

New Zealand.



ANALYSIS.

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1918, No. 11.—*Local and Personal.*

AN ACT to give to the Wairoa Harbour Board Further Borrowing and other Powers, and to vest Lands in the said Board. Title.

[10th December, 1918.]

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

1. This Act may be cited as the Wairoa Harbour Board Empowering and Loan Act, 1918, and shall be read with and form part of the Wairoa Harbour Board Empowering and Loan Act, 1909 (hereinafter referred to as the said Act). Short Title.

2. The said Act shall be deemed to have been and to be and this Act shall be deemed to be special Acts within the meaning of the Harbours Act, 1908. Act to be deemed special Act.

3. Whereas shortly before the coming into operation of this Act it became urgently necessary for the Board to arrange to borrow the sum of five thousand pounds for the purpose of effecting repairs to the existing harbour-works and, if necessary, of constructing new works in order to keep the mouth of the Wairoa River open, and the Board accordingly arranged to borrow the said sum from the State Advances Superintendent, who holds all the debentures issued by the Board in respect of the loan of seventy-eight thousand pounds referred to in subsection one of section five of the said Act: And whereas the debentures authorized by the Wairoa Harbour Board Empowering and Loan Act, 1898, for the sum of five thousand pounds have matured, and the Board has not been able to provide for the payment of more than three thousand pounds, and therefore Empowering Board to borrow sums of £5,000 and £2,000.

requires a sum of two thousand pounds to enable it to redeem the balance of the said debentures: Be it therefore enacted that the State Advances Superintendent shall be deemed to have been and to be and he is hereby expressly empowered to lend and the Board to borrow the said sums of five thousand pounds and two thousand pounds respectively for the purposes aforesaid, without any poll or consent of the ratepayers having been or being taken or obtained, as if the Board were a local authority and the purposes for which the said sums are required were public works of a description included in section sixty of the Local Bodies' Loans Act, 1913, to the intent that such sums shall be deemed to be added to the said sum of seventy-eight thousand pounds, and that the Board shall be and is hereby empowered to issue debentures for the said sums of five thousand pounds and two thousand pounds as if such sums were being raised in all respects by a local authority under and in the manner prescribed by the Local Bodies' Loans Act, 1913; and the special rate authorized by subsection four of section five of the said Act to be made and levied shall be and be deemed to be security for the said sums of five thousand pounds and two thousand pounds, as well as for the said sum of seventy-eight thousand pounds, in all respects as if the sum mentioned in the said Act had been eighty-five thousand pounds instead of seventy-eight thousand pounds. The Sinking Fund Commissioners in respect of the said loan raised under the said Wairoa Harbour Board Empowering and Loan Act, 1898, are hereby directed to transfer and pay over to the Board for the general purposes of the Board any moneys and bonds (or the proceeds thereof) held by the said Commissioners.

Expenditure to be approved by Minister of Marine.

4. Before expending the said sum of five thousand pounds the Board shall submit its proposals for the expenditure thereof to the Governor-General in Council, and shall not expend the said moneys until the approval of the Minister of Marine has been first obtained.

Validating previous expenditure on harbour-works out of rates.

5. Whereas the Board has expended on or in connection with the construction, maintenance, and repair of harbour-works, or otherwise for the general purposes of the Board's administration, sums amounting in the aggregate to three thousand five hundred and ninety-six pounds five shillings and twopence out of rates levied and collected under the authority conferred on the Board by the said Act, such moneys having been expended without or in excess of the lawful powers or authority of the Board: Be it enacted that the Board shall be deemed to have had authority and power to expend the said moneys, and the expenditure thereof is hereby ratified and validated.

Vesting of land in Board, and authorizing purchase of wharves, goods-sheds, &c.

