

New Zealand



ANALYSIS.

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1887, No. 7.—*Local.*

Title. AN ACT to amend the Description of the Boundaries of a certain Reserve known as "Ahuriri Lagoon Block," the Property of the Napier Harbour Board, and to give Power to the Napier Harbour Board to carry out certain Works and Improvements upon a Portion of the said Reserve and the Te Whare-omaraenui Block, and to give Borrowing Powers for carrying out such Works.
[19th December, 1887.]

Preamble. WHEREAS by "The Napier Harbour Board Act, 1874," the land as described in the First and Third Schedules was reserved and set aside for the use, benefit, and endowment of such Harbour Board as should thereafter be constituted for the Harbour of Napier: And whereas doubts have arisen as to the actual boundaries of the land as described in the First Schedule hereto by reason of the vagueness of the description thereof, and it is expedient that the boundaries of the said land should be more accurately described: And whereas the Local Board of Health for the Borough of Napier has called upon the Napier Harbour Board to abate a nuisance which exists upon the lands described in the First and Third Schedules hereto: And whereas the nuisance which exists on the said lands, if not abated, may endanger the general health of the inhabitants of the Borough of Napier: And whereas it is necessary and expedient to carry out certain works and improvements on the said lands which will effectually abate the said nuisance and add materially to the value and productiveness of the property of the Napier Harbour Board:

BE IT THEREFORE 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 Napier Harbour Board Amendment and Endowment Improvement Act, 1887.” Short Title.

2. In this Act—

“The said Act” means “The Napier Harbour Board Act, 1874;” Interpretation.

“The Board” means the Napier Harbour Board;

“The Chairman” means the Chairman of the Board for the time being;

“The Treasurer” means the treasurer of the Board for the time being.

3. The description of the boundaries of the land as appears in the Second Schedule hereto shall be substituted for the boundaries of the said land as set forth and described in the First Schedule hereto. New description of boundaries.

4. All the provisions of the said Act shall apply in the same manner to the land as described in the Second Schedule hereto as apply to the land described in the First Schedule hereto. Application of provisions of principal Act to land in Second Schedule.

5. The Board is hereby authorised to fill up and reclaim the whole or any part of the reserve known as Te Whare-o-maraenui Reserve, being the land described in the Third Schedule hereto, and such part of the Ahuriri Lagoon as lies to the east of the public road leading from Napier to Taradale; and for such purpose may construct and maintain such works as may be necessary. Power to reclaim.

6. In order to raise money for the purpose of filling up and reclaiming the said reserves it shall be lawful for the Board to borrow, on the security of such part of the land described in the Second Schedule hereto as is described in the Fourth Schedule hereto, and on the security of such part of the land described in the Third Schedule hereto as is described in the Fifth Schedule hereto, and of the rents thereof, any sum or sums of money not exceeding in the whole the sum of thirty thousand pounds, repayable on the first day of July, one thousand eight hundred and ninety-eight, at any rate of interest not exceeding the rate of five pounds ten shillings per centum per annum, payable half-yearly. Power to borrow £30,000.
Security.

7. Every such security shall be by way of mortgage of the said lands described in the Fourth and Fifth Schedules hereto and the rents thereof, and shall be in the form or to the effect set forth in the Sixth Schedule hereto, and shall be sealed with the seal of the Board and signed by the Chairman and countersigned by the Treasurer, and the consideration therefor shall be truly stated therein. No such mortgage shall create any liability against the public revenues of New Zealand or against the General Government thereof; and every such mortgage may be assigned by an indorsed deed in the form or to the effect set forth in the Seventh Schedule hereto. Form of mortgages and assignments.

8. The mortgages shall be numbered consecutively, commencing with number one, and shall have coupons attached thereto, signed by the Chairman and countersigned by the Treasurer, in the form in the Eighth Schedule in this Act, for every half-year's interest, payable to bearer. Numeration of mortgages.

Equality of holders
of mortgages.

9. 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 right.

Power to sell.

