# No. LXVIII.

AN ACT to amend "The New Plymouth Harbour Board Ordinance, 1875," of the Provincial Council of Taranaki. [30*th November*, 1877.]

NEW PLYMOUTH HARBOUR BOARD ORDINANCE 1875 AMENDMENT.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

**1.** The Short Title of this Act shall be "The New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877."

Interpretation.

**2.** In the construction of this Act the following terms within inverted commas shall, if not inconsistent with the context and subject-matter, have the meanings hereby respectively assigned to them, that is to say,—

"The said Ordinance" shall mean "The New Plymouth Harbour Board Ordinance, 1875."

"Rating district" shall mean the land liable to be rated, as described in the Second Schedule hereto.

"Board" shall mean the New Plymouth Harbour Board.

Repeal.

**3.** Sections five, six, seven, nine, ten, eleven, thirteen, fourteen, sixteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, forty-nine, fifty, fifty-one, fifty-two, fifty-four, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, and seventy, and Schedules one and two of the said Ordinance, are hereby repealed.

Word Superintendent to mean Governor.

**4.** Whenever the word "Superintendent" occurs in the said Ordinance, it shall be deemed to mean the Governor or any person appointed by him to act on his behalf.

Existing Board to remain in office.

**5.** The several persons who on the coming into operation of this Act constitute the Board, shall hold office until the first day of June, one thousand eight hundred and seventy-eight, on which day the new Board, as herein constituted, shall take office.

Election of six members.

**6.** During the month of May, one thousand eight hundred and seventy-eight, on such day as the Board shall direct, six members of the Board shall be elected by the electors within the rating area, and such election and all subsequent elections of members shall take place under "The Regulation of Local Elections Act, 1876," or any Act amending the same, and for this purpose the Board shall be deemed to be a "local body" within the meaning of that Act.

Definition of elector.

**7.** Every person whose name appears on the valuation roll of any County Council, Road Board, Town Council, or Municipal Council within the rating area, shall be qualified to vote at every election of a member of the Board, and be eligible for election.

Nomination of three members of Board.

**8.** Immediately after the election of members, the Chairman of the Board shall inform the Governor thereof, and the Governor in Council shall thereupon appoint three other persons to be members of the Board, and the members so elected and nominated shall constitute the Board.

Board to remain in office three years.

**9.** The Board so elected and nominated shall remain in office for three years, and the succeeding Board shall be elected and nominated in like manner.

Disqualification.

**10.** If any member shall by writing under his hand addressed to the Chairman of the Board resign his office, or shall die, or become of unsound mind, or shall be concerned in any contract with the Board, or shall be absent from three consecutive meetings of the Board, or be adjudicated a bankrupt, or execute any deed of composition with his creditors, or be convicted of treason, felony, or any infamous crime, he shall immediately cease to be a member of the Board.

Vacancies.

**11.** In the event of any vacancy arising in the seat of an elected member, the Board shall elect a person to fill such vacancy; and in the case of a nominated member, the Governor in Council shall appoint some person to fill the vacant seat.

Board may lease land for forty-two years.

**12.** It shall be lawful for the Board to lease by public auction any land in the possession of the Board, at such rent and upon such terms and conditions as the Board shall determine, so that such leases be for any term not exceeding forty-two years.

Board may purchase land.

**13.** It shall be lawful for the Board to purchase land for the purpose of improving or giving access to land held by the Board.

Board may make streets and roads.

**14.** It shall be lawful for the Board to lay off and make any road or street on any land belonging to the Board in order to make such land available for leasing or for public use and convenience: Provided that the local body having control of the roads or streets where such land is situate consent to the making of such road or street.

Rates to be made under "Rating Act, 1876."

**15.** In order to provide for the payment of interest and a sinking fund of one per centum on any moneys borrowed under this Act, it shall be lawful for the Board to levy a rate annually upon all lands situated within the rating district, and such rate shall be made and levied under the provisions of "The Rating Act, 1876," or any Act amending the same, and for this purpose the Board shall be deemed to be a local body within the meaning of that Act: Provided that the maximum rate levied by the Board shall not exceed one shilling in the pound on the rateable value of property.

Valuation roll.

**16.** The valuation roll of any Municipal Council, Town Board, County Council, or Road Board, if there is no county roll within the rating area, shall be deemed to be the valuation roll of the Board.

Borrowing restricted to £200,000.

**17.** Notwithstanding the provisions of the said Ordinance authorizing the Board to borrow three hundred and fifty thousand pounds, it shall not be lawful for the Board to borrow any sum exceeding two hundred thousand pounds; but it shall be lawful for the Board to sell debentures bearing six per centum interest at the rate of ninety-five pounds for every debenture of one hundred pounds, but not at any lower rate: Provided that no borrowing powers shall be exercised by the Board until the report of the Engineer-in-Chief finally determining the mode of executing the works, with detailed plans, specifications, and estimate of cost, have been carefully considered and adopted under the provisions of "The Harbour Works Act, 1874:" Provided also that the powers of the Board shall be subject to the same restrictions as are imposed in the case of the Lyttelton Harbour Board by section thirty-four of "The Lyttelton Harbour Board Act, 1876;" and provided further that no approval shall be given by the Governor in Council to

any harbour work proposed by the Board, unless the estimates of the cost thereof shall not exceed the amount hereby authorized to be borrowed.

Issue of debentures.

