in any provision, matter, or thing required to be done hereunder or under "The Regulation of Local Elections Act, 1876."

21. If the resolution in favour of the proposal is carried as aforesaid, and the loan is to be raised on the security of a special rate, the Board may make and levy the rate accordingly, not exceeding one penny in the pound in the year on all the rateable property in the district.

22. The proceeds of such rate shall be applied towards payment of the annual charges to accrue in respect of the loan.

23. For the purpose of making, levying, and recovering the hereinabove-mentioned special rates, the Board shall have and may exercise all the powers of making, levying, or recovering rates in each borough, city, and county within the district which any local body having rating-powers within such borough, city, or county has or may have under the law for the time being in force regulating the recovery of rates therein respectively.

24. The provisions of "The Rating Act, 1894," shall apply to all special rates under this Act.

25. "The Waimea Riverworks Act, 1889," is hereby repealed.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that area bounded by a line commencing at a point at high-water mark on the eastern shore of Tasman Bay, at the south-western boundary of the Wakapuaka Native Reserve; thence by the northern and western boundaries of Section 36, Block VI., Wakapuaka Survey District (Suburban North), the northern boundary of Sections 1 and 4, Block V., and the western boundary of the latter section to the Wakapuaka Road; thence by the said road to the western boundary of Section 7; thence by the western boundary of Sections 7, 17, and 16, Block V., again to the Wakapuaka Road; thence by the said road to Section 11A, Block IX.; thence by the western boundary of the said Section 11A to the Wakapuaka Road; thence by the said road to a road forming the western boundary of Section 1, Block IX., Wakapuaka Survey District (Suburban North); thence by the said road to the northern boundary of Section H.9, City of Nelson; thence by the said boundary for a distance of 626·2 links; thence by a line bearing 293° 40' 20" a distance of about 4600 links; thence by a line bearing 220° 18', a distance of about 4450 links, to a point on the railway breastwork situated on a line being the prolongation of the western boundary of the road lying between Sections 57 and 58, City of Nelson; thence by the said railway breastwork to the south-western corner of Foreshore Lease No. 9; thence by the western boundary of the said lease, the south-western boundaries of Foreshore Leases Nos. 8, 7, 6, and 5, and the north-western boundary of the latter, again to the railway breastwork; thence by the said breastwork to the railway wharf; thence by the north-eastern, north-western, and south-western boundaries of the said wharf to Wakefield Quay; thence by a line to form the north-western side of Wakefield Quay, distant 1 chain from the north-western boundary-line of Sections 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, Reserve E, Sections 24, 23, 22, 19A, 19, 18, 17, 16, 15, 14, and 13, City of Nelson, to the Rocks Road breast-work; thence by the said breastwork to a point 7 chains distant in a northerly direction from the western boundary of the main road to Stoke; thence by high-water mark of Tasman Bay and the Waimea Mud-flat to a public road forming the south-western boundary of Section 62, Block III., Waimea Survey District (Suburban South); thence by a public road forming the boundary of Sections 77, 78, and 79, Block VII. (Waimea East), to the north-eastern boundary of Sec-

tion 222 of the said Block VII.; thence by the said boundary and by the north-eastern and north-western boundaries of Section 221 again to a public road forming the south-western boundary of the last-mentioned section; thence by the said public road forming the north-eastern boundaries of Sections 220, 219, 218, 217, Block VII., Sections 216, 215, 214, 213, 212, 169, Block VI., Sections 198, 212, 211, 209, 208, and 207, Block II., to the mouth of the River Waimea; thence by a line across the said river to the northern boundary of Section 10, Block II. aforesaid (Waimea West); thence by high-water mark of the Waimea Mud-flat to the west side of the road forming the western boundary of Section 3, Block II. aforesaid (Waimea West); thence by the said road to the northern boundary of Section 13, Block I., Waimea Survey District; thence by high-water mark of the Waimea Mud-flat, Tasman Bay, and the Moutere Mud-flat to a public road forming the north-western boundary of Section 203, Block VIII., Motueka Survey District (Moutere); thence by the said road and a continuation thereof forming the boundary of Section 202, Block VII., to the mouth of the River Moutere; thence by a line across the said river to the road forming the eastern boundary of Section 172, Block VII. aforesaid (Moutere); thence by the said road to the southern boundary of Section 3 of 173; thence by the southern, eastern, and northern boundaries of the said section to a public road; thence by the said public road to the southern boundary of Section 3 of 170, Block VII. aforesaid (Motueka); thence by the southern and eastern boundaries of the said section to a public road; thence by a public road to Section 144, Block IV.; thence by the southern boundary of the said Section 144 to a public road forming the eastern boundary of the said section; thence by the said road forming the eastern boundary of Sections 144, 145, 146, 147, 143, 142, 141, 140, 139, 138, 137, 136, 135, and 132, Block IV., Motueka Survey District (Motueka), to a point on high-water mark of Tasman Bay formed by the production (in an easterly direction) of the northern boundary-line of the last-mentioned section; thence by a further production of the said section-line for a distance of three miles; thence by a line parallel to the general trend of the coastline of Tasman Bay, and distant three miles therefrom, to a point made by the production of the south-western boundary-line of the Wakapuaka Native Reserve; and thence by the said produced line to the point of commencement;

Excepting and excluding therefrom Section 1132, Town of Nelson, reserve for lighthouse, Nelson Haven; Sections 1097, 1098, 1099, and 1100, City of Nelson, and Aboukir Battery and Fort Bastia Reserves, all on Haulashore Island; Oyster and Saxton's Islands; Waimea Islands Nos. 1, 2, 3, 4, and 5, and Section 1, Block II., Waimea Survey District, all in the Waimea Mud-flat; and Sections 1 and 2, Block IV., Motueka Survey District (Moutere), known as Giblin's Island.

SECOND SCHEDULE.

FORM OF VOTING-PAPER FOR SPECIAL LOAN.

PROPOSAL to raise a special loan, upon which a poll will be taken on the day
of , 19

[Insert notice required by section 13.]

1. I vote for the above proposal.
2. I vote against the above proposal.