10. It shall be lawful for the Board from time to time to sell and dispose of two hundred acres of the reserve known as the Te Whare-o-maraenui Reserve, as described and set forth in the Ninth Schedule hereto :

Provided that every such sale shall be by public auction, and upon such terms and conditions as to the payment of the purchase-money and otherwise as to the Board shall seem fit; and at least twenty-eight days' notice of such intended sale shall be given by advertising the same, in each issue until the day of sale, in a daily newspaper circulating in the Borough of Napier.

Commissioners to
receive proceeds
up to £30,000.

11. The Board shall, under its seal, appoint, and may from time to time remove and reappoint, two or more Commissioners, within or out of the Colony of New Zealand, to whom shall be paid the proceeds of any such sale or sales as aforesaid until the Commissioners shall have received the sum of thirty thousand pounds, for the purpose of providing a fund for the liquidation of the loan authorized by this Act; and such Commissioners shall invest such moneys in such securities as the Board shall from time to time direct.

Application of
surplus.

12. Any surplus over and above the sum of thirty thousand pounds to be derived from any such sale or sales as aforesaid may be applied by the Board in carrying out any further improvements in and upon the land described in the Third and Fourth Schedules hereto.

Application of
interest.

13. The Commissioners to be appointed under this Act shall apply the interest arising from the investment of the proceeds of sales in or towards the payment and discharge of the interest on the said loan authorised by this Act.

Application of
surplus interest.

14. In the event of the interest to be annually derived by the Commissioners from the investment of the proceeds of sale being in excess of the interest payable annually on the amount of the loan authorised by this Act the Commissioners shall invest any such excess of interest in such securities as the Board shall from time to time direct; and shall, on the liquidation of the said loan, transfer and assign to the Board all and every the securities held by them representing any such excess of interest.

Until proceeds of
sale bear interest,
interest on loan first
charge on general
revenue.

15. Pending the investment by the Commissioners of the proceeds of sale the annual interest on the said loan shall be a charge upon and shall be paid out of the general revenue of the Board; and, in case, after the investment of the proceeds of sales, the interest to be derived therefrom shall not be sufficient to meet the interest on the said loan, the deficiency shall be a charge upon and shall be paid out of the general revenue of the Board.

Act a special Act.

16. This Act shall be deemed to be a special Act within the meaning of "The Harbours Act, 1878," and all the provisions of that Act shall extend and apply to this Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

AHURIRI LAGOON (7,900 ACRES).

COMMENCING at the mouth of the Ahuriri Harbour, on the inner beach of the Western Spit, following Northerly along the shore of the Ahuriri Lake to the mouth of the River Esk; thence following Westerly and Southerly along the shore of the Ahuriri Lake, along the northern and eastern side of Park's Island, and again by the southern shore of the Ahuriri Lake to the mouth of the Tutaekuri River; thence following along the north-west boundary of the Te Whare-o-maraenui Block to the railway-line; thence following Northerly along the railway-line to the northern end of the new breastwork, and from thence crossing the entrance of the Ahuriri Harbour in a straight line to the commencing point on the inner beach of the Western Spit: excluding the islands called Roro-o-kuri, Parapara, Te Ihuotekei, Uruwiri, Poro Poro, Tirowhangahe, Tuteranuku, Awa-a-waka, and Matawhero.

SECOND SCHEDULE.

AHURIRI LAGOON.

