

New Parliament.]

[AS REPORTED FROM THE COMMITTEE.]

[LOCAL AND PERSONAL.]

# Te Aro Reclamation.

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## A BILL INTITULED

### AN ACT to authorize the Reclamation of Land in the Harbour of Port Nicholson.

**WHEREAS** by a grant from the Crown dated the twenty-fourth day of June, one thousand eight hundred and seventy-four, the piece of land described in the First Schedule to this Act was granted to the Mayor, Councillors, and Citizens of the City of Wellington (hereinafter called "the Corporation"), upon trust for reclamation and for purposes of public utility:

And whereas the said land is situated below high-water mark, and the greater part thereof is usually covered by water, and the Corporation is desirous of reclaiming the same:

And whereas, for the purpose of enabling the Corporation to carry out such proposed reclamation, it is expedient that they should be empowered to raise money and do other things as hereinafter mentioned:

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 Te Aro Reclamation Act, 1879."

2. In the construction of this Act the words "the Corporation" and "the Council" shall respectively mean the Mayor, Councillors, and Citizens of the City of Wellington incorporated under "The Municipal Corporations Act, 1876;" the words "the undertaking" shall mean the works to be carried out under the provisions of this Act, and any necessary works in connection therewith; and the words "the revenue" shall mean and include all moneys which shall come to the hands of the Corporation in respect of the lands aforesaid or otherwise under the provisions of this Act, except moneys borrowed by them under the provisions thereof.

Corporation may  
reclaim land, and  
enter into contracts  
for that purpose.

3. The Corporation may from time to time fill up and reclaim the land granted to them by the said grant or any part thereof, and may for that purpose, if they think fit and expedient, enter into any contract or contracts with any person or persons for the execution of the said work, or of any other works under this Act, upon such terms and conditions as may seem to them proper and reasonable; and may also from time to time, either by themselves or by any contractor for the time being for the execution of the said works, take from any convenient place within the city not being private property, or from any private property within or without the city, with the consent of the owner and of any occupier for the time being thereof, any soil or materials which may be necessary for the said works, and may also by purchase acquire any land from which it may be necessary or expedient to take any such materials as aforesaid, and may from time to time execute and carry out all such other works as they may think expedient, or which may be necessary in connection with and for the purposes of the undertaking.

*New clause.*

Council to make  
compensation.

4. The Corporation shall make to every person having any estate or interest in any land injuriously affected by the execution of the works authorized by this Act, and to every person who may suffer any loss or damage from the exercise of any of the powers hereby given, full compensation for the same, and such compensation shall be ascertained in the manner pointed out in Part III. of "The Public Works Act, 1876," which Part of such Act for that and for all other purposes, in so far as the same may be applicable to and not inconsistent with the provisions of this Act, shall be deemed to be incorporated with and to form part of this Act, and apply to the works and other matters authorized by this Act; the word "borough" being read therein instead of the words "county" or "road district" or "district," and the words "Borough Council" instead of the words "County Council" or "Road Board" or "Board:" Provided always that in ascertaining and determining the title of any claimant to compensation, the Compensation Court shall not be bound to regard strict legal rights only, but may award such compensation in respect of any claim which the Court may consider reasonable and just having regard to all the circumstances.

*Clauses 4 and 5 struck out.*

4. 4. Before proceeding to carry out the undertaking the Corporation shall, by notification in the *New Zealand Gazette*, and in at least two of the newspapers published and current in the City of Wellington, which notification shall be published for not less than four consecutive weeks in each of the said newspapers, call upon every person having any estate or interest in any land which would be damaged or prejudicially affected by the execution of the works authorized by this Act, to give notice to the Corporation of the land which would be damaged or prejudicially affected, and of the nature and extent of the estate or interest of such person therein, and of the amount of compensation which such person shall claim in respect of such damage or injury, and unless any such person and the Council can agree as to the amount of such compensation, then the same shall be ascertained in the manner pointed out in Part III. of "The Public Works Act, 1876," which Part of such Act, for that and for all other purposes in so far as the same may be applicable to and not inconsistent with the provisions of this Act, shall be deemed to be incorporated with and to form part of this Act, and apply to the works and other matters authorized by this Act; the word "borough" being read therein instead of the words "county," or "road district," or "district," and the words "Borough Council," instead of the words "County Council," or "Road Board," or "Board."

