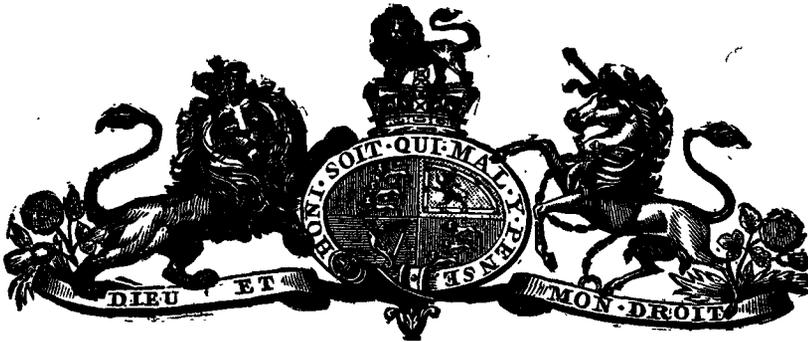


NEW ZEALAND.



TRICESIMO NONO

VICTORIÆ REGINÆ.

No. LXIII.

ANALYSIS.

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AN ACT to confer additional Powers upon the Otago Harbour Board, and to vest certain Public Reserves now vested in the Superintendent of the Province of Otago in the said Board, and to provide for the reclamation of and dealing with other Lands in the Port of Dunedin.

[21st October, 1875.]

WHEREAS it is desirable to confer additional powers upon the Otago Harbour Board, constituted under the Ordinances of the Superintendent and Provincial Council of Otago, the Short Titles of which Ordinances are respectively "The Otago Harbour Board Ordinance, 1874," and "The Otago Harbour Board Ordinance 1874 Amendment Ordinance, 1875 :"

AND WHEREAS it is expedient to vest certain reserves now vested in the Superintendent of the said province in the said Board, and to provide for the reclamation of certain lands in the Port of Dunedin, and for dealing therewith :

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 shall be "The Otago Harbour Board Empowering Act, 1875."
2. In the construction of this Act the words and expressions

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following shall have the meaning hereby assigned to them, that is to say,—

The expression "Port of Dunedin" shall mean the "Port of Dunedin" as defined by the Governor under "The Marine Act, 1867," and such expression shall also be deemed to mean and include the expressions "Harbour of Otago" and "Port of Dunedin" as the same are respectively mentioned in the said Ordinances, and shall also extend to and be deemed to mean any extension or re-definition of the said port under "The Marine Act, 1867," or any other Act in force for like purposes.

The expression "the Board," shall mean the "Otago Harbour Board," constituted under the hereinbefore-mentioned Ordinances.

The word "Superintendent," shall mean the Superintendent of the Province of Otago.

Persons prohibited from constructing works.

3. In addition to the provisions contained in the thirty-third section of "The Marine Act, 1867," as amended by "The Harbour Works Act, 1874," it shall not be lawful for any person to commence or undertake any such works, as in the said thirty-third section mentioned, within the limits of the Port of Dunedin, unless and until such person shall have given to the Board at least twenty-one days' notice of his intention to apply to the Governor in Council to approve of the plans and specifications of such proposed works.

Reserves which have been granted to the Superintendent to be vested in the Board.

4. And whereas certain lands forming part of the foreshore of the said Port of Dunedin have been granted by the Crown to the Superintendent, under "The Public Reserves Act, 1854," by grants dated respectively the eighth day of October, one thousand eight hundred and sixty-one, and the seventeenth day of October, one thousand eight hundred and sixty-two; the area comprised in the first of such grants being four hundred and twenty-one acres three roods and thirteen perches, in the second of such grants twenty-nine acres and seventeen perches: And whereas such grants are expressed to be made in trust for the improvement of the Harbour of Dunedin, and the construction and maintenance of such docks piers and other works therein as may be deemed advisable by the said Superintendent for facilitating the trade and commerce of the Town and Port of Dunedin, and it is expedient that the said reserves should be vested in the said Board:

It is therefore hereby enacted that all the lands so granted to the Superintendent as aforesaid upon the trust aforesaid, excepting such portions thereof as have been legally disposed of, shall be and they are hereby transferred to and vested in the said Board, to be held by the said Board on the like trusts and for the like purposes as the same are now held by the Superintendent; and the Superintendent shall, upon the request of the said Board, execute all necessary conveyances and assurances in law for conveying and assuring to the said Board the reserves hereinbefore mentioned: Provided that all reserves hereby vested in the Board shall be subject to any mortgage lease or other charge or encumbrance now subsisting upon the same or any part or parts thereof.

Lands reclaimed to be vested in the Board.

5. All lands which the Board may from time to time reclaim from the sea, under any lawful authority, may in the name and on behalf of Her Majesty, be granted by the Governor to the said Board, and, when so granted to the said Board, shall be held and may be dealt with, subject to the provisions of this Act, in like manner as the Board is authorized to deal with lands hereby vested in them: Provided that no such lands shall be so reclaimed from the sea, or be granted to the Board under this Act, unless the plans and specifications of such

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reclamation shall first have been submitted to and approved of by the Governor in Council, in the manner prescribed by the thirty-third section of the "The Marine Act, 1867," as amended by "The Harbour Works Act, 1874."

6. It shall be lawful for the Governor, or any person whom he may appoint for that purpose, on behalf of Her Majesty, from time to time and at any time hereafter, upon giving one month's notice in writing to the Board, to enter upon and take possession of such portion of any lands vested in the Board by this Act, or that may hereafter be vested in the Board under this Act, or under any other Act or Ordinance as may be specified in any such notice, and that may be required for the erection or construction of any public works or buildings of any kind, or for the purposes of any railway authorized to be constructed under any Act of the General Assembly now or hereafter to be in force.