ALL that parcel of land comprising 7,900 acres, more or less, and known as the Ahuriri Lagoon, in the Provincial District of Hawke's Bay, the boundaries whereof are as follows: Starting at the western extremity of Railway Quay; thence by a line bearing 283° 57' to the Ferry and Landing Reserve on the Western Spit; thence by the southern boundary of that reserve to Meanee Quay; thence towards the North and East by Meanee Quay Survey Reserve, a Native reserve, Meanee Quay, and the shore of the Ahuriri Lagoon to the mouth of the River Esk; thence by a line across that river to the southernmost corner of Block 84, as shown on the plan of the western side of the Harbour suburban sections; thence towards the North-east by Blocks 84, 49, 48, 47, and 46 on the said plan; thence North-westerly by Blocks 45 and 44 on the said plan; thence South-westerly by Blocks 43, 34, 33, 32, and 29 on the said plan; thence Easterly by Blocks 30 and 31 on the said plan; thence Westerly by Blocks 31 and 30 on the said plan; thence North-westerly by Blocks 29 and 28 on the said plan, a public road through Blocks 27, 26, and 25, and by Block 10 on the said plan; thence on the South-east by Blocks 9, 7, and 6 on the said plan; thence on the North-west by Blocks 6 and 7 on the said plan; thence on the South-east by Blocks 3 and 2 on the said plan; thence on the South-west by Block 1 on the said plan; thence on the North-west by Blocks 2, 3, 4, and 5 on the said plan; thence on the South-west by the Warerangi Block; thence Southerly and Westerly by Blocks 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, and 4 as shown on the plan of the Ahuriri Harbour suburban sections to the easternmost corner of Block 4 of the said Ahuriri Harbour suburban sections; thence by a line to the northernmost point of Block 2, Park's Island; thence by the northern, eastern, and southern shores of that island to its junction with Block 94, as shown on the plan of the Meanee suburban sections; thence by the eastern boundary of that block to its south-eastern corner; thence on the South-east by a line to the North-west point of Block 48 on the said plan of the Meanee suburban sections; thence by the northern boundary of Block 48 to its north-east corner; thence on the North-west by a line to the northernmost point of Block 95 on the said plan of the Meanee suburban sections; thence on the West and South by Block 95; thence Easterly by the Napier-Taradale Road and Blocks 47 and 96; thence South-easterly by Blocks 96 and 47 on the said plan of the Meanee suburban sections to the intersection with the Napier-Taradale Road; thence South-easterly by that road to a point opposite the north-west corner of Block 124 on the said plan of the Meanee suburban sections; thence Southerly by Blocks 124 and 122 on the plan of the Meanee suburban sections; thence generally Westerly by Blocks 122 and 47 on the said plan of the Meanee suburban sections; thence generally Southerly by Block 123 on the said plan of the Meanee suburban sections and Blocks 68 and 69 on the same plan; thence generally Easterly by Blocks 100 and 101 on the said plan of the Meanee suburban sections; thence Southerly by Block 101 to the bank of the Tutaekuri River; thence across that river by a line bearing due east to the boundary of the Te Whare-o-maraenui Block; thence North-easterly by the Te Whare-o-maraenui Block to the westernmost corner of that block; thence South-easterly by the same block to the Railway Reserve; thence towards the North and East by the Railway Reserve to the southernmost point of the Harbour Reserve known as Section 601, as shown on the plan of the Town of Napier;

thence towards the East by that reserve to the south-west corner of Town Section 600, Napier; thence by a line bearing $23^{\circ} 1'$ to a harbour reserve on the north side of Railway Quay; thence towards the North by the said reserve to the starting point at the western extremity of Railway Quay: excluding the islands called Roro-o-kuri, Parapara, Te Ihuotikei, Uruwiri, Poroporo, Tirowhangahe, Tuteranuku, Awa-a-waka, and Matawhero.

THIRD SCHEDULE.

TE WHARE-O-MARAENUI BLOCK.

CONTAINING 1,784 acres 2 roods, more or less, situate in the Napier Suburban District, commencing at the mouth of the Tutaekuri River on the east bank, following a line bearing $234^{\circ} 57'$ to Wellesley Road, following along the southern side of that road, and along the western boundary of the Tutae-o-mahu Block to Tareha's Bridge; thence along the north side of said bridge, and along the east and north boundaries of the Pukeroa Block to the Meanee Road, following along that road a distance of 2,234 links to a public road, and along the north side of said public road to the Tutaekuri River, down that river to Tareha's Reserve, following round the south, east, and north boundaries of that reserve again to the Tutaekuri River, and down that river to the starting point at its mouth.

FOURTH SCHEDULE.