5. All such claims for compensation shall be made in writing to the Council within *six* calendar months from the date of the last publication of such notification as aforesaid where the claimant shall reside within the Provincial District of Wellington, and within *twelve* calendar months thereafter where the claimant shall reside elsewhere, and no claims for compensation shall be entertained or allowed either by the Council, or under the provisions of "The Public Works Act, 1876," unless made within such respective periods.

6. Compensation in respect of any such claim as aforesaid may be made or awarded either out of the land reclaimed under the provisions of this Act, or in money, as the Corporation may think fit; and, where the Corporation shall elect to make such compensation in land the value of the land to be given shall be ascertained either by agreement between the claimant and the Corporation, or, in case of difference, by the Court acting under the provisions of "The Public Works Act, 1876," in the matter of such claim.

Compensation may be in money or in land.

*New clause.*

6. The Council may, for the purpose of defraying the cost of any undertaking entered upon under section *three* of this Act, and for the payment of any costs, charges, and expenses attending or incidental to the passing of this Act, and of paying any compensation payable under this Act, and of the costs of any proceedings or matters connected with the ascertainment of such compensation, raise by way of special loan, as defined by "The Municipal Corporations Act, 1876," such sums as may be necessary, subject to all the provisions of "The Municipal Corporations Act, 1876," in respect of special loans.

Council may raise special loan for purposes of undertaking.

*Clauses 7 to 28 struck out.*

7. The Council may, for defraying the cost of the undertaking, from time to time borrow and take up at interest not exceeding per centum per annum, any sum not exceeding altogether the sum of pounds; and, for the purpose of securing the repayment of any sums borrowed, together with interest thereon, the Council may grant to the person or persons by or on behalf of whom such sum or sums are advanced a charge upon the lands granted to them by the said recited grant, and each lender shall be repaid the moneys advanced by him with the interest agreed upon, without any preference over the others of them by reason of any priority of advance or the date of his charge, and the money which the Council are hereby authorized to borrow shall be in addition to any moneys which they are authorized to raise or borrow for any purpose by "The Municipal Corporations Act, 1876," or any Act supplemental thereto, or otherwise relating to Municipal Corporations in New Zealand, or by any special Act authorizing them to borrow money.

8. All charges which may be granted under the authority of this Act shall, so far as regards the land comprised therein, have priority over all charges subsisting at the time of the passing of this Act, and granted by the Council under the authority of "The Municipal Corporations Act, 1876," or any Act supplemental thereto or otherwise relating to Municipal Corporations in New Zealand, or any special Act authorizing the Corporation to raise money, and over all charges to be hereafter granted by the Council under the like authority.

9. If, at the time appointed by any charge for the payment of the principal money secured thereby, the Council are unable to pay off the same, they may, if they shall think fit, borrow such sums of money as may be necessary for the purpose of paying off the whole or any part of the said principal money, and may secure the repayment of the same and the interest to be paid thereon in manner aforesaid.

10. Every charge authorized to be made under this Act shall be by deed, truly stating the date, consideration, and the time and place

of payment, and shall be sealed with the common seal of the Council ; and there shall be kept at the office of the Council a register of the charges granted under this Act, and within fourteen days after the date of any charge an entry shall be made in the register of the number and the date thereof, and of the names and descriptions of the parties thereto as stated in the deed, and every such register shall be open to public inspection during office hours at the same office without fee or reward ; and any clerk or other person, having the custody of the same, refusing to allow such inspection shall be liable to a penalty not exceeding *twenty* pounds.

11. Any person for the time being entitled to any such charge may transfer his interest therein to any other person by deed, truly stating its date and the consideration for the transfer ; and there shall be kept at the office of the Council a register of the transfers of charges granted under this Act ; and within thirty days after the date of such deed of transfer, if executed within the Colony of New Zealand, or within thirty days after its arrival in the Colony of New Zealand, if executed elsewhere, the same shall be produced to the Council or to the person having charge of the register, who shall, upon payment of two shillings and sixpence, cause an entry to be made in such register of its date and of the names and description of the parties thereto, as stated in the transfer ; and upon any transfer being so registered, the transferee, his executors, administrators, or assigns, shall be entitled to the full benefit of the original charge, and the principal and interest secured thereby ; and every such transferee may in like manner transfer his estate and interest in any such charge, and no person except the person to whom the same shall have been last transferred, and whose transfer shall have been registered, his executors, administrators, or assigns, shall be entitled to release or discharge any such mortgage or any money secured thereby.