Power to the Governor to take portion of lands vested in Board for works of public utility.

The Board shall be entitled to receive compensation for any land so taken, but not in any case exceeding the amount which the Board shall have actually laid out upon the said land, either for cost of reclamation or otherwise, in permanently improving the same; and the amount of such outlay shall, in case of dispute, be ascertained and settled in the like manner as claims for compensation may be ascertained and settled under Part VI. of "The Immigration and Public Works Act Amendment Act, 1871," and any Act amending that part of the last-mentioned Act, or read and construed therewith.

Upon the giving of such notice as aforesaid, the lands specified therein shall vest absolutely in Her Majesty the Queen, her heirs and successors, freed and discharged from any trusts upon which the same may be held. All moneys to be paid by way of reimbursing the Board for such actual outlay as aforesaid shall be paid out of such sum or sums as may from time to time be appropriated for that purpose by the General Assembly.

Nothing herein contained shall be construed to limit or abridge any other right or power that may be vested in Her Majesty or the Governor, or in any other person on behalf of Her said Majesty, of taking lands for all or any of such purposes as hereinbefore mentioned.

7. It shall be lawful for the Board to levy a general harbour improvement rate, not exceeding in any case two shillings per ton by weight or by measurement laws, upon all goods wares and merchandise discharged at or shipped from the Port of Dunedin; and from time to time to make alter or revoke by-laws and regulations, and in and by such by-laws and regulations the said Board may provide for the manner of levying and collecting such rate, and by whom the same shall be paid, and in what manner the same shall be paid, to any authorized officer of the Board: Provided that no such by-laws and regulations, or any alteration thereof, shall have any force or effect unless and until the same shall have been approved by the Governor in Council, and shall have been published at least thrice in some newspaper or newspapers circulating in the City of Dunedin.

Power to make by-laws and regulations.

8. The rate so to be levied and collected shall be expended and laid out in the carrying out construction maintenance and repair of harbour works for the permanent improvement of the Port of Dunedin, or for the payment of interest and sinking fund upon moneys borrowed for the purposes of such works, in such manner and at such times as the said Board may from time to time determine: And it is hereby provided that for the purposes of this section the expression "harbour works" shall mean any works and undertakings which, by virtue of the Ordinances hereinbefore mentioned, the said Board is empowered or authorized to carry out construct maintain or repair in or for the said Port of Dunedin.

How moneys to be expended.

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Exemption from rates.

9. The rate to be levied and collected under this Act shall in no case be levied and collected on goods wares or merchandise the property of Her Majesty, or of the Government of the colony, or of any Provincial Government.

How rates &c. to be collected on railway wharves.

10. Whenever any wharf shall have been constructed for the purposes of, or shall be used in connection with, any railway constructed by the Governor under the provisions of "The Immigration and Public Works Act, 1870," or any Act amending the same, or under any other Act or authority authorizing the Governor or the Government of the colony to construct or use any railway, then all wharfage rates and dues of whatever kind which may be leviable by the Harbour Board under this Act, or under the Ordinances herein-before mentioned, at or upon any such wharf, shall be paid to and collected by some person to be appointed for that purpose from time to time by the Governor; and all such rates and dues shall, after deducting thereout the cost of the collection thereof, be paid over to the Board monthly.

Rates to be paid before goods removed.

11. No goods shall be permitted to be removed from any warehouse quay wharf or other place where the same may have been stored landed or discharged until a receipt or other authority be produced from the said Board, or by some officer or servant of the Board authorized for that purpose, of the payment or satisfaction of such harbour improvement rate and all other rates duties and charges lawfully levied by the said Board.

Harbour improvement rate at Port Chalmers.

12. The harbour improvement rate chargeable on goods wares and merchandise landed at the Railway Pier, Port Chalmers, shall be not more than one-half of the rate charged on goods wares and merchandise landed at any other dock wharf or pier in the Port of Dunedin.

Goods may be sold in certain cases.

13. Any goods wares or merchandise left on the wharves quays docks or in the sheds of the Board may, unless the same be removed within the period or periods provided by the regulations of the said Harbour Board, be sold as herein provided; but no such sale shall be effected except upon notice in writing being personally given to the owner of such goods wares or merchandise, or if such owner shall be unknown then notice shall be given by advertisement for six consecutive days in a newspaper circulating in the City of Dunedin, and if for the space of six days after the giving of such notice, if given personally as aforesaid, or, if such notice shall be published, then at the expiration of the last day on which such notice shall be published.

All sales shall be held by public auction, and the moneys realized from the sale, after deducting all the dues expenses and charges chargeable against such goods wares and merchandise, shall be paid into the Public Account of the colony, and shall go to and form part of the trust fund, and be dealt with accordingly.

The term "owner," used in this section, shall be deemed to include consignee and any authorized agent of such owner.

Saving of rights of Corporation of City of Dunedin.

14. Nothing in this Act contained shall be taken or deemed to destroy alter abridge or in any manner to interfere or conflict with any of the rights powers or interests given to or conferred upon the Corporation of the City of Dunedin in and by a certain Ordinance of the Superintendent and the Provincial Council of the Province of Otago, the Short Title whereof is "The Dunedin Reserves Management Ordinance, 1867."

Saving of rights of the Crown.

15. Nothing in this Act shall be taken or deemed in any way to affect any right or prerogative of Her Majesty, her heirs or successors.