

New Zealand.

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1898, No. 26.—*Local.*

- Title.** AN ACT to give the Wairoa Harbour Board Power to erect Harbour-works, and to give to the said Board Borrowing-powers for carrying out such Works. [5th November, 1898.]
- Preamble.** WHEREAS the Wairoa Harbour Board is a duly constituted Board under and by virtue of "The Wairoa Harbour Board Act, 1878": And whereas the commerce of the Wairoa district requires better and increased port-accommodation: And whereas provision is made by "The Harbours Act, 1878," for Harbour Boards borrowing money under special Acts for the purpose of constructing harbour-works:
- 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 Wairoa Harbour Board Empowering and Loan Act, 1898."
- Interpretation.** 2. In this Act the expression—
"The Board" means the Wairoa Harbour Board:
"The Chairman" means the Chairman of the Wairoa Harbour Board for the time being:
"The district" means the Wairoa Harbour Rating District as defined by this Act.
- Board may construct works.** 3. It shall be lawful for the Board, subject to the provisions of "The Harbours Act, 1878," to construct such works as are defined by the words "harbour-works" in the interpretation clause of such Act

as shall be by the Board considered necessary for the requirements of the Port of Wairoa, and also to erect and construct all such works for the improvement of the said port and the navigation thereof as shall be judged necessary and proper by the Board for the safety, convenience, or reception of vessels resorting to the said port, and for the more convenient loading and unloading of such vessels, or for the safety and protection of any works constructed or proposed to be constructed by the Board.

4. The Board shall have power to borrow, subject to the provisions of "The Harbours Act, 1878," and to the provisions of this Act, any sum not exceeding five thousand pounds, at any rate of interest not exceeding five per centum per annum, to be applied in and about the construction and carrying-out of the works mentioned in section three of this Act. Power to borrow.

5. It shall be lawful for the Board from time to time to issue debentures for any sums of money not being less than twenty pounds nor more than five hundred pounds, and not exceeding in the aggregate the sum of five thousand pounds, repayable on the first day of January, one thousand nine hundred and eighteen, bearing interest after a rate therein fixed, and not exceeding five per centum per annum: Power to issue debentures.

Provided that no debenture shall be sold at a price which will yield to the purchaser a higher rate of interest than five pounds per centum per annum.

6. Every debenture shall be in the form or to the effect set forth in the First Schedule to this Act, and shall be sealed with the seal of the Board, and signed by the Chairman and countersigned by the Treasurer. Form of debenture.

7. The debentures 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 Second Schedule to this Act, for every half-year's interest, payable to bearer. Numbering of debentures.

8. The holder of any debenture shall not have any preference by reason of any priority of date or otherwise, but all debenture-holders shall rank alike and be entitled to equal rights and remedies. No preference.

9. For the purpose of providing a sinking fund for the liquidation of the loan authorised by this Act, there shall, on the first day of January in each and every year after the passing of this Act, be set apart by the Board, out of the rates hereinafter mentioned, upon which the principal and interest of such debentures are to be charged, a sum not less than ten shillings per centum per annum on the aggregate amount for which debentures shall at that time be issued. Provision for sinking fund.

10. A district to be called "The Wairoa Harbour Rating District" shall be hereby constituted, and shall consist of the town district and ridings set forth in the Third Schedule to this Act. Constitution of district.

11. Before the said loan is raised the consent of the ratepayers in the district shall first be obtained in the mode hereinafter prescribed: The Chairman shall convene meetings of the ratepayers, to be held within the town district and several ridings comprising the district upon a day not more than seven days after the last publication of a notice to be published as hereinafter mentioned, to consider the Consent of ratepayers.

said proposal. Such meetings shall be convened by notice published on three days in a newspaper circulating in the district, and every such notice shall specify the time and place in the town district and ridings at which meetings are to be held, and also the following particulars, namely:—

- (1.) The particular works proposed to be undertaken ;
- (2.) The sum proposed to be borrowed for such purpose ;
- (3.) Any special rate which it is proposed to pledge as security for such loan, not being moneys received by way of grant from the General Government or moneys theretofore pledged as security for any loan or appropriated to any special purpose.

