

# Harbours Act 1908

Public Act 1908 No 75  
Date of assent 4 August 1908

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Amendment Act, 1886.”**

**An Act to consolidate certain Enactments of the General Assembly relating to Harbours.**

**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.**

*Enactments consolidated.*

- (1.) The Short Title of this Act is “The Harbours Act, 1908.”
- (2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall apply:—

*Savings.*

- (a.) All Harbour Boards, harbours, and ports duly constituted or defined under any such enactment, and subsisting on the coming into operation of this Act; and
- (b.) All orders, warrants, and regulations duly made thereunder by the Governor or the Governor in Council, and subsisting as aforesaid; and
- (c.) All by-laws duly made thereunder by any Harbour Board, and subsisting as aforesaid; and
- (d.) All offices created and appointments made thereunder by the Governor, the Minister, or any Harbour Board, and subsisting as aforesaid; and
- (e.) All contracts entered into, rights acquired, and liabilities incurred thereunder, and subsisting as aforesaid; and
- (f.) All licenses granted, certificates and instruments issued or executed, and generally all acts of authority duly exercised thereunder by or by the authority of the Governor, the Governor in Council, the Minister, or any Harbour Board, and subsisting as aforesaid; and generally
- (g.) All acts of authority which originated thereunder, and are subsisting as aforesaid,—

shall enure for the purposes of this Act as fully and effectually as if they had respectively originated under the corresponding provisions of this Act; and for that purpose shall, where necessary, be deemed to have so originated.

- (3.) Every such Harbour Board shall be deemed to be the same Board under this Act, without change of corporate entity or otherwise; and the members of the

Board holding office on the coming into operation of this Act shall continue in office until their successors under this Act come into office.

- (4.) All debentures, bonds, and mortgages or securities issued or made under any such enactment by any Harbour Board in respect of moneys borrowed thereunder, and outstanding on the coming into operation of this Act, shall, so far as concerns the holder or owner thereof and his rights and remedies, be deemed to have been respectively issued or made under this Act.
- (5.) All works, matters, and proceedings commenced under any such enactment, and in progress on the coming into operation of this Act, may be continued and completed under this Act.
- (6.) All works authorised by or directed to be made or constructed in accordance with any such enactment, and not commenced, or, if commenced, not completed on the coming into operation of this Act, shall be deemed to be authorised by, and shall be made and constructed in accordance with, this Act.

### *Preliminary*

## **2 Saving of Acts.**

*1878, No. 35, sec. 4*

Nothing in this Act shall in any way derogate from or annul any of the provisions of "The Shipping and Seamen Act, 1908," or of any Act relating to the Customs, nor in any way interfere with the administration of or revenues arising in respect of any lighthouse, buoy, or beacon, or any other act, matter, or thing regulated under any of the aforesaid Acts.

## **3 Saving powers independent of this Act.**

*Ibid, sec. 5*

- (1.) Nothing in this Act shall be deemed to take away, supersede, or abridge any jurisdiction, right, power, or remedy existing independently of this Act for the abatement of, or the imposition of punishment for, any nuisance affecting the sea or any harbour or tidal water or tidal lands, or affecting navigation, or affecting any right belonging to or enjoyed by the public over tidal water or tidal lands.

*Provisions of this Act to be in addition to those of any other enactment for like purposes. Ibid, sec. 6*

- (2.) The provisions of this Act respecting anything mentioned in this section shall be deemed to be in addition to and not in substitution for or in restraint of any other enactment, regulation, jurisdiction, right, power, or remedy for the like object; and all such enactments, regulations, jurisdictions, rights, and remedies shall remain operative and be, as far as may be, as if this Act had not been passed, but so nevertheless that nothing herein shall be deemed to authorise that any person be sued or prosecuted twice in respect of the same matter.

**4 Act not to affect prerogative of the King.**

*Ibid, sec. 7*

Nothing in this Act shall be construed or allowed to affect any right or prerogative of His Majesty.

**5 Interpretation.**

*Ibid, sec. 8*

In this Act, and in any by-laws or regulations made thereunder, if not inconsistent with the context,—

“Ballast” includes any material or thing used for the ballasting of ships:

“Boat” means every description of vessel used in navigation not being a ship:

“Buoys” and “beacons” include all marks and signs within a harbour in aid of navigation:

“Coastal light” means any light established or maintained by the Marine Department on the coasts of New Zealand and not being a harbour light:

“Collector of Customs” includes the principal or only officer of Customs at the port or place in respect of which the term is used:

“Colonial trading ship” means and includes any ship actually trading between New Zealand and any port within the Commonwealth of Australia, or between New Zealand and any of the islands lying between the parallels of thirty degrees north and thirty degrees south latitude, and the meridians of one hundred and fifty-five degrees east and one hundred and thirty degrees west longitude:

“Electors” means the persons for the time being entitled to vote at the election of members of the local authority as herein defined:

“Goods” includes wares and merchandise of every description, and all chattels, live-stock, and other articles:

“Harbour” or “port” includes any harbour properly so called, whether natural or artificial, and any haven, estuary, navigable lake or river, dock, pier, jetty, and work in or at which ships do or can obtain shelter, or ship or unship goods or passengers, and any port defined under “The Marine Act, 1867,” or any other Act, and any harbour defined under this Act; and, when used in any provision relating to the jurisdiction or powers of a Harbour Board, extends to and includes the limits within which such jurisdiction or power may be exercised:

“Harbour Board” or “Board” means any Harbour Board constituted under this Act or a special Act, and includes any local authority as herein defined and the Governor in cases where the powers and duties of such Boards are vested in any such authority or are exercisable by the Governor:

“Harbour dues” and “dues” mean and include any due, rate, fee, toll, tax, pilotage rate, port charge, or payment in the nature thereof payable or leviable under this Act or a special Act:

“Harbour light” means any light erected in aid of navigation within harbour limits or near the approaches to any harbour, and which is declared by the Minister not to be a coastal light; and includes all light-ships or other fixed or floating lights erected, moored, or placed for that purpose:

“Harbour-works” includes any basin, graving-dock, slip, dock, pier, quay, wharf, jetty, bridge, viaduct, breakwater, embankment, or dam, or any reclamation of land from the sea or from any navigable lake or river, and any excavation, deepening, dredging, or widening of any channel, basin, or other part of a harbour, and generally any works for the improvement, protection, or management of a harbour, whether complete or incomplete, in the sea or any such lake or river, or in, on, or near the shore of the sea or of such lake or river, or of any creek, bay, or arm of the sea:

“Local authority” means a County Council, City or Borough Council, Town Board, or Road Board; and includes the corporate body which such Council or Board represents:

“Master” includes the person, not being a pilot, having command or charge of any ship:

“Minister” means the Minister of Marine:

“Owner,” when used in relation to goods, includes any consignor, consignee, shipper, or agent for sale or custody of such goods, as well as the owner thereof:

“Pilot” means any person not belonging to a ship who has the conduct thereof:

“Pilot boat” means any ship or boat employed in pilotage service under this Act:

“Publicly notified” and “published” mean notified or published in some newspaper circulating at or near the port or place in respect of which or in relation to which such expression is used:

“Ship” includes every description of vessel, whether used in navigation, or in any way kept or used as a hulk or store-ship, or for any other purpose, and not propelled exclusively by oars:

“Tackle,” used in relation to a ship, includes all furniture and apparel thereof:

“Tidal lands” means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides:

“Tidal water” means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring tides:

“Vessel” means a ship or boat:

“Warehouse” includes all warehouses, buildings, and premises in which goods landed from or to be carried in ships may be lawfully placed:

“Wharf” includes all wharves, quays, piers, jetties, and premises in, on, or from which passengers or goods may be taken on board of or landed from ships or vessels.

### *Harbours*

#### **6 Power of Governor respecting harbours.**

*1878, No. 35, sec. 9*

For the purposes of this Act the Governor may from time to time by warrant under his hand—

- (a.) Define the limits of any harbour:
- (b.) Revoke any instrument whereby the limits of any harbour have at any time been defined:
- (c.) Fix or alter the name by which any harbour already defined or hereafter to be defined shall be known or designated.

