

## New Zealand.



### ANALYSIS.

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1890, No. 21.—*Local.*

AN ACT to reconstitute the Thames Harbour Board and to validate  
and explain a certain Definition of the Port of Thames. Title.

[13th September, 1890.]

WHEREAS by warrant dated the seventh day of September, one thousand eight hundred and seventy-four, issued under the hand of the then Governor of the colony, and made under the authority of "The Marine Act, 1867," it was declared that the seaward limits of the Port of Thames should be a circle of five nautic miles radius from Opani Point, and which said warrant was published in the *New Zealand Gazette* of the tenth day of September, one thousand eight hundred and seventy-four: And whereas by another warrant dated the eighteenth day of July, one thousand eight hundred and eighty-seven, issued under the hand of the then Governor of the colony, and made under "The Harbours Act, 1878," the limits of the said Port of Thames were then altered and defined as set forth in such warrant, as the same is published in the *New Zealand Gazette* of the twenty-first day of July, one thousand eight hundred and eighty-seven: And whereas by another warrant dated the twenty-third day of May, one thousand eight hundred and eighty-eight, issued and made as last aforesaid, the limits of the said Port of Thames were again altered and defined, and the warrant in that behalf is published in the *New Zealand Gazette* of the twenty-fifth day of May, one thousand eight hundred and eighty-eight: And whereas by a further warrant dated the eleventh day of September, one thousand eight hundred and eighty-eight, issued and made as last aforesaid, and published in the *New Zealand Gazette* of the thirteenth day of September, one thousand eight hundred and eighty-eight, the limits of the Port of Thames were Preamble.

defined and declared to be those set out and described in the hereinbefore-recited warrant of the seventh day of September, one thousand eight hundred and seventy-four: And whereas doubts have arisen as to the sufficiency of the description of the limits intended to have been defined by the said last-mentioned warrant, and it is expedient that the same should be explained, and that the boundaries of the said Port of Thames should be properly defined, in accordance with the intention of the said warrant of the seventh day of September, one thousand eight hundred and seventy-four: And whereas it is also expedient to alter the constitution of the Harbour Board for the Port of Thames:

BE IT THEREFORE 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 is “The Thames Harbour Board Act, 1890.”
- Act to be a special Act. 2. This Act shall be and be deemed to be a special Act within the meaning of “The Harbours Act, 1878,” which Act and all the Acts amending the same shall be incorporated with this Act so far as the provisions thereof are not inconsistent herewith or repugnant hereto.
- Interpretation. 3. In this Act, if not inconsistent with the context,—  
 “The Board” means the Thames Harbour Board;  
 “The said Act” means “The Harbours Act, 1878,” and all Acts amending the same;  
 “Local body” and “district” have respectively the meanings assigned to them by “The Regulation of Local Elections Act, 1876.”
- Board constituted. 4. The Thames Harbour Board shall be and be deemed to be a Harbour Board constituted under “The Harbours Act, 1878,” and this Act.
- Term of office. 5. The members of the Board at the time this Act comes into operation shall continue to hold office until the second Monday in the month of February, in the year one thousand eight hundred and ninety-one, on which day they shall go out of office; but any vacancies occurring prior to such last-mentioned date shall be filled up as if this Act had not been passed.
- Reconstitution of Board. 6. The Board shall, from and after the second Monday in the month of February, in the year one thousand eight hundred and ninety-one, consist of nine members, of whom five shall form a quorum; and such members shall be respectively appointed or elected as follows:—  
 The Mayor of the Borough of Thames for the time being;  
 One member to be elected by the Thames Borough Council;  
 One member to be elected by the Thames County Council;  
 One member to be elected by the Ohinemuri County Council;  
 One member to be elected by the Piako County Council;  
 Two members to be elected by and out of the persons who shall respectively have paid to the Board the sum of three pounds or upwards of harbour dues during the year ending the fifteenth day of January preceding such election;  
 Two members to be appointed by the Governor.

7. On the second Monday in the month of February in every alternate year the Governor shall appoint two persons to be members of the Board, who shall hold office from the date of their appointment until the appointment of their successors. The first of such appointments shall be made on the second Monday in the month of February, one thousand eight hundred and ninety-one.

Members appointed by Governor.

8. On the second Monday in the month of February in every alternate year there shall be an election of the elective members of the Board, and the first election of such members shall be held on the second Monday in February, one thousand eight hundred and ninety-one; and such members shall come into office on their election, and shall hold office from the time of their election until the election of their successors.

Elective members.

A certificate under the corporate seal of a local body that any person or persons named therein has or have been appointed a member or members of the Board shall be conclusive evidence of the appointment of such person or persons as a member or members of the Board by such local body.

Members appointed by local body.