**18.** It shall be lawful for the Board to issue debentures payable to bearer, and the currency of such debentures shall be for a period of thirty years; and every such debenture shall be in the form set forth in the First Schedule hereto: Provided that no such debenture shall be or become chargeable on the public revenue of the colony, but the same shall be a first charge upon the entire revenue of the Board.

Land revenue of Board set aside for interest and sinking fund.

**19.** All land revenue which the Board may receive under the provisions of the fourth, tenth, and twelfth clauses of "The Financial Arrangements Act, 1876," shall be set aside by the Board for the payment of interest and sinking fund on any loan obtained by the Board, and for no other purpose. And such land revenue so set aside for a sinking fund may from time to time, as it accrues, be invested by the Board in the purchase of the Board's debentures in the open market, or in the purchase of the bonds of the New Zealand Government, or of the bonds of the Government of the Colony of Victoria, or of the bonds of the Government of the Colony of New South Wales, or of the bonds of the Government of the Colony of South Australia, or of the bonds of the Government of the Colony of Queensland.

If principal or interest not paid when due, debenture-holder may apply to Supreme Court.

**20.** If the sum secured by any debenture or any coupon issued under this Act is not paid upon presentation of such debenture or coupon respectively at the place where and the time when the same is payable, or at such place and at any time thereafter, the holder thereof may apply to a Judge of the Supreme Court, by petition in a summary way, for relief under this Act. And the Judge shall, if satisfied of the truth of the matter alleged in such petition, appoint a Receiver of the whole or of such part of the revenues of the Board as he shall see fit for the payment of such debenture or coupon.

Revenues to vest in Receiver.

**21.** The revenues of the said Board, or such part thereof as is specified in the order of the Judge as being made liable for payment of any debenture or coupon as aforesaid respectively, shall, from the date of the said order, vest in the Receiver, and shall cease to be vested in the said Board.

Powers vested in Receiver not to be exercised by Board.

**22.** All powers for the recovery of any moneys belonging to the revenues of the said Board, vested in the Receiver by any such order as aforesaid, shall, after the appointment of the Receiver, and in respect of all moneys and revenues so vested in him, cease to be exercised by the Board, and be henceforth exercised by the Receiver.

Receiver may levy rates.

**23.** In case any rates leviable by the Board, as in the said Ordinance provided, shall form part of the revenue vested in the Receiver by any order of a Judge as aforesaid, all the powers vested in the said Board for the making, levying, and collecting of such rate or rates by the said Ordinance or by this Act shall thereupon vest in the Receiver.

Receiver to give security.

**24.** Every Receiver shall, before entering upon his office, give such security for the faithful execution thereof as the Judge shall direct.

Money received applied by order of Judge.

**25.** All moneys received by the Receiver shall be applied under the order of a Judge of the Supreme Court as follows:—

(1.) In payment of the expenses of the application and order:

(2.) In payment of such remuneration to the Receiver and in such expenses of his office as the Judge directs:

(3.) In payment of the principal and interest of the loan in respect of which the Receiver is appointed;

(4.) The residue, after payment of the above, in payment into the fund of the said Board.

When claims satisfied, Judge may vest powers in Board.

**26.** When all the principal and interest of the loan in respect of which the Receiver was appointed is paid, or at any time by an order of the Judge of the Supreme Court upon the application of the Board, the powers of the Receiver shall cease and shall revest in the said Board, and the Receiver shall forthwith pay any moneys in his hands into the account of the said Board.

Sums named in debentures or coupons debt due by Board.

**27.** The sum of money named in any debenture or coupon shall, when the same respectively becomes payable, be a debt of the said Board to the holder of such debenture or coupon for the amount named therein.

Schedules.

## SCHEDULES.

### FIRST SCHEDULE.

FORM OF DEBENTURE, NEW PLYMOUTH HARBOUR BOARD.

Loan of [*State Loan or Fund on which secured*]. Debenture for £ .

Payable at [*State place of payment*] on .

Issued by the New Plymouth Harbour Board under "The New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877."

N.B.—*The holder of this Debenture has no claim in respect thereof upon the Government of the Colony of New Zealand, or the revenues of such colony.*

On presentation of this Debenture at [*State place of payment*], on or after the day of , 18 , the bearer thereof will be entitled to receive £ .

Interest on this Debenture will cease after the day when the payment falls due, unless default is made in payment.

Issued under the Corporate Seal of the Harbour Board of New Plymouth, the day of , 18 .

A.B., Chairman of Board.

C.D., Treasurer.

FORM OF COUPON.

Debenture No. of the Harbour Board of New Plymouth, New Zealand.

Issued under "The New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877." Secured on the revenues of the Board.

ON presentation of this Coupon at [*State place of payment*], on or after the day of , 18 , the bearer thereof will be entitled to receive £ .

A.B., Chairman of Board.

C.D., Treasurer.

### SECOND SCHEDULE.

BOUNDARY OF RATING DISTRICT.

BOUNDED by a straight line from the mouth of the Mokau River to the point on the Wanganui River where it is intersected by the 39th parallel of latitude; thence in a southerly direction by the last-mentioned river until it is met by the Taumatamahoe Path; thence by a straight line to the north corner of Allotment No. 320, Patea District; thence by a line in prolongation of the north-east boundary of the said allotment to the Waingongoro River; thence by the said river to the sea; and thence by the sea-coast to the Mokau River.