#### **7 Alteration of harbours not to affect jurisdiction.**

*Ibid, sec. 10*

- (1.) No alteration of the limits of any harbour shall prejudice or affect any rights or powers at any time exercised in respect of such harbour by any Harbour Board having jurisdiction in the harbour prior to such alteration.
- (2.) No revocation of an instrument defining a harbour as aforesaid shall prejudice or affect any rights or powers acquired or exercised by the Board having jurisdiction within the limits of the harbour prior to such revocation.

*Powers of Board to extend to altered harbours.*

- (3.) The rights and powers of the Board in respect of any harbour shall extend to the limits of the harbour when altered under this Act.

#### **8 Governor may make surveys.**

*1878, No. 35, sec. 11*

- (1.) The Governor may from time to time authorise surveys to be made and completed of any harbour, or of the coast-line of New Zealand, as may be requisite for the safety of shipping.
- (2.) Such surveys when issued by the Marine Department shall be deemed officially authorised surveys.

*Special Provisions where there is no Harbour Board*

**9 Where no Harbour Boards, Governor in Council to have powers conferred on Harbour Boards.**

*Ibid, sec. 12*

- (1.) In harbours where there is no Board, or where any Board is dissolved under the powers hereinafter contained, the Governor in Council shall have all the powers, functions, duties, and authorities by this Act conferred upon Harbour Boards, and may exercise the same in accordance with this Act.
- (2.) Any power or authority herein conferred upon the Governor in Council which, in the case of a Harbour Board, would be exercised by or under by-laws to be made by such Board shall and may be exercised under regulations to be made by Order in Council gazetted.

*1883, No. 37, sec. 16*

- (3.) Such regulations may be made generally in respect of all harbours where there is no Harbour Board, or in respect of any one or more of such harbours.

*1878, No 35, sec. 12*

- (4.) Nothing herein shall be construed to make it obligatory on the Governor in Council to exercise and perform the powers, functions, duties, and authorities by this Act conferred upon him, and such powers, functions, duties, and authorities shall be exercised and performed only in such harbours and places as he thinks fit.

**10 Governor may appoint officers of any such harbour.**

*Ibid, sec. 13*

The Governor may from time to time appoint Harbourmasters, pilots, and other officers of any harbour not under the control or management of any Harbour Board.

**11 Management of any wharf may be vested in local authority.**

*Ibid, sec. 14 1886, No. 45, sec. 20*

- (1.) The Governor may from time to time by Order in Council vest the management of any wharf the property of His Majesty in any Harbour Board, local authority, or person upon such terms and conditions as he thinks fit.

*Wharf deemed property of such authority. 1878, No. 35, sec. 15*

- (2.) Every wharf the management of which is so vested shall, subject to the terms and conditions mentioned in such Order in Council, be deemed to be the property of such Board, local authority, or person for the purpose of all actions and proceedings in respect thereof or in relation thereto, so long as such management remains so vested.

## **12 Governor in Council may authorise construction of harbour-works.**

*Ibid, sec. 16*

In any harbour where there is no Harbour Board the Governor in Council may authorise any local authority or any person to construct harbour-works (other than the reclamation of land from the sea or any harbour, or the construction of any graving-dock, dock, or breakwater in any harbour or in the sea), whether such harbour-works are or are not primarily intended for the use and benefit of the public, and to use and occupy such part of the foreshore or of any tidal land or tidal water as may be necessary for the construction and use of such harbour-works:

*1883, No 37, sec. 2*

Provided that any work constructed under the authority of this section shall, if the nature of the work permits, be available for public use on such terms and conditions as may be prescribed by the Order in Council authorising the same.

## **13 Power to levy dues on private wharves.**

*1878, No. 35, sec. 17 1879, No. 27, sec. 4 1883, No. 37, sec. 3.*

- (1.) The Governor may from time to time by Order in Council prescribe what dues and rates shall be taken by the Board, authority, or person in whom any such wharf is vested as aforesaid, or by whom any such harbour-works are constructed as aforesaid, for the use of such wharf or works.
- (2.) The Governor in Council may from time to time revoke, alter, or vary any Order in Council made under this section.

## **14 Terms and conditions of Order in Council.**

*Period of rights. 1878, No. 35. sec. 17*

- (1.) Every Order in Council under sections eleven to thirteen hereof shall be made upon such terms and conditions as the Governor in Council thinks fit, and the rights thereby conferred shall only be granted for a limited period not exceeding in any case fourteen years, and may at any time be altered, modified, or revoked.

*Rights and powers so granted may be resumed by Governor on giving notice.*

*Ibid, sec. 18*

- (2.) The rights and powers conferred under or by virtue of any such Order in Council may be resumed at any time by the Governor on giving to the Board, authority, or person holding the same such previous notice, not exceeding twelve months, as may be expressed in the Order in Council conferring such rights and powers.
- (3.) Any Board, authority, or person affected by such notice may remove any wharf or building erected in pursuance of any privilege granted by Order in Council as aforesaid, and all the material thereof, but shall not be entitled to any further compensation or allowance.

**15 Local authority authorised to spend part of local fund in harbour-works in certain cases.**

*1886, No. 45, sec. 18*

Where a local authority is authorised by Order in Council as aforesaid to construct harbour-works, such authority may use and expend any part of its local fund in the construction of any work so authorised or in the maintenance or repair of any such work or any part thereof:

Provided that nothing herein shall empower any such authority to use and expend in such manner any money borrowed for the purposes of any particular work, unless such use was expressly sanctioned by the ratepayers before the money was so borrowed.

**16 Powers and liabilities of local authority in respect of harbour-works.**

*Ibid, sec. 19*

Every power or function which any such local authority has or could exercise in respect of any public work within its ordinary powers may in like manner be exercised in respect of any harbour-work so authorised as aforesaid; and every liability which such authority would be liable to in respect of any public work as aforesaid shall also attach in respect of any such harbour-work.

*Harbour Boards Existing Boards*

**17 Existing Harbour Boards constituted under this Act.**

*1878, No. 35, sec. 19*

- (1.) The several Harbour Boards the names of which are set forth in the Second Schedule hereto (being Harbour Boards existing at the time of the coming into operation of this Act) shall be deemed to be constituted under this Act, and this Act shall, in the case of each such Board, be deemed to be a special Act for the purpose of such constitution.

*Constitution of Harbour Boards Ibid, sec. 20*

- (2.) Such Boards are constituted in the manner and consist of the persons mentioned in the second, third, and fourth columns of the said Second Schedule, and set opposite the name of each Board, as follows:—
- (a.) The number of members mentioned in the second column of the said Schedule shall be appointed from time to time by the Governor or Governor in Council, as mentioned in that column.
- (b.) The persons holding the offices mentioned in the third column of the said Schedule, and their successors in office, shall from time to time be members of the Board.
- (c.) The remaining members of the Board shall be elected or appointed as mentioned in the fourth column of the said Schedule.

**18 Extraordinary vacancies in existing Boards.**

*1878, No. 35. sec. 24*

If any extraordinary vacancy occurs in any Board mentioned in the said Second Schedule, such vacancy shall be filled up in the manner hereinafter provided by this Act.

**19 Boards already constituted to be deemed Boards under this Act.**

*Ibid, sec. 25*

- (1.) Every such Board as aforesaid shall, in respect of all real and personal property, rights, claims, obligations, liabilities, contracts, and engagements, and for all purposes whatsoever, be deemed to be the same Board as that existing at the port in respect of which the Board was constituted on the coming into operation of this Act.
- (2.) For the purposes of this section the term “port” shall have the meaning given thereto in the Act or Ordinance under which the Board in respect of which such term is used was originally constituted, subject, however, to the provisions of this Act respecting the alteration of the limits of a port or harbour.

**20 Continuance of members or persons holding office under Board.**

*Ibid, sec. 26*

Every member, and every person holding any office in or under any Board in existence on the coming into operation of this Act, shall, notwithstanding any defect in their elections or appointments, be deemed to have been duly elected or appointed and shall continue to hold their respective offices in or under the Board constituted under this Act as if they had been elected or appointed under this Act, subject, however, to the provisions hereinafter contained.

