

Bluff Harbour Endowment and Borrowing Act 1877

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An Act to vest certain Lands in the Bluff Harbour Board, and to empower such Board to borrow Money.

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 shall be “The Bluff Harbour Endowment and Borrowing Act, 1877.”

2 Interpretation.

In the construction of this Act the following expressions shall have the meanings hereby assigned to them, that is to say,—

“The Board” means “The Bluff Harbour Board” constituted under “The Bluff Harbour Board Act, 1876.”

“The said Act” means the Act last mentioned.

3 Land in First Schedule set apart as an endowment for the Board.

The block or blocks of waste lands of the Crown in the Provincial District of Otago, described in the First Schedule hereto, are hereby set aside as an endowment for the Board for the purposes of the said Act.

4 Waste Lands Board may sell or dispose of such land, and pay proceeds to Board.

The Waste Lands Board may from time to time sell or otherwise deal with and dispose of such lands in like manner as other waste lands within the district may be sold, dealt with, or otherwise disposed of, and the Receiver of Land Revenue shall, after deducting the costs of survey of such land, pay the same to the Board.

5 Proceeds of such sale or disposal may be pledged.

The Board may from time to time pledge or otherwise give security over the proceeds and profits of such land in manner hereinafter appearing.

6 Power to borrow £50,000 for purposes of harbour works.

For the purpose of carrying out and constructing all or any of the works mentioned in the twenty-fifth and twenty-sixth sections of the said Act, the Board may borrow and raise any sum or sums of money not exceeding fifty thousand pounds.

BORROWING POWERS**7 Board authorized to raise money for special works.**

In order to raise money for the purpose of constructing all or any of the said works, it shall be lawful for the Board to issue debentures under the common seal of the Board to the extent of fifty thousand pounds and no more.

8 Amount and form of debentures.

Every debenture issued under this Act shall be in form in the Second Schedule, or to the effect thereof, and shall be numbered consecutively so that no two debentures shall at any time bear the same number, and shall be for the sum of not less than twenty or more than one thousand pounds.

9 Where payable.

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

10 Interest payable.

The interest on every debenture shall not exceed seven per centum on the amount thereof, and shall be payable half-yearly or otherwise, and separate coupons for each sum so payable, in the form in the Third Schedule, or to the effect thereof, and numbered consecutively for each debenture, shall be attached thereto.

No such debenture shall be sold at such a price as to produce to the purchaser an interest of more than seven per centum on the price paid.

11 Debentures and coupons transferable by delivery.

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.

12 Power to appoint agents for raising loans.

The Board may appoint any joint-stock company, or any two or more persons, within or without 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 bonds, debentures, or otherwise, in such manner, at such times, in such parts, and upon such terms and conditions as the Board shall direct; and to give and grant any necessary discharge or acquittance for the moneys raised under any such loan, or otherwise to dispose of moneys as the Board shall prescribe.

All such bonds and debentures shall be signed by the Chairman and countersigned by the Treasurer, or shall be signed by the agents, if any, for raising the loan.

13 Pending raising loan, debentures may be hypothecated.

Pending the raising of any moneys hereby authorized to be raised, 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.

14 Holders of debentures not to have any claim on public revenues.

No claim of any holder of debentures issued under this Act shall attach to or be paid out of the public revenues of New Zealand or by the General Government thereof.

15 Principal and interest, secured by debentures, to be first charge on Harbour Fund.

All such debentures and the interest payable thereon shall be a first charge upon all moneys in the Harbour Fund, as defined in the sixteenth section of the said Act, excepting moneys theretofore pledged as security for any loans or appropriated to any special purpose.

16 Proceeds of sale of endowments may be pledged.

In addition to any security hereby authorized, the Board may from time to time pledge or otherwise give security over the proceeds and profits of waste lands set aside as endowments as hereinbefore provided, in such manner as the Board shall think fit; and in the event of the Board so doing, such proceeds and profits shall be paid by the Receiver of Land Revenue to such trustees or other persons as may be agreed upon between the Board and the holder of the security.

