

1881, No. 22.—*Local.*

AN ACT to constitute a Dock Trust for the Management and Maintenance of a Dock at Port Chalmers, and for vesting certain Lands in such Dock Trust. [23rd September, 1881.]

PORT CHALMERS  
DOCK TRUST.

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 Port Chalmers Dock Trust Act, 1881.” Short Title.

#### CONSTITUTION OF DOCK TRUST.

2. The Mayor of the City of Dunedin, the Mayor of the Borough of Port Chalmers, the Chairman of the Otago Harbour Board at Dunedin, the President of the Chamber of Commerce, and their successors in their several offices, together with one person elected by the Council of the Borough of Port Chalmers and two persons nominated by the Governor, and their successors, shall be and they are hereby constituted a body politic and corporate by the name and style of “The Port Chalmers Dock Trust,” and by that name it and its successors shall have perpetual succession and a common seal.

Constitution of  
“The Port Chalmers  
Dock Trust.”

3. The Port Chalmers Dock Trust and its successors (hereinafter called “the Trust,”) shall have full power and authority to do all matters and things incidental to or appertaining to a corporate body, subject nevertheless to any provisions in this Act contained affecting such powers.

Powers of Trust.

4. When any member of the Trust shall die, resign, cease to hold the office in respect of which he is such member, or be absent from the colony for the space of six consecutive months, the Governor shall appoint, either permanently or temporarily as occasion may require, another or other fit and proper person or persons to be a trustee or trustees in the room of the trustee or trustees so dying, resigning, ceasing to hold office, or being absent as aforesaid.

Provision as to  
vacancies arising in  
Trust.

#### PROPERTY OF THE TRUST.

5. Whenever the Governor shall be satisfied that the Trust either has or will be able to raise sufficient funds for the enlargement of the existing dock, or for the construction of a new dock on the land described in the First Schedule hereto, and also that, if such enlarged or new dock be built or erected, the bar at the entrance to the Harbour of Port Chalmers and the navigation of the said harbour will be so improved as to permit the full use of such enlarged or new dock, he may, in the name and on behalf of the Queen (subject to the reservations and conditions hereinafter set forth), grant and convey to the Trust, free from all trusts now affecting the same,—

When Governor  
satisfied that Trust  
has sufficient funds  
to carry out harbour  
and dock improve-  
ments, &c., land  
in Schedules to be  
conveyed to Trust.

(1.) The land and property described in the First Schedule hereto to be held by it in trust for a dock, subject to the powers, provisions, and conditions herein expressed and declared;

(2.) And also the several parcels of land described in the Second Schedule, as an endowment for the purposes of this Act:

Excepting out of the lands described in the First and Second Schedules all lands other than the said dock, which is now used and occupied as sites for public buildings or for public works of any kind;

Exception of lands  
occupied for public  
works.

Condition that portion of lands may be taken for public works.

and reserving to the Governor on behalf of the Queen full power and authority, before any grant shall be made under this provision, to set apart and reserve for the use of Her Majesty such portion of the lands described in the First and Second Schedules, or either of them, as he thinks fit, for any public work within the meaning of "The Public Works Act, 1876," made or to be hereafter made or constructed by the Government of the colony.

Control and management of dock vested in Trust.

**6.** The whole and entire charge, control, and management of such dock, and the maintenance, enlargement, alteration, and repair thereof, shall be and is hereby vested in the Trust, subject to the provisions of this Act.

Dock to be kept and maintained for purposes for which it is now used.

**7.** The Trust shall at all times keep, use, and maintain the said dock as and for the purposes for which it is now used, and shall permit the same to be used by all vessels:

Provided that all ships belonging to Her Majesty, or to the Government of the colony, shall be admitted to the use of the said dock free of all charges other than the actual expenses for labour employed in docking them.

#### POWER TO BORROW MONEY.

Power to Trust to borrow money.

**8.** The Trust may from time to time, in the manner provided by "The Harbours Act, 1878," borrow such sum or sums of money as the Trust may require for the purposes of constructing, enlarging, maintaining, or repairing the said dock, not exceeding in the whole the sum of one hundred thousand pounds, and so often as any part of such sum shall be repaid the Trust may re-borrow the same.

#### MISCELLANEOUS POWERS.

Provisions of "The Harbours Act, 1878," to apply.

**9.** Except as may be expressly provided by this Act, all the provisions of "The Harbours Act, 1878," shall extend and apply to the Trust created by this Act, and the rights, powers, duties, and functions imposed upon such Trust by this Act, and to the land to be granted and conveyed to it under the powers hereinbefore contained, in like manner and as fully as if such Trust were a Harbour Board created by a special Act to which "The Harbours Act, 1878," is applicable, and this Act shall be deemed to be a special Act accordingly.