**21 Provision where a local authority forms the Board.**

*Ibid, sec. 27*

In any case where a local authority forms the Board the provisions of this Act respecting election of members shall have no application, and the Board so constituted shall be a Harbour Board within the meaning of this Act, and continue to perform the functions of such Board from time to time without complying with the provisions of this Act relating to such election.

*Future Boards*

**22 Special Acts for Harbour Boards.**

*Ibid, sec. 28*

Every Harbour Board created after the coming into operation of this Act shall be constituted by an Act hereinafter termed a “special Act.”

**23 Constitution of Boards.**

*Ibid, sec. 29*

- (1.) Every such Board shall consist of elective and non-elective persons in such manner as may be prescribed by the special Act, and every such Act shall make provision for the first election of the elective members, and for all other matters necessary to give effect to this Act and such special Act.
- (2.) In this section and elsewhere throughout this Act—

“Elective members” means persons who are or may become members of a Board by election, whether such election is by the electors of a local authority, or by a local authority, or by any other body or association entitled to elect a member; and includes any member elected by the payers of dues or charges, or owners of vessels, or in any other manner, not being a member appointed by the Governor or the Governor in Council or a member by virtue of his office:

“Non-elective members” means all such persons as are or may become members of a Board by appointment of the Governor or the Governor in Council, or who are such members by virtue of their offices.

*Appointments, Elections, and Resignations*

**24 Duration of office of non-elective members.**

*1878, No. 35, sec. 30*

- (1.) Every non-elective member of a Board who is appointed by the Governor or the Governor in Council shall hold office for a term of two years, computed in the case of future Boards from the first day of July in the year in which the Board is constituted, and in the case of now existing Boards from the first day of July in the year in which such term would be computed if this Act had not been passed.
- (2.) If any such member ceases to hold office before the expiry of his term, the person appointed in his stead shall hold office so long as the vacating member would have held the same if he had not ceased to be a member.
- (3.) This section shall be construed subject to the provisions of any special or local Act now in force dealing with any specified Board.

**25 Certificate as to identity of Mayor or Chairman of local governing body to be evidence.**

*Ibid, sec. 31*

- (1.) A certificate under the corporate seal of any local authority, body, or association that any person named therein is the Mayor or Chairman or other presiding officer of such authority, body, or association, as the case may be, shall be conclusive evidence of the fact.
- (2.) If such body or association is not incorporated, then a declaration in writing, signed by any two members thereof, shall be conclusive evidence of the fact

that the person therein named is the Chairman or other presiding officer of such body or association.

**26 Duration of office of elective members.**

*Ibid, sec. 32*

- (1.) The elective members of a Board shall hold office for two years from the date of the biennial election, and on the second Monday in the month of February in every alternate year there shall be an election of the elective members of the Board.
- (2.) Subject to this Act, all persons who were previously members of the Board shall be eligible for re-election.

**27 Conduct of elections.**

*Ibid, secs. 33, 34*

- (1.) Subject to the provisions of this Act, all elections of members of the Board who are required to be elected by the electors of a local authority shall be held in the same manner, and the proceedings shall be the same, *mutatis mutandis*, as are required and provided with respect to the election of members of the local authority.

*Provision for other elections. Ibid, sec. 35*

- (2.) All other elections shall be held in such manner as may be prescribed by the special Act, and if no provision is made in that behalf, then in such manner as the Governor in Council from time to time directs by regulations to be made for that purpose.

**28 Provision for elections by owners or payers of dues, &c.**

*Ibid, sec. 36*

- (1.) Where an elective member is to be elected by the payers of dues Or by registered owners or part owners of ships, then and in any case where such dues have been paid by two or more persons jointly, or where any ship is owned by more than one person, only one of such persons paying or owning, as the case may be, shall be entitled to vote in respect of such payment or ownership.
- (2.) Any corporate body being the payer of dues or owner of any ship may from time to time, by writing under its corporate seal, appoint some person to vote in respect of such payment or ownership.

**29 Provision in case of special districts.**

*Ibid, sec. 37*

- (1.) Where the members of a Board, or any of them, are to be elected by the votes of persons in any area or district comprising several local authorities, the Board shall annually, or as often as occasion requires, make up an electoral roll for such area or district, and, subject to the provisions of the special Act

constituting the Board, there shall be placed on such roll the name of every person within such area or district whose name appears on the electoral roll of any such local authority as aforesaid.

- (2.) At every such election every person whose name appears on the aforesaid electoral roll shall have the same voting-power as a county elector possesses at an election of members of a County Council.

### **30 Governor may divide rating districts into wards.**

*1894, No. 34, sec. 7*

- (1.) Notwithstanding anything in this Act, the Governor may by Order in Council empower a Board the members of which are not wholly nominated or appointed to divide the rating area or district into any number of electoral wards, not exceeding the number of elective members as fixed for the Board by this Act or the special Act, each ward to return the same number of members to the Board.
- (2.) In such case the Board shall annually, or so often as may be required, make up an electoral roll for each ward, and such electoral roll shall be deemed to be the electoral roll for the rating area or district.
- (3.) Such subdivision shall only be made by special resolution.
- (4.) Any such special resolution shall come into operation at the next general election of the members of such Board after the passing thereof, and after such general election such resolution shall also apply to extraordinary vacancies.
- (5.) This section applies only where the members of the Board are either wholly elective or partly elective and partly non-elective, and shall not affect any provision of this Act relating to non-elective members.

### **31 Extraordinary vacancies.**

*1878, No. 35. secs. 38, 43*

- (1.) A person shall immediately cease to be a member of the Board in any of the following cases, that is to say:—
  - (a.) If he resigns office by writing addressed to the Chairman of the Board; or
  - (b.) If he becomes of unsound mind; or
  - (c.) If he accepts any office of profit under the Board, or becomes interested, either solely or jointly with any other person, in any contract with the Board otherwise than as a member of any incorporated or registered company or any body corporate; or
  - (d.) If he is adjudicated bankrupt; or
  - (e.) If he becomes in any manner disqualified under this Act to be a member of the Board; or
  - (f.) If he is absent without leave of the Board from four consecutive meetings thereof; or

- (g.) If he is convicted of any crime punishable by imprisonment with or without hard labour for a term of two years or upwards.
- (2.) Where a member of a Board who holds office by virtue of his being a member of a local authority, or of any other body or association, ceases to be a member of such local authority, body, or association, he shall also cease to be a member of the Board.

*How filled up. Ibid, sec. 39*

- (3.) If the office of an elective member of a Board becomes vacant from any of the causes aforesaid, or from death, such vacancy shall be deemed to be an extraordinary vacancy, and the election of a new member shall be held in the manner provided in the case of the election of the member who has vacated his seat.

*Other vacancies. 1878, No. 35, sec. 40*

- (4.) If the office of a member of the Board appointed by the Governor or the Governor in Council becomes vacant from any of the causes aforesaid, or from death, the Governor or Governor in Council, as the case may be, may appoint some person in the place of the member whose office has become vacant.
- (5.) Every such new member shall retain his office so long as the vacating member would have retained the same if no vacancy had occurred.
- (6.) Where a person is a member of a Board by virtue of his office, his successor in such office from time to time shall, without any further appointment, be a member of the Board so long as he holds such office.

### **32 In default of members being elected, Governor may appoint persons to fill vacancies.**

*Ibid, sec. 41*

- (1.) In the event of any refusal, neglect, or failure to elect or appoint the full number of elective members of the Board, or to supply any vacancies, the Governor may appoint as many members as may be necessary to complete such number or to supply such vacancies, as the case may be.
- (2.) Any person so appointed shall hold office in like manner as if he had been duly elected.

### **33 Members when to come in and go out of office.**

*Ibid, sec. 42*

- (1.) Every member of the Board shall come into office on the day of his election or appointment, and shall cease to hold office on the day his successor comes into office.

*No act of Board to be questioned on ground of vacancy or incapacity. Ibid, sec. 41*

- (2.) No act of any Board shall be questioned on the ground that the seat of any member of the Board is vacant or that any supposed member thereof is incapable of being a member.