ALL that part or parcel of land containing 543 acres, more or less, being part of the Harbour Reserve known as the Ahuriri Lagoon, situate to the eastward of the Napier-Taradale Road, commencing at the north-west corner of Block 124, as shown on the plan of the Meanee suburban sections, and bounded southerly by Blocks 124 and 122 on the said plan; thence generally Westerly by Blocks 122 and 47 on the said plan; thence generally Southerly by Block 123 and Blocks 68 and 69 on the said plan; thence generally Easterly by Blocks 100 and 101 on the said plan; thence Southerly by Block 101 to the bank of the Tutaekuri River; thence across that river by a line due east to the boundary of the Te Whare-o-maraenui Block; thence north-easterly by the Te Whare-o-maraenui Block to the Napier-Taradale Road; thence North-Westerly by that road to the starting point.

And all that part or parcel of land containing 14 acres 1 rood 24 perches, more or less, being a part of the said Ahuriri Lagoon situate to the eastward of Napier-Taradale Road, commencing at the north-east corner of the Napier-Taradale Road at its intersection with the Railway Reserve, and bounded on the north-west by the Napier-Taradale Road to its intersection with the Te Whare-o-maraenui Block; thence on the south-east by the Te Whare-o-maraenui Block to its junction with the Railway Reserve; thence on the North by the Railway Reserve to the starting point at the north-east corner of the Napier-Taradale Road.

FIFTH SCHEDULE.

TE WHARE-O-MARAENUI BLOCK.

ALL that area containing 1,554 acres 2 roods, more or less, situate in the Napier Suburban District, the boundary whereof commences at the mouth of the Tutaekuri River on the east bank, thence follows a line bearing $54^{\circ} 57'$ E. to Wellesley Road, along the southern side of that road to a point 1084.9 links from its junction with Carlyle Street; thence by lines bearing N. $180^{\circ} 30'$ E., 4745 links, and N. $90^{\circ} 30'$ E., 5470.2 links respectively; thence along the western boundary of the Tutae-o-mahu Block to Tareha's Bridge; thence along the north side of said bridge and along the east and north boundaries of the Pukeroa Block to the Meanee Road, following along that road a distance of 2234 links to a public road, and along the north side of the said public road to the Tutaekuri River, down that river to Tareha's Reserve, following around the south, east, and north boundaries of that reserve again to the Tutaekuri River, and down that river to the starting point at its mouth.

SIXTH SCHEDULE.

PROVINCE OF HAWKE'S BAY, NEW ZEALAND.