REPAYMENT OF LOANS

17 Provision for sinking fund.

For the purpose of providing a sinking fund for the liquidation of the principal sum raised by any loan, the Board shall in every year set aside out of the Harbour Fund a sum equal to one pound per centum on the amount of all unredeemed bonds, debentures, and other securities issued or given under this Act previous to the then current year, and shall pay the said sum to the Commissioners hereinafter named.

18 Provision for the appointment of Sinking Fund Commissioners.

The Board shall appoint, and may from time to time remove and reappoint, Commissioners, within or out of the colony, to whom all moneys set apart as a sinking fund as aforesaid shall be paid; and it shall be the duty of the said Commissioners from time to time to invest all moneys so paid to them, and all accumulations of interest and profits arising therefrom, in the purchase of bonds, bills, or debentures issued by the Government of New Zealand, or by the Government of any part of the British dominions, or of bonds or debentures issued under this Act.

19 Board may make provision for repayment of loan.

The Board may make provision whereby the whole of any loan shall be repayable at a stated period, or any parts thereof at stated periods.

20 Commissioners to furnish accounts of moneys in their hands.

Such Commissioners shall send to the Board, at such time as the Board directs, accounts of all moneys and all securities in their hands, and shall also annually send to the Board a balance-sheet showing all transactions in respect of such moneys or securities during the last year.

21 Commissioners also to send certificate of securities.

Such Commissioners shall, together with such balance-sheet, send to the Board a certificate, under the hand of one of the Commissioners of Audit or such person as they shall appoint for the purpose, of all securities held by the Commissioners.

The Commissioners to be appointed, as hereinbefore provided, may be interpreted to mean the Public Trustee, or may include any joint-stock company within or out of the colony as one of such Commissioners.

22 Accumulated sinking fund to be applied in payment of loan.

When the principal of any loan, or any part thereof, becomes payable, the accumulated sinking fund provided for repaying the same shall be applied in the payment thereof.

23 Board may re-borrow under certain circumstances.

When the principal of any loan, or any part thereof, becomes payable, it shall be lawful for the Board to re-borrow moneys, under the provisions of this Act, for the purpose of paying so much of the said principal moneys as is not provided for by any accumulated sinking fund held by the said Commissioners for the payment thereof.

24 Building or other benefit societies may invest in debentures under this Act.

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

REMEDIES OF DEBENTURE-HOLDERS**25 Proceeding in default in payment of debenture-holders or coupons.**

If any person holding a debenture issued under this Act shall tender the same for payment of the principal thereby secured at the place at which such principal is payable at the time when such principal is payable, or at any time thereafter, and such principal shall not be paid in full, or if any person holding

a coupon for payment of interest, or any debenture issued under this Act, shall tender the same for payment at the place at which such interest is payable, and at the time when such interest is payable, or at any time thereafter, and such interest shall not be paid in full, such person may apply for relief under this Act, by petition in a summary way, to the Judge of the Supreme Court of New Zealand to whom the judicial district comprising the harbour has been assigned.

26 Judge may direct property of Board to be sold.

The Judge, upon being satisfied of the truth of the matters alleged in such petition, may order that the whole or part of the lands vested in the Board be sold in such manner and at such time or times as such Judge shall direct, and that the proceeds of sale thereof shall be applied—

- (1.) In payment of the expenses of such application and order, and of the proceedings thereon, and the sale in pursuance thereof:
- (2.) Next, in payment of the principal moneys secured by the said debentures, with interest thereon respectively at the rate aforesaid, until all such principal moneys shall have been paid:
- (3.) And the residue (if any) shall be paid to the Board.

27 Also may appoint Receiver.

The Judge may from time to time appoint a Receiver of the rents and profits arising from the land vested from time to time in the Board, and of all moneys, dues, and rates chargeable or receivable by the Board under the authority of this or any other Act; or he may from time to time appoint a Receiver of all or any of the rents and profits arising from the land, or of the dues and rates, without directing a sale, and may direct that such Receiver shall be paid thereout such remuneration as to the said Judge shall seem fit.