*Local Elections and Polls Act to apply to elections. Ibid, sec. 2*

- (3.) Subject to the provisions of this Act and the regulations thereunder relating to the elections of members of the Board, the provisions of "The Local Elections and Polls Act, 1908," shall apply to such elections.

*Saving of special Act.*

- (4.) The provisions of this Act relating to the Board, and the appointment, election, and resignation of its members, shall be construed subject to the provisions of the special Act relating to the Board.

#### *Dissolution and Reconstitution of Boards*

### **34 Dissolution and reconstitution of Boards.**

*Ibid, sec. 44*

- (1.) Any Board may, by resolution passed by an absolute majority of its members, request the Governor in Council to dissolve such Board, and if the Governor dissolves such Board, then, on such day as the Governor in Council fixes, an election of the elective members and an appointment of the non-elective members of the Board shall be held or made.
- (2.) In voting upon any resolution under this section the Chairman shall have only a deliberative and not a casting vote.

*Governor in Council may appoint a person to make inquiries. Ibid, sec. 45*

- (3.) In the exercise of the powers given to him by this section the Governor in Council may appoint one or more fit persons to make all such inquiries, and examine and inspect all books, papers, and accounts, as may be necessary to ascertain the debts and liabilities of the Board and what property is vested in it.
- (4.) If the Board, or the Chairman, Secretary, or any member or officer of the Board, refuses to give information to any person so appointed, or to produce any books, papers, or accounts in its or their custody or possession, every person so offending shall be liable to a fine not exceeding fifty pounds.

### **35 Governor in Council may declare what bodies shall return members in certain cases.**

*1878, No. 35, sec. 46*

- (1.) If at any time it appears to the Governor that a local authority, body, or association electing or appointing a member of the Board has ceased to exist, or has been incorporated with or united to some other local authority, body,

or association, the Governor may by Order in Council declare what other local authority, body, or association shall return a member in lieu of the local authority, body, or association so ceasing to exist or being incorporated or united as aforesaid.

*Or that two or more bodies may unite in electing a member.*

- (2.) If any such authority, body, or association becomes divided into two or more like bodies, the Governor in Council may order that the original authority, body, or association and the new authorities, bodies, or associations shall unite in electing or appointing a member or members of the Board, as the case may be.

*Change of name not to affect right of body to elect or appoint a member.*

- (3.) If the name of any such authority, body, or association is changed, but such authority, body, or association in other respects remains unaltered, such change of name shall not affect the right of such authority, body, or association to elect or appoint a member.

**36 Governor may declare that Mayor, &c., of newly constituted body shall be a member of Board.**

*Ibid, sec. 47*

- (1.) Where any local authority, body, or association becomes incorporated with or united to some other authority, body, or association, or ceases to exist, the Governor in Council may in like manner declare that any Mayor, Chairman, or other chief presiding officer of such newly constituted authority, body, or association shall take the place of any Mayor, Chairman, or other officer of the authority, body, or association becoming incorporated, united, or ceasing to exist, and who by virtue of his office was entitled to be a member of the Board.

*Chairman of a new county may be appointed member of Board. 1894, No. 34, sec. 9*

- (2.) Where the Chairman of any County Council is appointed a member of a Board by succession, and the county is divided, and a new county formed, the Governor in Council may declare that the Chairman of the new County Council shall be the member in succession on the Board in place of the Chairman of the original County Council.

*Incorporation of Boards: Conduct of Business*

**37 Incorporation of Boards.**

*1878, No. 35, sec. 8*

- (1.) Every Board shall be a corporate body by the name of "The [*Stating the name*] Harbour Board," with perpetual succession and a common seal, and with full power and authority by that name to sue and be sued, and capable in law for the purposes of and subject to this and the special Act to do and suffer all such

acts and things as bodies corporate may do and suffer, with power to take and hold lands, tenements, and hereditaments.

- (2.) In no case shall the corporate entity or capacity of a Board be in any way affected by any alteration in the number or qualifications of its members.

### **38 Boards may appoint officers.**

*Ibid, sec. 49*

- (1.) Every Board may from time to time appoint and employ a Secretary, Treasurer, Clerk, Harbourmaster, Pilots, Wharfinger, and all such other officers and servants to assist in the execution of this Act as it thinks proper, and may from time to time remove or discontinue the office of any of such persons and appoint others in the room of such as are so removed or as die or resign.
- (2.) Such salaries and allowances shall be paid out of the Harbour Fund to the said persons respectively as the Board thinks reasonable.
- (3.) One person may hold two or more of any of such offices.

### **39 Security to be given before entering upon office.**

*1878, No. 35, sec. 50*

Before any officer intrusted by the. Board with the custody or control of moneys by virtue of his office enters upon such office the Board shall take sufficient security from him for the faithful execution thereof.

### **40 Member of Board shall only be paid travelling-expenses.**

*1886, No. 45, sec. 21*

- (1.) No member of a Board shall be paid any remuneration for his services as a member of such Board, nor in respect of his attendance at any meetings thereof, but he may be paid the amount of expenses actually incurred in travelling to or from any such meeting.

*No member to hold any paid office of the Board. 1878, No. 35, sec. 51*

- (2.) No member of the Board shall be capable of being or continuing Clerk or Treasurer or any other officer of the Board if any salary is attached to such office.

### **41 Election of Chairman.**

*Ibid. sec. 52*

- (1.) Every Board hereafter constituted shall hold its first meeting, on a day and at a place to be appointed by the Governor, as soon as conveniently may be after the constitution thereof, for the election of one of its members as a Chairman:

Provided that no first meeting of any Board shall be held until all the members to form the board have been elected or appointed.

*1879, No. 27, sec. 2*

- (2.) The Governor, in appointing the day for the first meeting of the Board, may also fix the number of members required to form a quorum at such meeting.

#### **42 Annual meeting for election of Chairman.**

*1878, No. 35, sec. 52 1879, No. 27, sec. 3*

- (1.) Every Board shall hold an annual meeting for the purpose of electing a Chairman on the first Tuesday after the anniversary of the day of the first meeting of the Board:

Provided that with respect to Harbour Boards existing on the coming into operation of this Act the anniversary of the first meeting of each such Board shall, for the purposes of this section, refer to the anniversary of the first meeting after the original constitution of the Board.

*1878, No. 35, sec. 52*

- (2.) At every such meeting the Board, by a majority of the members present, shall elect one of its number to be Chairman, who shall hold office for a term of one year only, but shall be eligible for re-election.
- (3.) In the event of there being an equality of votes, the election of Chairman shall be decided by lot at such meeting.

#### **43 Resignation of Chairman.**

*Ibid, sec. 53*

If the Chairman from any cause ceases to be a member of the Board, or resigns the office of Chairman, the Board shall, as soon thereafter as conveniently may be, elect another member of the Board to be Chairman in his stead, who shall hold office until the next election of a Chairman as hereinbefore provided.

#### **44 Deliberative and casting vote.**

*Ibid, sec. 54*

At all meetings of the Board the Chairman, or, in his absence, such member of the Board as is chosen by the majority of the members assembled, shall preside; and such Chairman or presiding member shall have a deliberative vote, and in all cases of equality of votes he shall also have a casting-vote, except where otherwise provided by this Act.

#### **45 Annual meetings.**

*Ibid, sec. 55*

- (1.) The Board shall hold a meeting at noon on the third Monday in the month of January in each year at the office of the Board.
- (2.) At such meeting the accounts of the Board for the past year, duly audited and certified as hereinafter provided, shall be laid before the meeting, and, if the same are adopted, a balance-sheet framed therefrom shall be published at least

three times in some one or more newspapers circulating at the port for which the Board is constituted.

*Ordinary meetings. 1878, No. 35, sec. 56*

- (3.) The Board shall also hold ordinary meetings for the transaction of general business, and the ordinary meetings shall be held at the office of the Board at such stated time as the Board from time to time appoints.

### *By-laws*

#### **46 Board may make by-laws.**

*Ibid, sec. 57*

- (1.) The Board may from time to time make by-laws for regulating the general conduct of business and proceedings of the Board, and for all such other purposes as the Board is by this or the special Act empowered to make by-laws.
- (2.) Such by-laws shall not be repugnant to the provisions of this Act, or the General Harbour Regulations to be made hereunder, nor to any Act; and they shall not come into operation until after a copy under the seal of the Board has been sent to, and the receipt thereof has been acknowledged by, the Minister.