Presiding officer.

12. The Chairman shall appoint one of the members of the Town Board and one of the County Council elected for each riding in the district to preside at each meeting within the town district or riding which he represents, if such member shall be willing to act ; and if no such member is willing to act, or becomes incapacitated from acting from any cause, then such person as the Chairman thinks fit. The member or person so appointed shall be called "the Presiding Officer," and shall preside at the meeting to be held in the town district or riding for which he has been appointed, and shall also preside at the taking of any poll as hereinafter provided. After due consideration and discussion of the proposal the Presiding Officer shall give notice that a poll will be taken.

Poll, mode of taking.

13. The poll shall be taken as follows:—

- (1.) The Chairman shall publish a notice setting forth the day, not less than one nor more than three weeks from the day of the said meeting, on which the poll will be taken.
- (2.) The Chairman shall give notice to the Presiding Officer requiring him to take a poll upon the day appointed.
- (3.) The Presiding Officer shall upon the day so appointed proceed to take the poll in the manner provided by "The Regulation of Local Elections Act, 1876," for taking a poll at any election, and shall provide voting-papers and all things necessary for taking a poll.
- (4.) The voting-paper shall be printed in the form in the Fourth Schedule to this Act, with the words "I vote for the above proposal," and "I vote against the above proposal" legibly printed at the foot of each voting-paper.
- (5.) The voter shall erase one or other of the two lines, and his vote shall be deemed to be given according to the one of the said lines which he leaves unerased.
- (6.) All the provisions of "The Regulation of Local Elections Act, 1876," as regards taking a poll shall, so far as they are applicable, and except as by this section otherwise provided, apply to the taking of a poll on the proposal to raise a special loan.
- (7.) A separate poll shall be taken in the town district and several ridings comprising the district.

Voting-power.

14. Every ratepayer within the district shall be entitled to vote according to the following scale, that is to say:—

- (1.) If his rateable property is valued on any valuation roll at not more than one thousand pounds, he shall have one vote;
- (2.) If such property is so valued at more than one thousand but not more than two thousand pounds, he shall have two votes;
- (3.) If such property is so valued at more than two thousand but not more than three thousand pounds, he shall have three votes;
- (4.) If such property is so valued at more than three thousand pounds but not more than seven thousand five hundred pounds, he shall have four votes;
- (5.) If such property is so valued at more than seven thousand five hundred pounds he shall have five votes.

15. If three-fifths of the votes actually polled are given in favour of the proposal the resolution in favour of the proposal shall be deemed to be carried, and the Board may proceed with the proposal accordingly; but if there is no such majority in favour of the proposal the resolution shall be deemed to be rejected, and the Board shall not proceed.

Proposal, when carried or rejected.

16. As soon as conveniently may be after the result of the poll has been ascertained, the Chairman shall give public notice of the number of votes recorded for and against the proposal as above provided, and shall declare the resolution to be carried or rejected as the case may be.

Result to be published.

17. When any such resolution is carried the Chairman shall send a notice thereof to the Colonial Secretary, who shall publish the same in the *Gazette*, and such notice so gazetted shall be final that the raising of the loan to which it refers has been duly authorised under the provisions of this Act, notwithstanding any omission or irregularity in any provision, matter, or thing required to be done hereunder or under "The Regulation of Local Elections Act, 1876."

Notice to be gazetted that loan authorised.

18. The Board, after the passing of this Act, shall, if the resolution in favour of the proposal be carried as aforesaid, make and levy a rate of three-sixteenths of a penny in the pound upon all rateable property in the Wairoa Harbour Rating District, and the proceeds of such rate shall be applied towards payment of the annual charges to accrue in respect of any loans to be raised under this Act, and to provide for the sinking fund hereinbefore mentioned.

Levy of rate.

19. The rate to be levied by the Board in each year shall not exceed three-sixteenths of a penny in the pound on all rateable property in the Wairoa Harbour Rating District as aforesaid.

Amount.

20. No rate under this Act shall be capable of being set aside or being quashed by any proceeding of any Court or otherwise, and no defect in the same shall be set up as a defence to any action which may be brought to recover the same.