12. If at the expiration of six months from the time when any principal money or interest has become due upon any charge made under this Act, and after demand in writing, the same be not paid, the person entitled thereto may, without prejudice to any other mode of recovery, apply to the Supreme Court of New Zealand for relief in respect thereof ; and the said Court is hereby empowered, after hearing the parties, either to direct the sale of the land charged, and the application of the proceeds after payment of all costs in payment, so far as the same will extend, of all moneys then owing upon all charges under the provisions of this Act, or may appoint some person to collect and receive the whole or a competent part of any revenue arising from the lands comprised in the said recited grant, until such principal or interest, or both, as the case may be, together with the costs of the application and the costs of the collection, are fully paid ; and upon such appointment being made all such revenue, or such competent part thereof as aforesaid, shall be paid to the person aforesaid appointed, and when so paid shall be so much money received by or to the use of the persons to whom for the time being any moneys are owing under any such charge or charges as aforesaid, and shall be rateably apportioned between them : Provided always that no such application shall be entertained unless the sum or sums due amount to *ten thousand* pounds, or unless a joint application be made by two or more persons to whom there may be due after such lapse of time and demand as last aforesaid moneys collectively amounting to that sum.

13. The Council may, in lieu of raising and taking up the whole or any part of the moneys authorized to be raised by this Act by means of charges as hereinbefore provided, raise and take up the same by means of debentures to be charged upon the revenue, and to be issued in such manner as the Council shall think fit, but subject nevertheless to the regulations hereinafter set forth.

14. Every such debenture shall be in the form in the Second Schedule to this Act, and shall be numbered consecutively so that no two debentures shall at any time bear the same number, and shall be for a sum of not less than *five hundred* nor more than *one thousand* pounds, and no such debenture shall be sold at such a price as to produce to the purchaser an interest of more than \_\_\_\_\_ pounds per centum on the price paid.

15. Every debenture shall be repayable both as to principal and interest at a place or places within or without the colony named in the debenture, and at a time or times named therein, not longer than thirty years from the issue thereof, and shall state on the face thereof the funds upon which the principal and interest are secured.

16. The interest on every such debenture shall not exceed \_\_\_\_\_ pounds per centum per annum on the amount thereof, and shall be payable, either within or without the colony, half-yearly or otherwise; \_\_\_\_\_ in the Third Schedule to this Act, and numbered consecutively for each debenture, shall be attached thereto.

17. Debentures and coupons respectively shall be transferable by delivery, and payment to any person in possession of any such debenture or coupon of the sum named therein shall discharge the Corporation of all liability in respect of such debenture or coupon.

18. The Corporation may appoint any joint stock company or any such company, and one or more persons or two or more persons, within or out of the colony, to be Agents for raising and managing any loan authorized to be raised under this Act; and such Agents shall have full power to raise such loans by mortgages or debentures, and either at once or such times, in such parts, and upon such terms and conditions as the Corporation shall direct.

19. Pending the raising of any such loan, such Agents may borrow any sum or sums of money not exceeding the whole amount authorized to be borrowed, by the hypothecation or mortgage of any debentures hereby authorized to be issued; but all moneys so borrowed shall be a first charge upon and shall be repaid out of the loan when raised, and the rate of interest on moneys so borrowed shall in no case exceed \_\_\_\_\_ per centum, and the moneys to be borrowed shall be applied in like manner as the moneys authorized to be raised by sale of the debentures.

20. At the time appointed by any debentures for the payment of the principal money secured thereby, the Corporation may, if they think fit, borrow such sum of money as may be necessary for the purpose of paying off the whole or any part of such principal money, and may for that purpose issue and sell debentures under the provisions of this Act, which shall be secured in like manner as the debentures first issued, and shall have the same force and effect as the debentures for the payment of which the money is to be so borrowed.

21. There shall be kept at the office of the Corporation a register of all debentures from time to time issued under the authority of this Act, and within fourteen days after the issue of any debenture if issued in the colony, and within fourteen days after notice to the Corporation of the issue of any debenture if issued out of the colony, an entry shall be made in the register of the number and date thereof as stated in the debenture, and every such register shall be open to public inspection during office hours at the said office, without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection, shall be liable to a penalty not exceeding *twenty* pounds.