No. *Napier Harbour Board Loan, £30,000.*

Mortgage for £
This deed made the day of , 18 , between the Napier Harbour

Board, of the one part, and C.D., of _____, of the other part, Witnesseth that, in consideration of the sum of £ _____ sterling this day paid to the Napier Harbour Board for the purpose of "The Napier Harbour Board Amendment and Endowment Improvement Act, 1887," by the said C.D. (the receipt whereof is hereby acknowledged), the Napier Harbour Board (hereinafter called "the said Board") by virtue and in pursuance of the said Act, do hereby convey and assure, by way of mortgage, unto the said C.D.—Firstly, all that part or parcel of land containing 543 acres, more or less, being part of the harbour reserve known as the Ahuriri Lagoon, situated to the eastward of the Napier-Taradale Road, commencing at the north-west corner of Block 124, as shown on the plan of the Meanee suburban sections: and bounded Southerly by Blocks 124 and 122 on the said plan; thence generally Westerly by Blocks 122 and 47 on the said plan; thence generally Southerly by Block 123 and Blocks 68 and 69 on the said plan; thence generally Easterly by Blocks 100 and 101 on the said plan; thence Southerly by Block 101 to the bank of the Tutaekuri River; thence across that river by a line due east to the boundary of the Te Whare-o-maraenui Block; thence North-easterly by the Te Whare-o-maraenui Block to the Napier-Taradale Road; thence North-westerly by that road to the starting point. Secondly, all that part or parcel of land containing 14 acres 1 rood 24 perches, more or less, being a part of the said Ahuriri Lagoon, situate to the Eastward of the Napier-Taradale Road, commencing at the north-east corner of the Napier-Taradale Road at its intersection with the Railway Reserve; and bounded on the North-west by the Napier-Taradale Road to its intersection with the Te Whare-o-maraenui Block; thence on the South-east by the Te Whare o-maraenui Block to its junction with the Railway Reserve; thence on the North by the Railway Reserve to the starting point at the north-east corner of the Napier-Taradale Road. Thirdly, all that part or parcel of land known as the Te Whare-o-maraenui Block, containing 1,554 acres and 2 roods, more or less, situate in the Napier Suburban District, the boundary whereof commences at the mouth of the Tutaekuri River on the east bank, follows a line bearing 54° 57' E. to Wellesley Road, along the southern side of that road to a point 1084.9 links from its junction with Carlyle Street; thence by lines bearing N. 180° 30' E., 4745 links, and N. 90° 30' E., 5470.2 links respectively; thence along the western boundary of the Tutae-o-mahu Block to Tareha's Bridge; thence along the north side of the said bridge and along the east and north boundaries of the Pukeroa Block to the Meanee Road, following along that road a distance of 2234 links to a public road, and along the north side of the said public road to the Tutaekuri River, down that river to Tareha's Reserve, following round the south, east, and north boundaries of that reserve again to the Tutaekuri River, and down that river to the starting point at its mouth: 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 £5 10s. per centum per annum be satisfied. And the said Napier Harbour Board doth hereby, for itself, its successors and assigns, covenant with the said C.D., his executors, administrators, or assigns [or their successors and assigns, as the case may be] that the Napier Harbour Board, its successors or assigns, shall and will pay to the said C.D., his executors, administrators, or assigns [or their successors and assigns, as the case may be], the said principal sum of £ _____, hereby secured, on the 1st day of July, 1898, and also interest thereon in the meantime at the rate of £5 10s. per centum per annum, by equal half-yearly payments, on the 1st days of January and July in each year during the continuance of this security. And it is hereby agreed and declared by and between the parties hereto that no holder of this mortgage shall have any claim whatever against the public revenues of New Zealand or against the General Government. In witness whereof the Napier Harbour Board have caused their seal to be hereunto affixed, and the said C.D. has hereunto subscribed his name, the day and year first above written.

Sealed with the seal of the Napier Harbour Board
in the presence of
Chairman. }
Treasurer. }

[L.S.]

C.D.

Signed by the said C.D. }
in the presence of E.F. }

SEVENTH SCHEDULE.

THIS deed made between the within-named C.D., of the one part, and E.F., 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 successors the within-written mortgage security and all benefit and advantage thereof.

Dated this day , 188 . C.D.
Signed by the said C.D. in the presence of—

EIGHTH SCHEDULE.

MORTGAGE No. , of the Harbour Board of Napier, New Zealand, issued under "The Napier Harbour Board Amendment and Endowment Improvement Act, 1887," secured on parts of the harbour reserve known as the Ahuriri Lagoon, and part of the block of land known as Te Whare-o-maraenui Block, described in the Fourth and Fifth Schedules to "The Napier Harbour Board Amendment and Endowment Improvement Act, 1887," and the rents thereof.

On presentation of this coupon at on or after the day of , 188 , the bearer will be entitled to receive £

Chairman of the Board.
Treasurer of the Board.

NINTH SCHEDULE.

ALL that piece or parcel of land containing by admeasurement 230 acres, more or less, commencing at a point on the south side of Wellesley Road 1084·9 links from its junction with Carlyle Street; thence bounded on the West and South by other portions of the Te Whare-o-maraenui Block, by lines bearing 180° 30', 4745 links, and 90° 30', 5470·2 links, respectively; thence bounded on the North-east and North by the north-east boundary of the Te Whare-o-maraenui Block to the starting point: excluding 30 acres, more or less, situate within the said boundaries, commencing at a point 1900 links, on bearing 90° 30', from a point bearing 180° 30', 3545 links from the starting-point of the above-mentioned boundaries; thence bounded on the West by a line bearing 0° 30', 2100 links; on the North by a line bearing 90° 30', 1428·6 links; on the East by a line bearing 180° 30', 2100 links; on the South by a line bearing 270° 30', 1428·6 links, to the starting point.