9. The Board shall appoint a Returning Officer, who shall hold office during the pleasure of the Board; and such Returning Officer shall conduct the election of two members to be elected by the payers of harbour dues and the owners of vessels under the provisions of "The Regulation of Local Elections Act, 1876," so far as the same is applicable.

Members elected by payers of dues.

(1.) The secretary of the Board shall, on the fifteenth day of January, one thousand eight hundred and ninety-one, and thereafter on the fifteenth day of January in each year preceding a general election of elective members of the Board, prepare an alphabetical list of all persons who shall in the twelve preceding months have paid the sum of three pounds and above that sum for harbour dues.

List of electors.

(2.) The list aforesaid prepared by the secretary of the Board shall be the roll for the election of persons to serve as members by the payers of dues, and such roll shall continue in force until the fifteenth day of January preceding the next general election of elective members of the Board.

Such lists to be election-roll.

10. So much of the Second Schedule of the said Act as relates to the number, nomination or appointment, succession to office, and election of the members of the Board is hereby repealed.

Part of principal Act repealed.

11. The limits of the Port of Thames are hereby declared to be those set out and described in the Schedule hereto; and, subject to the provisions of this Act, such limits shall be deemed for all purposes to have been so defined by the warrant issued on the seventh day of September, one thousand eight hundred and seventy-four, up to and until the eighteenth day of July, one thousand eight hundred and eighty-seven, and shall, as from and after the eleventh day of September, one thousand eight hundred and eighty-eight, be and continue the limits of the said port for the purposes of "The Harbours Act, 1878," until the same are altered, annulled, or redefined under any law for the time being authorising the same.

Limits of Port of Thames defined.

12. All acts, matters, and things heretofore done or suffered, and all liabilities incurred, by the Thames Harbour Board before the passing of this Act within or in respect of the Harbour or Port of Thames as

Acts and things done by Thames Harbour Board, and liabilities incurred, deemed valid.

defined by this Act, or as defined by the said several warrants of the eighteenth day of July, one thousand eight hundred and eighty-seven, and the twenty-third day of May, one thousand eight hundred and eighty-eight, shall respectively be deemed good, valid, and effectual for all purposes so far as the validity of any such act, matter, thing, or liability may depend on the sufficiency or validity of any warrant hereinbefore respectively mentioned and recited.

Moneys due to or by Board may be recovered.

And, notwithstanding any defect in or want of validity in any such warrant as aforesaid, all dues and other moneys whatsoever payable to or by the Thames Harbour Board, within or in respect of the limits defined or intended to be defined by any of the hereinbefore-recited warrants, shall be payable to and may be sued for and recovered by the Board, or by the person, body, or authority entitled thereto, as effectually as if there had been no such defect or want of validity.

Board may compound.

13. The Thames Harbour Board may compound with any person, company, or corporation for such sum of money or recompense as it thinks fit, in respect of any debt now due to the said Board in respect of harbour dues, whether before or after any action or suit is brought for the recovery of the same.

Schedule.

### SCHEDULE.

#### LIMITS OF THE PORT OF THAMES.

ALL that area in the Provincial District of Auckland bounded towards the south west and north-west by an arc of a circle,—having a radius of five nautic miles from the point of intersection at or near Opani Point, of a line bearing S. 62° 12' W. from trigonometrical station 92 (Pukeoraka) with another line bearing N. 26° 15' W. from trigonometrical station 90 (telegraph tower),—from ordinary high-water mark of the Frith of Thames, near the western boundary-line of Block X., Thames Survey District, to ordinary high-water mark of the Frith of Thames, near the Puatamaru Rock; thence towards the north-east by ordinary high-water mark of the Frith of Thames and of the Kauaeranga River to the railway-bridge across the said river; thence by the said railway-bridge to the left bank of the Kauaeranga River aforesaid; thence towards the south-west generally by ordinary high-water mark of the Kauaeranga River aforesaid to the Frith of Thames; thence again towards the north-east by ordinary high-water mark of the Frith of Thames and of the Waihou or Thames River to a point where the boundary-line between Block No. 5409 (Te Kopua) and Block No. 5410 (Makakarahi) touches the said river; thence towards the south-east by a line in prolongation of the aforesaid boundary-line across the Waihou or Thames River; thence again towards the south-west by ordinary high-water mark of the said Waihou or Thames River to Opani Point; thence again towards the south-east generally by ordinary high-water mark of the Frith of Thames and of the Piako River to a right line drawn between two telegraph towers situate one on either bank of the said Piako River, near the northern boundary-line of Block XI., Thames Survey District; thence by the said right line to the left bank of the Piako River; and thence by ordinary high-water mark of that river and of the Frith of Thames aforesaid to the starting-point: the hereinbefore mentioned line of ordinary high-water mark shall be deemed to cross the mouths of any tributaries of the said Thames or Waihou River: as the same is delineated on the plan marked M.D. 1608, and deposited in the office of the Marine Department, at Wellington.