22. No person lending any money under the provisions of this Act shall in any manner be concerned to see to the application of the moneys lent by him, or be in anywise chargeable or accountable

for the loss, misapplication, or non-application of the same, or to inquire as to the necessity for raising the same.

23. As often as any money shall become due and payable as principal money, secured by any charge or debenture made or issued under this Act, the Council shall apply any moneys for the time being in their hands available for that purpose to the payment of the charges or debentures upon which such principal moneys shall have so become due and payable; and whenever the Council are enabled to pay off one or more of the charges or debentures made or issued under this Act, and are not able to pay off the whole of the same respectively, they may, in default of arrangement with the holders of the same respectively, decide by lot the order in which the same shall be paid.

24. If at the expiration of six months from the time when any principal money or interest has become due upon any mortgage or debenture issued under this Act, and after demand in writing, the same be not paid, the holder of such debenture may, without prejudice to any other mode of recovery, apply to the Supreme Court of New Zealand for the appointment of a Receiver, and the said Court is hereby empowered, after hearing the parties, to appoint some person to collect and receive the whole or a competent part of the revenues until such principal or interest, or both, as the case may be, together with the costs of the application and the cost of collection, are fully paid; and upon such appointment being made, all moneys arising from the revenue, or such competent part of the revenue, until such principal or interest, or both, as the case may be, together with the costs of the application and the cost of collection as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the debenture-holders, and shall be rateably apportioned between them.

25. Notwithstanding anything contained in any Act relating to building or any other benefit societies in New Zealand, or in the rules of any such society to the contrary, it shall be lawful for the governing body of any such society to invest upon any charge or debenture to be respectively made or issued under this Act any accumulated funds which, under the provisions of any Act relating to building or other benefit societies, or any rules thereof, may be invested in real or Government securities.

26. No claim for any moneys lent under the authority of this Act shall attach to or be paid out of the public revenues of New Zealand, or by the General Government thereof.

27. In order further to provide for the payment of the moneys secured by any charges or debentures made or issued under this Act, the Council shall in every year, until the same be paid off, appropriate and set apart all moneys to be received from the sale of or by way of rent for or otherwise howsoever in respect of any of the land comprised in the said recited grant which shall remain after first paying out of the entirety of such moneys the interest of all moneys borrowed, and all other charges and expenses which shall from time to time be due and payable on the credit or on account of the undertaking as a sinking fund for the purpose of repaying the money borrowed and secured by any such charges or debentures; and the Council shall from time to time cause such sinking fund and the interest thereon to be invested in Government securities, and to be increased by accumulation in the way of compound interest or otherwise.

28. As often as any moneys shall be required for paying off any principal money secured as aforesaid, the Council shall cause so much of the securities in which the sinking fund aforesaid is invested as may be required for the purpose to be sold or otherwise converted into money, and shall apply the moneys arising from such sale or

conversion, and any other moneys for the time being in their hands available for that purpose under this Act, to the payment of the mortgage or debentures upon which such principal moneys shall have so become due and payable.

5 29. 7. The Council may appropriate any part of the area included in the said grant to the purposes of wet or dry docks, or both, and the construction of any such docks shall be deemed to be part of the works authorized by this Act, and the Council may also, so soon as any part of the said land shall be reclaimed from the sea, lay out and construct  
10 streets and squares, or other thoroughfares or public places, through or within any part of the same, or appropriate any part of the same to any other public purpose of utility for the benefit of the city.

Council may lay out docks, streets, &c.

30. 8. The Council may from time to time ~~notwithstanding any charges or debentures made or issued under this Act shall then be outstanding~~, sell all or any part or parts of the said land when the same shall have been reclaimed from the sea, for such price or prices in money as they shall think fit, but every such sale shall be by public auction, after not less than two calendar months' notice of the same, and, upon payment of the purchase-money for the same, the Council  
20 may convey the same to the purchaser or purchasers; and every such conveyance made as last aforesaid shall vest the land comprised therein in such purchaser or purchasers, ~~absolutely freed and discharged from all charges or debentures made and issued for the payment of any moneys borrowed by the Council under this Act, but all moneys received by the Council upon any such sale shall, so long as any moneys shall remain owing under the provisions of this Act, form part of the revenue. and all moneys received upon any such sale shall, after defraying the expenses incidental to the same, be applied in the first place in discharge of any debentures issued by the Corporation of Wellington in respect of any loan raised by them under the provisions of any special Act or of "The Municipal Corporations Act, 1876."~~

Council may sell.