#### **47 Conditions under which by-laws may be made.**

*Ibid, sec. 59*

By-laws shall be made only in the manner and subject to the conditions following:—

- (a.) They shall be adopted at a special meeting, of which each member of the Board shall have notice in writing two clear days at the least before such meeting, and such notice shall set forth the business to be brought before the meeting.

*1883, No. 37. sec. 18*

- (b.) The proposed by-laws shall be printed, and at least seven clear days before adoption a notification shall be published to the effect that the proposed by-laws have been printed, and are open to public inspection during office hours at the office of the Board.
- (c.) After the adoption of such by-laws or any amendment thereof, a like notification shall be published, stating that they have been so adopted and the day on which they are to come into force.

*1878, No. 35, sec. 59*

- (d.) They shall have the common seal of the Board affixed thereto.

**48 Copies of by-laws to be evidence.**

*Ibid, sec. 60*

A copy of any by-law so sealed shall be received as evidence of the same having been duly made, unless the contrary is proved.

**49 Payment for copies of by-laws.**

*Ibid, sec. 61*

Any person shall be entitled, on application at the office of the Board, to purchase a copy of such by-laws on payment of such sum, not exceeding one shilling, as the Board may fix from time to time.

**50 Disallowance of by-laws.**

*Ibid, sec. 62*

Within six months after the receipt of a copy of any by-law has been acknowledged as aforesaid by the Minister, the Governor may disallow the same or any part thereof, and upon such disallowance being gazetted such by-law or part thereof so disallowed shall cease to have any force; but such disallowance shall not affect the validity of anything theretofore done under the by-law or part thereof so disallowed.

**51 Production of newspaper confirming by-laws.**

*Ibid, sec. 63*

In all proceedings the production of the newspaper containing the notification referred to in paragraph (c) of section forty-seven hereof respecting any such by-law shall be sufficient *prima facie* evidence that all the provisions of this Act relating to the making of such by-law have been duly complied with, and that such by-law is in full force and effect; and the onus of proving the contrary shall in every case be on the person disputing the validity of such by-law.

**52 Fines under by-laws.**

*Ibid, sec. 64*

Any by-law made in pursuance of this Act may provide for a fine not exceeding twenty pounds for any breach thereof.

**53 Board may adopt regulations made by Governor in Council.**

*1883, No. 37, sec. 17*

- (1.) The Board may by resolution adopt any regulations made by the Governor in Council under section nine hereof, and any regulations so adopted shall, subject to this Act, without further act or formality, be deemed to be by-laws of the Board in respect of the harbour under its jurisdiction, and shall come into force upon a day to be named in such resolution.

- (2.) A copy of the resolution adopting such regulations, attested by the signature of the Chairman, shall be forwarded to the Minister, and such resolution shall also be publicly notified at least seven clear days before the day fixed for such by-laws to come into force.

*Powers and Duties of Harbour Boards Contracts*

**54 Board may enter into contracts for certain works**

*1878, No. 35, sec. 65*

The Board may enter into contracts with any person for the erection, construction, or execution of any harbour-works permitted or authorised to be erected or constructed by the Board, or for furnishing materials, or for the purchase or construction of machinery or appliances of any kind, and any other contracts necessary for the purpose of carrying out the objects for which such Board has been constituted.

**55 Contracts to specify work to be done, &c.**

*Ibid, sec. 66*

Every such contract shall (except as provided by paragraph (c) of the next succeeding section) be in writing, and shall specify the work to be done or executed, the materials to be furnished, the price to be paid for the same, the time or times within which the work is to be completed, and the penalties to be suffered in case of non-performance thereof, or other the nature and terms of the contract entered into.

**56 How contracts to be made.**

*Ibid, sec. 66*

The power hereby granted to the Board to enter into contracts may lawfully be exercised as follows, that is to say:—

- (a.) Any contract which if made between private persons would be by law required to be by deed or in writing and under seal, the Board may make in writing and under the common seal of the Board, and in the same manner may vary or discharge the same.
- (b.) Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith, the Board may make in writing signed by the members thereof, or any two of their number acting by the direction and on behalf of the Board, and in the same manner may vary or discharge the same.
- (c.) Any contract which if made between private persons would be by law valid although made by parol only and not reduced into writing, the members of the Board, or any two of them acting by the direction and on

behalf of the Board, may make by parol only, without writing, and in the same manner may vary or discharge the same:

Provided that any agreement made by parol only shall not be valid for any sum exceeding ten pounds.

**57 Contract exceeding £50 to be made only after public tender.**

*Ibid, sec. 67*

No contract the amount whereof exceeds fifty pounds shall, except in cases of emergency, be made except after public tender of which public notice shall be given; but the Board shall not be compelled to accept the lowest or any tender.

**58 Power to compound for breach of contracts.**

*Ibid, sec. 68*

The Board may compound with any person for such sum of money or other recompense as it thinks fit in respect of the breach of any contract, or any penalty incurred thereunder, or of any debt due to the Board, whether before or after any action is brought for the recovery of the same.

*Loading and Discharging*

**59 Board to provide labourers for working cranes, &c.**

*1878, No. 35, sec. 69*

Proper servants and labourers shall be provided by the Board for working at all reasonable times any cranes and weighing-machines or other machines and conveniences erected or provided by the Board for the use of the public in loading or unloading any goods on any of the wharves belonging to the Board.

**60 Wharfinger giving undue preference.**

*Ibid, sec. 70*

If any Wharfinger or other servant of the Board, or any of its lessees, or the servants of such lessees, gives any undue preference or shows any partiality in loading or unloading any goods on any wharf belonging to the Board, the person so offending shall be liable to a fine not exceeding five pounds.

**61 Board to provide certain accommodation for Customs officers.**

*Ibid, sec. 71*

- (1.) The Board shall, on being required to do so by the Minister of Customs, provide, and, until relieved from this duty by him, shall always thereafter maintain in good order, at such place and in such manner as he directs or approves, suitable receiving and examining sheds, with weighing-appliances, and accommodation for the use of the officers and others acting under such Minister's directions, free of rent or any other charges in respect thereof.

- (2.) If any Board fails to comply in any respect with the provisions of this section, it shall incur a fine not exceeding fifty pounds for every month during which such failure continues.

**62 Goods not to remain on piers, &c., longer than allowed by by-laws.**

*Ibid, sec. 72*

No goods shall be allowed to remain upon any wharf, or in the approaches thereto, or in any store or warehouse in which goods may be placed, for a longer time than is allowed by the by-laws of the Board.

**63 Board may remove goods in cases herein mentioned and dispose of same to pay expenses.**

*Ibid, sec. 73*

- (1.) If any goods so remain without the consent of the Board, any person appointed by the Board for that purpose may remove the same to any of the premises of the Board or other convenient place, and keep the same until payment to the Board of the expenses of such removal and of the keeping of the goods.
- (2.) If such expenses are not paid within seven days after demand thereof made upon the owner, or if such owner cannot be found or is unknown, then, after the Board has given public notice by advertisement at least once in each of three consecutive weeks in some newspaper circulating at the harbour where the goods are, the Board may sell such goods by public auction, and out of the proceeds of sale pay all dues and charges payable thereon and the expenses of removal and of the sale thereof, and the surplus (if any) shall be rendered to the owner on demand.
- (3.) If the owner of the goods cannot be found or is unknown, then the surplus shall be paid into the Public Account and shall form part of the Consolidated Fund.

*Pilots and Pilotage*

**64 Owner or master not required to give ship in charge to pilot in certain cases**

*Ibid, sec. 74*

- (1.) No owner or master of any ship shall in any case be compelled to employ or give his ship into the control or charge of a pilot at any harbour or port at which pilots are on the coming into operation of this Act licensed or appointed directly by the Governor, or to pay at any such harbour or port any pilotage rates where such owner or master has not employed or given his ship into the charge of a pilot.
- (2.) This provision shall not apply to any harbour or port where a Harbour Board has been lawfully constituted.