Not to be set aside.

21. The rateable value appearing in the assessment rolls under "The Land and Income Assessment Act, 1891," and its amendments in force for the time being, as regards all real property in the district, shall be the rateable value of all such property for the purposes of this Act.

Rateable value of property.

Power to levy and
recover rates.

22. For the purpose of making, levying, and recovering the rates hereby authorised to be made and levied, the Board shall have and may exercise all the powers of making, levying, and recovering rates in the district and each riding within the district which any local body having rating-power within such town district or riding shall or may have under the law for the time being in force regulating the recovery of the rate therein respectively.

Receiver may be
appointed.

23. When and so often as the Board shall fail to pay, at the proper time and place for so paying, either the principal sum required by the debentures to be issued under this Act, or the coupons for interest payable thereon, then, immediately on default being made, any person to whom any sum is owing may apply *ex parte*, by petition in a summary way, to a Judge of the Supreme Court for relief under this Act, and the Judge may, if satisfied of the truth of the matters alleged in such petition, appoint, upon such terms as to security and remuneration as he shall think fit, a receiver of the rate hereby authorised to be levied.

Rate vests in
receiver.

24. From and after the date of such appointment, and upon its being advertised by publication in the *Gazette* and in a newspaper circulating in the district for such time as the said Judge shall order, the said rate shall vest in the receiver, and shall cease to be vested in the Board.

Receiver to exercise
all powers vested in
Board.

25. All powers vested in the Board for the making, levying, and recovering the said rate shall, after the appointment of the receiver, and upon it being publicly notified in such manner as directed by the previous section of this Act, cease to be exercised by the Board and shall be exercised by the receiver.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

No. WAIROA HARBOUR BOARD LOAN, 1898, OF

DEBENTURE for £, payable in, issued by the Wairoa Harbour Board under an Act of the General Assembly of New Zealand intituled "The Wairoa Harbour Board Empowering and Loan Act, 1898."

Secured on the rates of the Wairoa Harbour Rating District as defined by "The Harbour Board Empowering and Loan Act, 1898."

N.B.—The holder of this debenture has no claim in respect thereof on the public revenues of New Zealand or on the General Government thereof.

On presentation of this debenture at, on or after the day of, 19, the bearer will be entitled to receive £, and in the meantime interest thereon at the rate of £ per centum per annum by half-yearly payments.

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

Chairman of the Board.

Treasurer of the Board.

Issued under the seal of the Wairoa Harbour Board. (L.S.)

SECOND SCHEDULE.

DEBENTURE No. _____ of the Harbour Board of Wairoa, New Zealand, issued under "The Wairoa Harbour Board Empowering and Loan Act, 1898."

Secured on the rates of the Wairoa Harbour Rating District as defined by "The Wairoa Harbour Board Empowering and Loan Act, 1898."

On presentation of this coupon at _____, on or after the _____ day of _____, 189____, the bearer will be entitled to receive, £

Chairman of the Board.
Treasurer of the Board.

THIRD SCHEDULE.

THE TOWN DISTRICT OF CLYDE.

So much of the County of Wairoa as includes the whole of Clyde Riding, and all that portion of the Waikaremoana Riding to the westward of a line commencing at the sea-coast at the mouth of the Tahaenui River; thence following that river to the eastern boundary of the Kahatureia Block No. 2; thence following the said boundary and the northern boundary of the said block to the eastern boundary of the Hereheretau No. 2 Block; thence along the said eastern boundary of the Hereheretau No. 2 Block to the southern boundary of Mangapoike No. 3; thence following the southern and eastern boundaries of the said Mangapoike No. 3 Block to the eastern boundary of the Mangapoike Block, which is followed to the boundary of the said Waikaremoana Riding.

FOURTH SCHEDULE.

FORM OF VOTING-PAPER FOR SPECIAL LOAN.

PROPOSAL to raise a special loan, upon which a poll will be taken on the _____ day of _____ 189____.

[Insert notice required by section 12.]

1. I vote *for* the above proposal.
2. I vote *against* the above proposal.