31. 9. The Council may from time to time, ~~notwithstanding any charges or debentures made or issued under the authority of this Act shall then be outstanding~~, demise or let all or any part or parts of the said lands when the same shall have been reclaimed from the sea, for such term of years in possession, not exceeding forty-two years, and at such annual rent or rents as they shall think reasonable, but every such letting shall be by public auction, after not less than two calendar months' notice of the same. ~~And every lease made as last aforesaid shall be deemed to have been made with the consent of all persons claiming any money charged thereon by virtue of this Act, but all moneys received by the Council by virtue of any such lease shall, so long as any moneys shall remain owing under the provisions of this Act, form part of the revenue.~~

Council may let.

32. 10. Subject to the ~~payment of all moneys borrowed for the purposes of the undertaking under this Act, and to the special provisions of this Act, the land granted by the said recited grant or such part shall be part of the property of the Council, held by them under the provisions of "The Municipal Corporations Act, 1876," and any other Acts for the time being relating to Municipal Corporations in New Zealand.~~

Land to be held under Corporations Acts.

*Struck out.*

33. All moneys from time to time borrowed by the Council under the authority of this Act shall be applied as follows, that is to say,—

- 55 (1.) In payment of the costs, charges, and expenses attending or incident to obtaining and passing of this Act;
- (2.) In the payment of any compensation payable under the provisions of this Act which shall be payable in money under this Act, and of the costs of any proceedings or matters in connection with the ascertainment of such compensation;
- 60 (3.) In defraying the cost of the undertaking, and of all works and conveniences connected therewith.

Power to construct wharves during works.

34. 11. The Council may, during the execution of any of the other works authorized by this Act, construct in any convenient part or parts of the Harbour of Port Nicholson, not being private property, any wharves, piers, or jetties, and erect any sheds, machinery, and works which the Council shall judge necessary and proper either for the convenience or reception of vessels loading and unloading any materials to be used in connection with the said works, and, subject as hereinafter mentioned, may authorize the use of the same by any person or persons other than and in addition to any persons employed by them or otherwise engaged in carrying out the undertaking, at such rate of tolls or dues as they shall think fit: *Provided always that in carrying into effect the powers conferred by this clause and the next succeeding five clauses, the Council shall conform to the provisions of any Act passed during the present session of Parliament relating to the harbour of Port Nicholson.*

Council to lease docks, &c.

35. 12. The Council may, from time to time, lease to any person or persons buildings, yards, cranes, machines, or other conveniences provided by them for the purposes of the same, and at such rents and upon such terms and conditions as shall be agreed upon between the Corporation and the persons taking the same: *Provided no such lease be granted for a longer term than seven years.*

Docks, &c., not to be legal landing-places unless sanctioned by Customs.

36. 13. No such docks, wharf, or pier or jetty as aforesaid shall be deemed to be legal landing-places for the shipping and unshipping of goods until the same have been approved of by the Secretary of Customs for that purpose, and such quays and the same, and the use thereof, shall be subject to all the same rules, regulations, and restrictions to which legal landing-places are or may be subject by the law relating to the duties of Customs, and to the lading and unloading of goods.

Power to make by-laws.

37. 14. Subject to any rules, regulations, and restrictions which may be in force under the provisions of any laws for the time relating to the duties of Customs, and to the lading and unloading of goods within the Harbour of Port Nicholson, the Council may from time to time make, alter, or revoke regulations providing for and regulating the discharge as well of goods and merchandise required for the purposes of the undertaking as of any other goods and merchandise which can conveniently be discharged at or shipped from any wharves, jetties, or piers constructed for the purposes of or in connection with the undertaking as aforesaid; and in and by such regulations the Council may provide for the payment by persons using the same of dues or fees, and for the collecting of any such dues and fees, and for the recovery of the same by any authorized officer of the Council.

Penalties.

38. 15. The Council may, by such regulations, impose penalties for any breach thereof, not exceeding five pounds for any one offence.

Fees and dues.