**65 Governor may define, and vary pilotage districts.**

*1878, No. 35, sec. 75*

The Governor may from time to time define and alter and vary the limits of pilotage districts within which pilots may act for the purposes of this Act, and the limits so defined shall be gazetted.

**66 Appointment of pilots.**

*Ibid, sec. 76*

The Board may from time to time appoint or license pilots for the purpose of acting within the district attached to the harbour under the control of the Board, and may fix their remuneration, and shall, in manner hereinafter provided, fix the pilotage rates to be paid within such district.

**67 Pilots to be examined.**

*Ibid, sec. 77*

No person shall be appointed to be a pilot at any harbour or port unless he has first passed such an examination as is herein provided, and has received and continues to hold a certificate of competency or license.

**68 Certificated master or mate may be examined for a pilotage-exemption certificate.**

*1883, No. 37, sec. 25*

- (1.) Any person possessed of a master's or mate's certificate as required by "The Shipping and Seamen Act, 1908," may, upon giving due notice, apply to any Board to be examined as to his competency to pilot ships of any tonnage specified in the Third Schedule hereto within any part of the district over which the Board has jurisdiction.
- (2.) Such person shall, if the Board thinks fit, be thereupon examined by the Harbourmaster, or by some other competent person or persons appointed by the Board for the purpose.
- (3.) If he is found to be competent, a pilotage-exemption certificate may, on payment by him of the fees specified in the said Third Schedule, be granted to him by the Secretary of the Board, containing his name and a statement of the tonnage of the ships in respect of which he has been examined, and a description of the limits within which he is to pilot the same.
- (4.) Such certificate shall, subject to the provisions of section seventy-three hereof, authorise the person therein named to pilot any ship of the tonnage therein specified of which he is at the time acting as master or mate within the limits therein described, without incurring any penalties for the non-employment of a qualified pilot.

**69 If Board refuses to examine master or mate, Minister may appoint persons to examine, and may authorise exemption certificate to be issued.**

*1878, No. 35, sec. 80*

- (1.) If on complaint to the Minister it appears to him that any Board has, without reasonable cause, done or suffered any of the following things, that is to say:—
  - (a.) Refused or neglected to allow any master or mate to be examined who has applied to such Board for the purpose, or, after he has passed the examination, has without reasonable cause refused or neglected to grant him a pilotage-exemption certificate setting forth that he has passed such examination, or that he is competent to pilot the ship of which he is master or mate; or
  - (b.) Unfairly or improperly conducted the examination of any such master or mate; or
  - (c.) Imposed or sought to impose unfair or improper terms,—

the Minister may, if in his judgment the circumstances appear to require it, appoint any person or persons he may think fit to examine such master or mate, and if he is found to be competent may authorise a pilotage-exemption certificate to be granted to him by some person for the time being appointed by the Minister to sign and issue the same.
- (2.) Such certificate shall contain the same particulars as would have been inserted in a pilotage-exemption certificate granted on the report of such Harbourmaster as aforesaid, and shall be granted upon such terms and conditions and subject to such regulations as the Minister thinks fit.

**70 Pilotage-exemption certificate paid for by owners of ships may be transferred on change of master.**

*1878, No. 35, sec. 83*

- (1.) Where a pilotage-exemption certificate has been paid for by the owners of any ship or ships, and a master or mate not named in such certificate is appointed to any of such ships, such certificate may be transferred to the new master or mate on production of such exemption certificate if, on examination and report as aforesaid, such master or mate is found to be competent to pilot such ship or all of the other ships specified in the certificate within the limits of the port named therein.
- (2.) Such transfer shall be made by indorsement on the pilotage-exemption certificate.
- (3.) Such indorsement shall be made by or under the authority of the Board, or, as the case may be, under the hand of the person appointed by the Minister as aforesaid to sign and issue such certificate.

**71 Power to withdraw pilotage-exemption certificate.**

*Ibid, sec. 84*

If at any time it appears to the Board or to the Minister that any master or mate to whom a pilotage-exemption certificate has been granted has been guilty of gross neglect, drunkenness, or other misconduct, or has shown himself incompetent to pilot his ship, the Board or Minister may thereupon withdraw the pilotage-exemption certificate, and such certificate shall thenceforth cease to be of any effect whatever.

**72 Pilotage-exemption certificate, paid for by owners to be given up by master on leaving ship.**

*Ibid, sec. 85*

If any master or mate refuses to give up to any owner of a ship any such pilotage-exemption certificate paid for by such owner, he shall be liable to a fine not exceeding ten pounds, to be recovered in a summary way, and such certificate shall be withdrawn in the manner prescribed by the last preceding section, and a new certificate granted to such owner in lieu thereof, with the name of the new master or mate inserted therein, but shall be limited to such ship or ships as the Harbourmaster's report applies to.

**73 Exemption ships to hoist white flag on entering port.**

*Ibid, sec. 86*

No master or mate holding a pilotage-exemption certificate shall be exempt from liability for non-employment of a pilot, unless when required by the Collector of Customs of the port in respect of which such exemption is claimed, or by any licensed pilot who may board the ship, he produces and permits to be read by such Collector or pilot the said exemption certificate, and unless from the time of approaching within two leagues of the pilot-station to the time of such ship anchoring in the port there is displayed at the top of the mainmast-head of such ship a white flag not less than six feet long and four feet broad.

**74 Exemption from compulsory pilotage.**

*Ibid, sec. 87*

All ships of not more than one hundred tons registered tonnage shall be exempted from compulsory pilotage.

**75 Exempted ships to pay one full rate of pilotage annually.**

*Ibid, sec. 88*

- (1.) Any ship the master or mate of which holds a pilotage-exemption certificate entitling him to pilot that ship shall, unless the master employs a pilot, pay annually, on first entering the port in respect of which such certificate is issued, one full rate of pilotage in and out thereof.

*1894, No. 34, sec. 5*

- (2.) On such payment being made the Collector or officer receiving the same shall issue an exemption voucher, which shall exempt such ship from liability for pilotage rates for one year from the date of such payment, and the date shall be specified in the voucher:

Provided that if the ship enters after the expiry of the exemption voucher, she shall not be deemed exempt; but on payment of an inward pilotage an exemption voucher for twelve months from that date may then be applied for and issued.

- (3.) Such voucher may be renewed from year to year on payment of one full rate of pilotage as aforesaid in the case of each annual renewal.
- (4.) No such voucher shall operate to exempt the ship from liability for full pilotage rates unless the master or mate holds a pilotage-exemption certificate as aforesaid.

**76 Penalty on pilot obtaining charge of a ship by misrepresentation.**

*1878, No. 35, sec. 89*

If any person, by any misrepresentation of circumstances upon which the safety of a ship may depend, or by using a license, certificate, or voucher to which he is not entitled or which is not in force, becomes employed or endeavours to become employed to pilot such ship, or enables or endeavours to enable any other person to be so employed, or obtains or endeavours to obtain for himself or any other person the charge of such ship, he shall, in addition to any liability for damages, be liable to a fine not exceeding one hundred pounds, and shall also be liable to suspension or dismissal by the authority by whom he is licensed or appointed.

**77 Ship not to be conducted to sea until pilotage rates are paid.**

*Ibid, sec. 90*

No pilot shall in any case conduct a ship to sea from any harbour unless such ship has been cleared outwards at the Customs, if subject to clearance, nor until the full amount of pilotage according to the rates for the time being fixed and established for such harbour has been paid.

