

Hokitika Harbour Act 1905

Local Act 1905 No 39
Date of assent 23 October 1905

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An Act to consolidate certain Acts of the General Assembly relating to Hokitika Harbour.

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

1 Short Title

The Short Title of this Act is The Hokitika Harbour Act 1905.

2 Interpretation

In this Act **the Board** means the Hokitika Harbour Board as defined by this Act.

3 Constitution of Harbour Board

[Repealed]

Sections 3 and 4 were repealed, as from 29 October 1906, by section 17(1) Hokitika Harbour Act Amendment Act 1906 (1906 No 29(L)).

4 Harbour District

[Repealed]

Sections 3 and 4 were repealed, as from 29 October 1906, by section 17(1) Hokitika Harbour Act Amendment Act 1906 (1906 No 29(L)).

5 Endowment

- (1) The lands described in **Schedule 1** hereto are hereby vested in the Board as an endowment for the purposes of the Hokitika Harbour, subject to the mortgage existing thereon to His Majesty the King.
- (2) The Board may sell and absolutely dispose of the said land or any part thereof by public auction or by tender:
Provided that no land shall be disposed of at a price less than two dollars per acre:
Provided also that every sale shall be subject to the consent of the Postmaster-General on behalf of His Majesty as mortgagee.
- (3) Such sale shall be conducted by the Land Board of the district.
- (4) Any sale under the power given by this Act shall be made subject to all legal rights and mining privileges existing at the date of sale.
- (5) The proceeds of every such sale shall be applied by the Land Board—
 - (a.) In paying the same to the Postmaster-General, on behalf of His Majesty as mortgagee, in or towards satisfaction of the principal and interest moneys due and owing under the said mortgage, interest taking priority of principal; and

- (b.) After full payment and satisfaction of all principal and interest moneys as aforesaid, in paying the surplus to the Board.

The words “two dollars” were substituted, as from 10 July 1967, for the words “one pound” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

6 Lands vested in Board

The lands described in Schedule 2 hereto are also vested in the Board for the purposes of the Hokitika Harbour.

7 Power to borrow

- (1) In lieu of exercising the power to sell conferred by section five hereof, the Board may from time to time borrow money, not exceeding in the whole the sum of one hundred thousand dollars, on the security of—
- (a.) Its endowments and the rents and profits derived therefrom; and
- (b.) The revenue received on the export of timber under section eight hereof.
- (2) Such moneys may be raised in the manner prescribed by The Local Bodies’ Loans Act 1901, and the provisions of that Act shall apply as if the Board were a local authority and the harbour-works hereinafter mentioned were public works within the meaning of Part 1 of that Act.
- (3)
- (4) The moneys so raised shall be applied—
- First, in paying off the moneys due to His Majesty under the said mortgage; and
 - Secondly, in constructing such harbour-works as the Board may deem necessary.

The words “one hundred thousand dollars” in subsection (1), were substituted, as from 10 July 1967, for the words “fifty thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Subsection (1)(a) was amended, as from 29 October 1906, by section 17(2) Hokitika Harbour Act Amendment Act 1906 (1906 No 29(L)) by repealing the words “(excepting endowment number one hundred and forty-five (in red) in the Arahura district)”.

Subsection (3) was repealed, as from 29 October 1906, by section 17(1) Hokitika Harbour Act Amendment Act 1906 (1906 No 29(L)).

8 Power to collect dues on timber exported

It shall be lawful for the Board to levy and collect any sum on all timber exported from the Hokitika Harbour.

This section was amended, as from 12 October 1946, by section 28 Finance Act (No 2) 1946 (1946 No 41) by omitting the words “not exceeding two shillings and sixpence per one thousand superficial feet”.

9 River-protection works

- (1) The Board may construct such dams, breakwaters, embankments, walls, and other works of a similar character as the Board deems necessary for the improvement of the navigation of the Hokitika River, including all arms and lagoons thereof, from the Township of Kanieri to the sea, or for the general protection or conservation of the banks thereof.
- (2) All such works shall be deemed to be harbour-works within the meaning of the Harbours Act 1950.