39. 16. All dues and fees paid and collected pursuant to any such regulations shall form part of the revenue *Borough Fund.*

*Clauses 40 to 42 struck out.*

40. The Council shall cause a separate account to be kept of all moneys borrowed and expended by them for the purposes of the undertaking, showing therein all matters and things for which sums of money shall have been disbursed and paid, and such account shall be balanced once in every year at least, and a balance-sheet in respect thereof, exhibiting a true statement of the condition of such account, shall be prepared and made out, and such account shall be audited in like manner as other accounts of the Council, and shall be examined by the Council, and signed by the Mayor for the time being.

41. The Council shall also keep a separate account, to be called "The Te Aro Reclaimed Land Revenue Account," and all moneys received or payments made in respect of the land comprised in the said recited grant, or from any source whatever, connected with or relating thereto, other than is in the account by the last preceding clause



mentioned, shall be carried to such account, and shall be applied and disposed of in manner directed by this Act.

42. All the provisions of "The Municipal Corporations Act, 1876," relating to accounts, shall, so far as the same are not repugnant to or inconsistent with the provisions of this Act, apply to all accounts to be kept by the Council under the provisions of this Act.

17. It shall be lawful for the Council, by instruments under the seal of the Council, to appoint any officers or persons whom they shall think necessary for the purpose of superintending the carrying out of or conducting the undertaking, or for any purpose connected therewith, and every person so appointed shall have and possess and may exercise, so far as may be necessary for the purposes of the undertaking, all such powers and authorities as shall be given to him or them by any such instrument.

Officers may be appointed.

18. No writ or process shall be sued out against the Council, or any member thereof, or any officer or person whomsoever appointed as aforesaid, and acting under the direction of the Council, for anything done or intended to be done under the provisions of this Act until the expiration of one month next after notice in writing shall have been delivered to the Council or other person as aforesaid, clearly and explicitly stating the cause of action, and the name and place of abode of the intended plaintiff and of his attorney or agent in the action; and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the last-mentioned notice, and unless such notice be proved the jury shall find for the Council or other defendant; and every such action shall be brought or commenced within six months next after the accrual of the cause of action and not afterwards, and shall be tried in the jurisdiction where the cause of action occurred and not elsewhere; and the Council or other defendant shall be at liberty to plead a general denial of the material allegations in the declaration (hereafter called "the general issue"), and give this Act and all special matter in evidence thereunder; and the Council or any person to whom such notice of action is given as aforesaid may tender amends to the plaintiff, his attorney or agent, at any time within one month after service of such notice, and in case the same be not accepted may plead such tender in bar with the general issue; and if the jury find generally for the Council or other defendant, or if the plaintiff be non-suited or discontinued, or if judgment be given for the Council or other defendant, then the Council or other defendant shall be entitled to the full amount of costs of defence, and have judgment accordingly; and in case amends have not been tendered as aforesaid, or in case the amount tendered be insufficient, the Council or other defendant may, by leave of the Court, at any time before trial, pay into Court, under plea, such sum of money as they or he may think proper, and by the like leave may, together with such plea, plead the general issue or any special plea or pleas, any rule of Court or practice to the contrary notwithstanding.

Legal proceedings.

19. Every person who upon any examination on oath under the provisions of this Act shall wilfully and corruptly give false evidence shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury.

False oath under Act perjury.

20. The following shall be deemed to be offences against this Act, in addition to any other offences therein expressly specified:—

Offences.

55 Wilfully or carelessly breaking or injuring any of the property or works belonging to or under the management or control of the Council, or of any contractor with the Council under this Act:

60 Generally the doing or permitting or suffering to be done any act or thing whatsoever whereby the undertaking or any works connected therewith shall be injured.

745.

- Penalties.** 47- 21. And every person guilty of any such offence shall for every such offence be liable to a penalty not exceeding *fifty* pounds, and a further penalty not exceeding *ten* pounds for each day whilst the offence is continued.
- Recovery of penalties.** 48- 22. All penalties imposed by this Act may be sued for and recovered in manner for the time being provided by law for the recovery of penalties by any Act of the General Assembly of New Zealand, but no such penalty shall be recovered at the suit of any person other than a party aggrieved or the Council, without the consent in writing of the Attorney-General for New Zealand first had and obtained. 5
- Proceedings not to be void for want of form.** 49- 23. No proceeding under or in pursuance of this Act shall be quashed or vacated for want of form, nor shall the same be removed by *certiorari* or otherwise into the Supreme Court. 10
- Limitation of proceedings.** 50- 24. No penalty imposed by this Act shall be recovered unless proceedings for the recovery thereof shall have been commenced within six months after the commission or occurrence of the offence upon which the penalty attaches. 15
- Application of penalties.** 51- 25. The Court by which any penalty under this Act shall be imposed on any person shall in all cases award one-half of the same to be paid to the Council, to be by them placed to the Te Aro Reclaimed Land Revenue Account hereinbefore mentioned, and the other half shall be paid to Her Majesty, and be applied in manner provided by law for the application of penalties of the like nature. 20
- Liability not discharged by penalty in certain cases.** 52- 26. Notwithstanding the liability of any person to any penalty under the provisions of this Act, he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed. 25
- Rights of Her Majesty saved.** 53- 27. Nothing in this Act contained shall prejudice, or be deemed to prejudice or affect, any right, title, or interest of Her Majesty, her heirs and successors. 30