Power to make by-laws.

**10.** The Trust may from time to time make all such by-laws as may appear to it to be necessary for fully carrying out the purposes of this Act, and may in such by-laws fix and determine the amount of dues to be charged upon or from vessels making use of such dock.

Power to appoint surveyors, clerks, &c.

**11.** The Trust may appoint such surveyors, overseers, clerks, collectors, and other officers as they may deem necessary, with reasonable salaries or allowances for their trouble.

Accounts to be kept.

**12.** The Trust shall keep accurate accounts of all sums of money received for dues or other charges on account of the said dock, and of all rents and other moneys received from the endowments by this Act authorized to be vested in it, and of all costs, charges, expenses, and disbursements in connection with the management and maintenance thereof.

Yearly balance-sheet to be prepared.

**13.** On the thirty-first day of March in every year, or within one week thereafter, the Trust shall prepare accounts and a balance-

sheet, showing the receipts and disbursements of the Trust during the previous year, and the actual financial state of the Trust on the thirty-first day of March in that year.

14. Such accounts and balance-sheet shall be forwarded in duplicate to the Governor, who shall cause the same to be forwarded for examination by the Controller and Auditor-General in manner directed by the thirty-third section of "The Public Revenues Act, 1878;" and such balance-sheet shall be published at the expense of the Trust, immediately after the same shall have been so audited, as the Governor may direct.

Accounts and balance-sheet to be forwarded to Governor, and audited by Controller and Auditor-General.

## SCHEDULES.

Schedules.

### FIRST SCHEDULE.

ALL that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, partly situate below high-water mark in the Harbour of Port Chalmers, containing by admeasurement 25 acres, be the same more or less. Bounded towards the North-east by a line, 750 links; towards the South-east by a line, 2000 links; again towards the North-east by a line, 1170 links; towards the North by a line, 1380 links; again towards the North-east by a line, 730 links; again towards the South-east by a line, 360 links; towards the West by a road or street, 690 links; towards the South by a road or street, 1830 links, and by the same in a curve, 700 links; again towards the South-west by a road or street, 708 links; and toward the West and North-west by high-water mark, about 4100 links.

Together with the dock now erected thereon, and all buildings and erections of every kind connected therewith, and all fittings, chattels, and appliances used for the purposes of the said dock and now being the property of Her Majesty.

### SECOND SCHEDULE.

ALL that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, containing by admeasurement 4 acres and 33 poles, more or less, situated in the Lower Harbour West District, being Section numbered 51, Block I., on the map of the said district. Bounded towards the South-west by the Lower Harbour of Otago, 1060 links; towards the North-west by Section numbered 2, 430 links; towards the North-east by the Lower Harbour of Otago, 1044 links; and towards the South-east by the Lower Harbour of Otago, 379 links: as originally granted to the Superintendent of the Province of Otago and his successors, by grant bearing date the 6th May, 1866, in trust for a patent slip.

All that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, situate in Otago Harbour, containing by admeasurement 30 acres, more or less, as delineated on the record map of the Town of Port Chalmers. Bounded towards the North-west by Sections numbered respectively 62 and 63, Sawyers' Bay District, and the Town Belt of Port Chalmers, 2300 links; towards the North-east by Wickliffe Terrace and Crown lands, 1440 links; towards the South-east by Crown lands, 1800 links; and towards the South-west by Otago Harbour, 1665 links, be all the aforesaid linkages more or less: originally granted to the Superintendent of the Province of Otago, and his successors, by grant bearing date the 1st August, 1866, in trust for the improvement of the Harbour of Port Chalmers, and the construction and maintenance of 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 Harbour of Port Chalmers: save and excepting from the aforesaid area, 2 roods and 4 poles, granted to the Municipal Corporation of Port Chalmers by "The Port Chalmers Compensation Act, 1877;" also, 22 poles vested in Trustees by "The Port Chalmers Drill-shed Act, 1881," portions of which areas are included in the grant of the 1st August, 1866, hereinbefore mentioned: and also save and excepting a right of road to the areas hereby excepted from this endowment.

All that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, situate in the Lower Harbour West District, being Section numbered 52, Block I., on the map of the said district, containing by admeasurement 20 acres 2 roods, more or less. Bounded towards the North-north-west by the Lower Harbour, 1500 links ; towards the South-east by the Lower Harbour, 2500 links ; towards the South-west by the Lower Harbour, 1600 links ; and towards the West by Section numbered 4, 2300 links, be all the aforesaid linkages more or less : originally granted to the Superintendent of the Province of Otago, and his successors, by grant bearing date 11th August, 1869, in trust as a site for a jetty.

---