A reference to the Harbours Act 1908 was substituted, as from 4 August 1908, for a reference to the Harbours Act 1878 pursuant to section 1(2) Harbours Act 1908 (1908 No 75). That reference was in turn substituted, as from 1 January 1924, by a reference to the Harbours Act 1923 pursuant to section 259(1) Harbours Act 1923 (1923 No 40). That reference was in turn substituted, as from 15 October 1950, by a reference to the Harbours Act 1950 pursuant to section 269(1) Harbours Act 1950 (1950 No 34). The term special Act was omitted from the Harbours Act, as from 1 December 1961, by section 2 Harbours Amendment Act 1961 (1961 No 114).

10 Board may levy rate on rateable property in borough

The Board may, on the request of the Hokitika Borough Council, levy a general river-protection rate, not exceeding in any one year one dollar in two dollars on the capital value of all rateable property in the said borough, for the purpose of constructing, maintaining, and repairing such river protection as the Board thinks necessary, or for the payment of interest and sinking fund (if any) upon moneys borrowed for the purposes of such works.

The words “one dollar in two dollars”, in subsection (1), were substituted, as from 10 July 1967, for the words “one shilling in the pound” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

11 Repeal

[Repealed]

Section 11 was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

Schedule 1

ALL that parcel of land containing 14,150 acres, more or less, situated in the Arahura District, in the Land District of Westland: commencing at the eastern boundary of Native Reserve No 30—bounded on the northward by south boundary of Block V and a line one hundred (100) chains distant from and parallel with north bank of Arahura River, one thousand (1,000) chains; on the westward by the said Native Reserve No 30 and east boundary of Block V, distances respectively of one hundred (100) chains; on the southward by a line one hundred (100) chains distant from and parallel with south bank of Arahura River, one thousand (1,000) chains; and on the eastward by a line running due north, two hundred (200) chains, and known as Reserve No 145 (in red): subject to Government reserves and reserves for road, tramway, or railway purposes, and exclusive of Section 1676 and pre-emptive right, existing reserves, and gold-workings.

All that parcel of land containing 15,700 acres, more or less, situate in the Totara District, in the Land District of Westland, and known as Reserve No 146 (in red): bounded on the southward by the northern bank of the Totara River; on the eastward by the east boundary of Block LXVI, and part of the east boundary of Block XXXVI; on the northward by the HP line, and line in continuation thereof to the sea-coast; and on the westward by the sea-coast: subject to reserves for Government, road, tramway, or railway purposes, and exclusive of all existing reserves and sold land and gold-workings.

Schedule 2

ALL that parcel of land situate in the Town of Hokitika, in the Land District of Westland, containing by admeasurement 12 acres 3 roods, more or less, and known as **Gibson's Quay**: bounded on the south

by the Hokitika River; on the east by a line in continuation of the western side of Jollie Street; on the west by the western side of Wharf Street; on the north by a line being parallel to and two chains distant from the first described boundary: and numbered 434 (in red) on the map of the Chief Surveyor of the Land District of Westland setting out and describing the Town of Hokitika aforesaid: as the same is delineated on the plan drawn in the margin of a certain Crown grant of the said land to the Superintendent of the Province of Canterbury, bearing date the sixth day of November, one thousand eight hundred and sixty-five: together with all the rights and appurtenances thereto belonging.

All that area in the Land District of Westland, containing by admeasurement 7 acres 2 roods, more or less, bounded by a line commencing at Trig Tube No 2, Wharf Street, Town of Hokitika, and proceeding thence on a bearing of $269^{\circ} 52'$ a distance of 316.4 links; thence on a bearing of $284^{\circ} 20'$ a distance of 79.2 links; thence on a bearing of $294^{\circ} 22'$ to high-water mark of the sea; thence south-westerly along high-water mark of the sea to the end of the northern training-wall; thence generally north-easterly along the northern training-wall to a point bearing $S 34^{\circ} 27' W$ from Trig Tube No 2, Wharf Street aforesaid; thence on a bearing of $34^{\circ} 27'$, a distance of 51.6 links, to Trig Tube No 2 the commencing-point: be the aforesaid linkages a little more or less.

3

[Repealed]

Schedule 3 was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

[Repealed]