**78 Offences by pilots.**

*Ibid, sec. 91*

Every pilot who commits, either within or without the district for which he is licensed, any of the following offences:—

- (a.) Commits any fraud or offence against the revenues of Customs, or the laws relating thereto;
- (b.) Lends his license;
- (c.) Acts as pilot whilst suspended:

- (d.) Acts as pilot while in a state of intoxication;
- (e.) Employs or causes to be employed, on behalf of any ship of which he has the charge, any steamboat, boat, anchor, cable, or other store, matter, or thing beyond what is necessary for the service of such ship, whereby the expenses of pilotage are enhanced for his own gain or for the gain of any other person;
- (f.) Refuses or delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of the pilotage district upon the signal for a pilot being made by such ship, or on being required to do so by the master, owner, agent, or consignee thereof, or by any officer of the Board by whom such pilot is licensed, or by any principal officer of Customs;
- (g.) Attempts, upon being so signalled or required, to make any special bargain for salvage;
- (h.) Refuses when requested by the master to conduct the ship on board of which he is into any port or place into which he is licensed to conduct the same, except on reasonable ground of danger to the ship; or
- (i.) Quits the ship which he has undertaken to pilot, without the consent of the master, before the service for which he was taken has been performed,—

is liable for each offence, in addition to any liabilities for damages, to a fine not exceeding one hundred pounds, and also to suspension or dismissal by the authority by whom he is licensed or appointed.

**79 Penalty on pilot endangering ship, life, or limb.**

*1878, No. 35, sec. 92*

Every pilot who, when on board any ship for the purpose of piloting her, by breach or neglect of duty, or by reason of drunkenness, either—

- (a.) Does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship; or
- (b.) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from danger to life or limb,—

is liable for each such offence to imprisonment for a period not exceeding twelve months, with or without hard labour, and also to suspension or dismissal by the authority by whom he is licensed or appointed.

**80 Penalty on pilot for demanding or receiving more than legal dues.**

*Ibid, sec. 93*

Every pilot who demands or receives any sum in respect of pilotage services greater than the dues for the time being demandable by law is for each offence liable to a fine not exceeding fifty pounds.

**81 Pilot-boat and pilot signals.**

*Ibid, sec. 94*

Every pilot-boat shall, when afloat, use and display at the masthead, or on a sprit or staff, or in some equally conspicuous situation, the distinguishing marks following, that is to say:—

In the daytime—

*Characteristics of pilot-boats.*

A flag of large dimensions compared with the size of the pilot-boat, and of two colours, the upper horizontal half white and the lower horizontal half red;

At night—

A white light at masthead visible all round the horizon, and a flareup light exhibited every fifteen minutes;

or such other signals as may from time to time be substituted therefor by the Board or other lawful authority.

**82 Signals to be displayed by ships requiring a pilot.**

*Ibid, sec. 95*

If a ship requires the services of a pilot, the signals to be used and displayed shall be the following, that is to say:—

In the daytime—

- (a.) To be hoisted at the fore, the jack or other national colour usually worn by merchant ships, having around it a white border;
- (b.) The international code pilotage signals, indicated by P.T.:

At night—

- (c.) The pyrotechnic light known as a blue light, every fifteen minutes; or
- (d.) A bright white light flashed or shown at short or frequent intervals just above the bulwarks for about a minute at a time:

or such other signals as may from time to time be substituted therefor by His Majesty by Order in Council under the Imperial Act of which the Short Title is “The Merchant Shipping Act, 1894,” or any Act amending the same.

**83 Limit of Board's liability where Harbourmaster acts as pilot.**

*1894, No. 34, sec. 6*

Where the Board's Harbourmaster acts as a pilot and is a duly qualified pilot, the Board shall not be further or otherwise liable for his acts or omissions whilst so acting than it would be for the acts or omissions of a duly qualified pilot.

*Lights, Buoys, and Seamarks*

**84 Harbour lights, &c., not to be placed or removed without sanction of Minister.**

*1878, No. 35, sec. 96*

- (1.) No Board shall erect or place any harbour light, signals, buoys, or beacon in any harbour or the approaches thereto, or alter or remove the position of any light, signal, buoy, or beacon within its jurisdiction, without the sanction of the Minister.

*How sanction obtained. Ibid, sec. 97*

- (2.) In order to obtain such sanction the Board shall forward to the Minister a detailed plan fully specifying the position and nature of the light proposed to be erected or of the work proposed to be undertaken in placing or removing any light, signals, buoy, or beacon; and the Minister shall have power to give any directions he thinks fit in relation to the matter by granting or withholding his sanction either wholly or partially and either with or without modification.

**85 Marine Department to inform harbour authorities of decision of Minister.**

*Ibid, sec. 98*

The Marine Department shall forthwith communicate the directions given by the Minister in relation to the matters aforesaid to the Board affected thereby, and the Board on receipt of such directions shall be bound to act in conformity therewith, and to do or forbear doing anything thereby directed to be done or forborne.

**86 Minister may appoint persons to inspect buoys and beacons.**

*Ibid, sec. 99*

- (1.) If any harbour light, signals, buoy, beacon, or other seamark under the management of any Board, or any work connected therewith, is inefficient, or improperly placed or managed, or unnecessary, the Minister may authorise some officer of the Marine Department to inspect the same.
- (2.) Any officer so authorised may inspect the same accordingly, and make such inquiries in respect thereof and of the management thereof as he thinks fit; and every person having the care of such harbour lights, signals, buoys, beacons, or

other seamarks, or concerned in the management thereof, shall furnish all such information and explanations in relation thereto as such officer may require.

**87 Power of Minister as to lights, buoys, and beacons.**

*Ibid, sec. 100*

- (1.) The Board shall as and when required by the Minister erect lights, lay down buoys and beacons, and replace, remove, or discontinue any harbour light, signals, buoy, beacon, or other seamarks, or make any variation in the character of the same or in the mode of exhibiting the same.

*Minister may act on neglect of Board. Ibid, sec. 101*

- (2.) If the Board, for a reasonable period after receiving such requisition, fails or neglects to comply therewith, the Minister may take all such steps and do all such acts as may be necessary to give effect to such requisition, and the cost and charges of so doing shall be a debt due from the Board to the Crown, and may be recovered accordingly.

*Wrecks, Obstructions, and Damages*

**88 Power to make by-laws respecting removal of ballast, shingle, &c., from shore.**

*Ibid, sec. 103*

The Board may from time to time make by-laws for regulating, restricting, or prohibiting the taking-away of any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, or other substance or thing from any tidal land or tidal water, or from the seashore below high-water mark in any harbour within its jurisdiction.

**89 Board may agree with local authority to take earth, &c., for reclamation or ballast.**

*Ibid, sec. 104*

The Board may agree with any local authority to permit rock, stone, shingle, gravel, sand, earth, or other material for reclamation purposes and for ballast for ships to be taken free of cost from any lands vested in such local authority or over which it has a disposing-power.

**90 Removal of wreck.**

*Ibid, sec. 105*

- (1.) If any vessel is sunk, stranded, or abandoned in any harbour or tidal water, or on the sea-shore, in such a way as to tend to the injury of navigation, such vessel, together with the tackle thereof and the goods (if any) therein (all of which are in this section hereinafter included under the term "the wreck"), may be removed in the following manner:—

- (a.) The Board having jurisdiction over the place where the wreck is shall give notice in writing to the owner of the vessel, or to an agent of such owner, that, he is required within a time specified in such notice either to remove the wreck in a manner satisfactory to the Board, or to undertake, under security satisfactory to the Board, to remove the wreck in a manner satisfactory to and within a time to be fixed by the Board.
  - (b.) Where the owner or agent cannot be found, or fails within the time specified in the notice to remove the whole of the wreck in a way satisfactory to the Board, or to enter into such undertaking as aforesaid to remove the same, or, having undertaken to remove the wreck, fails to remove it in accordance with his undertaking, then the Board may remove the wreck, and may recover from the owner, in any Court of competent jurisdiction, the expenses incurred in removing it (in this section referred to as “the expenses of removal”).
  - (c.) The Board may, for the purpose of removal, destroy the wreck or any part of it, and may remove and take possession of the wreck or any part of it, and may sell the same; and may out of the proceeds (if any) of such sale, without any reference to the part of the wreck from the sale of which such proceeds may accrue, reimburse itself for the whole of the expenses of removal, and shall after reimbursing itself pay over the surplus (if any) to the owner.
  - (d.) If the proceeds of such sale are insufficient to pay the whole expenses of removal, the Board may recover the balance from the owner of the vessel, if such vessel was stranded or sunk by his fault or negligence, or from any other person by whose fault or negligence the vessel was stranded or sunk.
  - (e.) If the Board fails, within fourteen days after notice in writing from the Minister, to remove or to take steps to cause the owner of the vessel to remove the wreck, then the Minister shall be deemed the proper authority to remove the same, and shall have all the powers hereby given to the Board under the foregoing provisions.
  - (f.) The expenses of removal incurred by the Minister or any person by his direction or authority in pursuance of this section upon any default of the Board shall be recoverable from the Board, with full costs of suit, as a debt due to the Crown.
  - (g.) If there is no Board having jurisdiction at the place where the wreck is, then the Collector of Customs, or if there is no such Collector, then some person acting by or under the authority of the Minister, shall have all powers and duties of the Board hereinbefore contained, and may exercise the same accordingly.
- (2.) For the purposes of this section the term “owner” means and includes not only the owner of the wreck at the time of the sinking, stranding, or abandonment

thereof, but also any purchaser of any such wreck, or the materials of which the same may be or may have been composed, so long as the same remains sunk, stranded, or abandoned.