**Schedules.**

## SCHEMULES.

## FIRST SCHEDULE.

ALL that parcel of land in the Provincial District of Wellington, and Colony of New Zealand, containing by admeasurement seventy (70) acres, more or less, situate in the Harbour of Port Nicholson, and being the reserve marked "K" on the plan of the City of Wellington. Bounded towards the North-east by land included in a Crown grant to his Honor the Superintendent of Wellington, dated June the twentieth, one thousand eight hundred and sixty-two, one hundred and sixty (160) links, and by other parts of the said Harbour of Port Nicholson one thousand two hundred and two (1202) links, one thousand two hundred and two (1202) links, one thousand two hundred and two (1202) links, and one thousand two hundred and two (1202) links; towards the East by other part of the said harbour, nine hundred and seven (907) links; towards the South-east by Clyde Quay nine hundred and forty-one (941) links, and by Sections numbered two hundred and twenty-two (222), two hundred and twenty-three (223), two hundred and twenty-four (224), and two hundred and twenty-five (225), eight hundred and sixteen (816) links; towards the South-west by Sections numbered two hundred and eighteen (218), two hundred and nineteen (219), two hundred and twenty (220), and two hundred and twenty-one (221), eight hundred (800) links; by Sections numbered two hundred and twelve (212), two hundred and thirteen (213), two hundred and fourteen (214), two hundred and fifteen (215), two hundred and sixteen (216), and two hundred and seventeen (217), and by Reserve numbered nine (9), one thousand four hundred and thirty-five (1435) links; by Sections numbered two hundred and eight (208), two hundred and nine (209), two hundred and ten (210), and two hundred and eleven (211), eight hundred and fifty-four (854) links; and by Sections numbered two hundred and five (205), two hundred and six (206), and two hundred and seven (207), five hundred and fifty (550) links; and towards the North-west by land reclaimed by Sir George Grey six hundred and thirty-six (636) links, by said land granted to his Honor the Superintendent of Wellington one thousand eight hundred and seventy-three (1873) links, and by other part of the said harbour five hundred and thirty-two (532) links; excepting always the piece of land one hundred and fifty (150) links wide extending along the whole northern front of the said land.

Struck out.

SECOND SCHEDULE.	
FORM OF DEBENTURE.	
No.	£
City of Wellington.	
<i>Te Aro Reclamation Loan under "The Te Aro Reclamation Act, 1879."</i>	
Debenture for £	
Payable at [ <i>State place of payment</i> ], on	
Issued by the Municipal Corporation of the City of Wellington, New Zealand, under "The Te Aro Reclamation Act, 1878."	
N.B.—The holder of this debenture has no claim in respect thereof upon the Government of the Colony of New Zealand, or the revenues of such colony.	
ON presentation of this debenture at [ <i>State place of payment</i> ], on or after the day of , 18 , the bearer thereof will be entitled to receive £	
Interest on this debenture will cease after the day when the payment falls due.	
Issued under the corporate seal of the City of Wellington, the      day of 18	
C.D., Town Clerk.	A.B., Mayor. [Or] Agents.
THIRD SCHEDULE.	
FORM OF COUPON.	
Debenture No.      , of the City of Wellington, New Zealand, issued under "The Te Aro Reclamation Act, 1879," secured on the revenue to accrue under the said Act.	
ON presentation of this coupon at [ <i>State place of payment</i> ], on or after the      day of , 18 , the bearer hereof will be entitled to receive £	
C.D., Town Clerk.	A.B., Mayor. [Or] E.F. } Agents. G.H. }