28 Unpaid principal and interest to be debt of Board.

The principal moneys secured by every debenture issued under this Act shall, when the same shall become payable, be a debt of the Board to the holder for the time being of such debenture; and the interest secured by every such debenture shall, when the same becomes payable, be a debt of the Board to the holder for the time being of the coupon for such interest; and every sum of money owing by the Board under this provision shall be recoverable by action against the Board.

SCHEDULES

FIRST SCHEDULE

All that piece or parcel of land situated in the Provincial District of Otago, being part of Runs numbered 154, 154a, 159, 149, 135, and 135a, comprising twenty-nine thousand six hundred and sixty (29,660) acres, more or less, and contained within the following boundary lines, viz.:—Commencing at the north-eastern angle of Section 140, Taringatura District; thence by a line running due east through Trig. F to the northwestern angle of section 162a; thence south-westerly and thereafter due east along the western and southern sides of said Section 162a to Section 162b; thence due south and thereafter due west along the western boundary of Section 162b and the northern boundary of 162c and 162d to north-western angle of Section 162c; thence southerly along the western boundary of Sections 162c and 188 to south-western angle of Section 188; thence due east along the southern boundary of Sections 188, 90, and 163 to north-western angle of Section 196; thence due south along the western boundary of Sections 196 and 194; thereafter due east along the southern boundary of Sections 194 and 193; thence due south along the western boundary of Section 192; thereafter due east along the southern boundary of said Section to a point due north of Trig. BBB; thence due south through said Trig. station to the south-western angle of deferred-payment block; then westerly along road line to a point due north of the north-western angle of Section 124; thence due south to said angle, and thereafter along the western boundary of said section to deferred-payment block; thence west-by-north along the north boundary of said block and of Sections 200 and 198 to north-west angle of 198; thence due north and thereafter due west along the eastern and northern boundaries of Section 119 to north-west angle of same; thence northerly along the eastern boundary of Section 117 to agricultural block; thence due east and thereafter due north along the southern and eastern boundaries of said block to north-east angle of same; thence for the most part northerly along the eastern boundaries of Sections 185, 187 (south part) agricultural block, and of Sections 187 (north part) and 140 to starting point.

All that piece or parcel of land situated in the Provincial District of Otago, being part of Run numbered 181, comprising five thousand nine hundred and seventy-four (5,974) acres, more or less, and contained within the following boundary lines, viz.: Commencing at Trig. T, Taringatura District; thence north-easterly and thereafter south-easterly along the southern boundary of Section 181, Taringatura District, to western angle of Section 46; thence south-easterly along boundary of Section 46 to Section 180; thence south-westerly along boundary of Section 180 to Section 209; then due west along northern boundary of said section to north-western angle of same; thence by straight line to Trig. W, and thereafter by straight line to Trig. T, the starting point. As the said parcels of land are shown on the maps deposited in the Survey Office, Invercargill, and excepting out of the said areas all necessary roads and lands already sold.

SECOND SCHEDULE**Bluff Harbour Board Loan**

Number , £ .

Debenture for £ .

Payable at , on .

Issued by the Bluff Harbour Board, New Zealand, under an Act of the General Assembly of New Zealand intituled "The Bluff Harbour Endowment and Borrowing Act, 1877."

Secured on [*State on what secured*].

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 18 , the bearer hereof will be entitled to receive £ . Interest on this Debenture will cease after the day when the payment falls due, unless default is made in payment.

Issued under the Seal of the Board, the day of 18 .

(Signed)

(Countersigned)

Chairman of the Board.

Treasurer of the Board.

THIRD SCHEDULE**Coupon**

Debenture No. , of the Bluff Harbour Board, New Zealand, issued under "The Bluff Harbour Endowment and Borrowing Act, 1877." Secured on [*State on what secured*].

On presentation of this Coupon at , on and after the day of 18, the bearer hereof will be entitled to receive £ .

(Signed)

(Countersigned)

Chairman of the Board.

Treasurer of the Board.