6. Whereas the Board, prior to the vesting of any portion of the foreshore of the Wairoa River or of any lands in the said Board, erected certain wharves and sheds on and contiguous to the said foreshore, and entered into negotiations with the New Zealand Shipping Company (Limited), (hereinafter called the said company), for the leasing to the said company of certain portions of the said foreshore and lands contiguous thereto, and agreed with the said company, *inter alia*, to permit the said company to erect certain goods-sheds and wharves upon the said foreshore and upon the said

land contiguous thereto: And whereas after the commencement of the erection of the said wharves, sheds, and buildings it was discovered that the said Board had no power to enter into the said negotiations or the said agreement: And whereas the Minister of Marine, in order as far as possible to give effect to the said agreement, granted to the said company a license under the Harbours Acts authorizing and empowering the said company to erect wharves and sheds upon certain terms and conditions contained in the said license: And whereas subsequently part of the said lands comprising the foreshore of the said Wairoa River, but no more, became vested in the Board under and by virtue of certificate of title, Volume 61, folio 259, Hawke's Bay Registry, subject to the said license to the said company: And whereas, on a subsequent survey of the said wharves, goods-sheds, and buildings (including the wharves and buildings erected by the said company), it was discovered that portions of all the said wharves, goods-sheds, and buildings extended over and beyond the lands vested in the Board and encroached upon the Marine Parade, a public street along a river-bank now vested in the Wairoa Borough Council: And whereas the said wharves, goods-sheds, and buildings and the land so encroached upon are essential for the proper working and management of the Wairoa Harbour and to give access from the foreshore to the said Marine Parade: And whereas the Board is therefore desirous of having the said license to the said company cancelled and of purchasing the wharves and goods-sheds erected by the said company: And whereas, owing to the said encroachment on the said Marine Parade, it is legally impossible for the Board to carry out its desire of purchasing the said wharves and goods-sheds erected by the said company: And whereas it is desirable to vest in the Board that portion of the said Marine Parade so encroached upon as aforesaid, and to empower the Board to carry out and complete its negotiations for the purchase from the said company of the said wharves and goods-sheds erected by it under the said license: Be it therefore enacted as follows:—

- (a.) Notwithstanding anything contained in section one hundred and thirty of the Public Works Act 1908, that portion of the said Marine Parade in the Borough of Wairoa described in paragraph (d) hereof is hereby closed.
- (b.) The Governor-General may grant to the Board the said land comprising the said closed portion of the said Marine Parade described in the said paragraph (d) hereof for an estate in fee-simple in trust as a harbour endowment.
- (c.) The Board is hereby empowered to purchase the wharves, goods-sheds, and other buildings erected by the said company upon the terms already arranged between the Board and the said company, and, if necessary, to mortgage the said goods-sheds and buildings to secure payment of any unpaid balance of purchase-money, or to raise money by way of loan upon mortgage of the goods-sheds and buildings or otherwise as the Board may think fit, and generally to carry on and complete its arrangements

with the said company regarding the surrender of the said license and the purchase of the said goods-sheds, wharves, and buildings; and any such mortgage or other securities given under the provisions of this paragraph shall rank in priority to any debentures or other instruments heretofore or hereafter made or given by the Board and operating as security over the properties of the Board; and the Board is hereby empowered to pay the said unpaid balance of purchase-money, or the moneys secured by any such mortgage or other instrument securing the same, and also the moneys secured by the mortgages mentioned in section forty-six of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1917, out of the revenues of the Board or any moneys the property of the Board other than the proceeds of the special rate referred to in section five of the said Act.

- (d.) The said portion of the said Marine Parade to be closed and to be granted to the Board as hereinbefore provided is all that portion of the said Marine Parade, containing approximately twenty-six perches more or less, commencing at a point bearing $186^{\circ} 14' 50''$, distance 141 links, from the junction of the eastern building-line of Delhi Street in the Borough of Wairoa aforesaid with the said Marine Parade: bounded towards the south by Marine Parade, distance 165 links, by a line running in an easterly direction; towards the east by portion of the said Marine Parade, distance 50 links, to high-water mark of the said Wairoa River; towards the north by the high-water mark of the said Wairoa River; towards the west by other portion of the said Marine Parade, distance 25 links; and towards the south by Marine Parade aforesaid, distance 240.5 links, to the commencing-point: be the said bearing and all the said linkages more or less.
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