*Series of acts tending to the injury of navigation. 1878, No. 35, sec. 102*

- (3.) An act shall be deemed to tend to the injury of navigation within the meaning of this Act in any case where a series of like acts has produced or would produce injury to navigation.

## **91 Responsibility for injury to works of harbour.**

*Ibid, sec. 106*

Where any injury is done by any vessel, floating timber, or material, or by any person employed about the same, to any part of the works or property of any Board, the following persons, namely:—

- (a.) The owner of such vessel, floating timber, or material; and
- (b.) In case the injury is caused through the wilful act or negligence of the master of such vessel or of the person having charge of such timber or material, such master or person—

shall each be answerable in damages to the Board for the whole injury; but neither the Board nor any person shall be entitled by virtue hereof to recover twice for the same cause of action.

## **92 Recovery by owner from master of ship.**

*Ibid, sec. 107*

Where the owner of any vessel, floating timber, or material pays any money in respect of any injury done to any part of the works or property of any Board by any master or other person, or pays any fine by reason of any act or omission of any master or other person, he shall be entitled to recover the money so paid, with costs, from such master or other person.

## **93 Trees felled to be removed from rivers, &c.**

*Ibid, sec. 108*

- (1.) If any tree is felled by the owner or occupier of any land, or by any person employed or authorised by him, on the bank of any navigable river or creek so that any part thereof is in or over the water below high-water mark, and the same is not removed within two days after having been so felled, such owner or occupier shall be liable to a fine not exceeding two pounds, and a further fine of two pounds for each day beyond the two days aforesaid during which any such tree so felled as aforesaid so continues on the bank of such navigable river or creek.
- (2.) If any tree is so felled by any unauthorised person, such unauthorised person shall for every such tree so felled be liable to a fine not exceeding five pounds, together with the cost of removing the same.

*Steam-tugs, Boats, &c.***94 Board empowered to expend money in providing and maintaining tugs and other vessels.***1886, No. 45, sec. 15*

- (1.) The Board may from time to time expend any portion of the Harbour Fund applicable to the general purposes of the Board in purchasing or acquiring, maintaining, and working a steam or other vessel for towing vessels in or out of the harbour, and also such boats, barges, and other appliances as may be necessary for the use and service of the harbour and the safety and convenience of shipping resorting thereto.

*Power not to authorise carrying cargo and passengers except in certain cases.**Ibid, sec. 16*

- (2.) The power contained in this section shall not authorise the purchase, acquisition, or working of any vessel for carrying cargo or passengers; but nothing herein shall be deemed to prevent a vessel belonging to the Board from carrying passengers or cargo to and from any open roadstead, or from carrying His Majesty's mails, or from acting as a ferry-boat when not actually towing a vessel within the jurisdiction of the Board.

*Harbour Dues, &c.***95 Existing charges and dues to continue.***1878, No. 35, sec. 109*

Until other provision is made in that behalf under this Act, all harbour dues now payable by law within any harbour shall continue to be levied and shall be payable and paid as if the same had been made payable by this Act.

**96 Prohibition of partiality as to dues.***1878, No. 35, sec. 110*

- (1.) Harbour dues shall be made by by-laws in the manner provided by this Act, and shall be chargeable equally to all persons in respect of the same description of ships, the same description of voyage, and the same description of goods.

*Foreign ships employed in the coasting trade not to be subject to higher rates than British ships. Ibid, sec. 111*

- (2.) Except as provided by sections two hundred and four and two hundred and five of "The Customs Law Act, 1908," no foreign ship employed in the coasting trade of New Zealand, nor any goods carried in such ship, shall, during the time such ship is so employed, be subject to any higher or other rate of harbour dues, or other charges whatsoever, or to any other rules as to the employment of pilots, or any other rules or restrictions whatsoever, than British ships employed in like manner, or goods carried in such ships.

**97 No exemption from dues allowed on account of reasons herein named.**

*Ibid, sec. 112*

No exemption from dues (including under that term every privilege of paying smaller dues than the public at large under like circumstances) shall be allowed in any harbour on account of any of the following reasons, that is to say:—

- (a.) On account of any ship being registered at or belonging to any particular country, port, or place, or trading between any particular ports or places:
- (b.) On account of any ship or goods being the property of or being consigned by or to any particular person:
- (c.) On account of any goods being stored for sale in any particular town, place, or market:
- (d.) On account of any ship or goods being sent to or from, or anchoring or mooring at, or being laden or unladen at any particular place in any harbour, except where a ship in going to or from, or anchoring or mooring at, or being laden or unladen at such place derives from the expenditure of the class of dues in question no benefit, or less benefit than ships going to or from, or anchoring or mooring at, another place in the same port:
- (e.) On account of any goods being the product of or being destined for use at any particular manufactory, place, or district, or any particular class of manufactories.

**98 Tonnage of British ship.**

*Ibid, sec. 113*

- (1.) Where any ship is registered at a port in the United Kingdom or any British possession, the amount of tonnage specified in the certificate of such registry shall, for the purposes of this Act, be deemed to be the tonnage of such ship.
- (2.) In the case of ships belonging to any foreign country which has adopted the provisions of “The Merchant Shipping Act, 1894,” in respect of the measurement of tonnage, such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers.

**99 Tonnage of foreign ships how to be ascertained.**

*Ibid, sec. 114*

Where any question arises as to the tonnage of any ship not registered as aforesaid, any officer of Customs, or other person appointed in that behalf by the Collector of Customs, at the port in which such ship then is may measure such ship, and such officer or person in so doing shall follow the law regulating the measurement of shipping for the time being in force in New Zealand.

**100 Prohibition of levying of dues before completion of harbour.**

*Ibid, sec. 115*

No Board shall take any dues in respect of any wharf, dock, pier, quay, or other harbour-work until such work is completed so far as to be fit for the reception of ships, or for whatever purpose it or any part of it is intended.

**101 List of dues to be kept exhibited.**

*1878, No. 35, sec. 116*

- (1.) The Board shall, before taking any dues, put up, and shall at all times keep exhibited, in front of its principal office, and on some conspicuous part of the principal wharf or quay under its control, boards having painted or affixed thereon lists in large printed or painted characters of the dues for the time being payable.
- (2.) If any Board fails to comply with any of the requirements of this section, it shall be liable to a fine not exceeding five pounds for every day during which such failure continues.

**102 In case of difference, power to weigh or measure goods.**

*Ibid, sec. 117*

Where a difference arises between the person authorised to collect any such dues and the owner of goods respecting the weight or quantity of any goods liable to dues,—

- (a.) The person authorised to collect such dues may cause the goods to be weighed or measured:
- (b.) If the weight or quantity exceeds that alleged by the owner, the expenses of the weighing or measuring shall be paid to the Board, and shall be recoverable as dues are recoverable:
- (c.) If the weight or quantity does not exceed that alleged as aforesaid, the expenses of the weighing or measuring shall be paid by and shall be recoverable from the Board in any Court of competent jurisdiction.

**103 Power for Collector of Customs to withhold clearance until dues are paid.**

*Ibid, sec. 118*

The Collector of Customs may refuse to receive any entry or give any shipping bill, discharge, or clearance, or to take any report inwards or outwards, of any ship liable to dues payable to a Board, until the master of the ship produces to him a certificate, under the hand of the collector of such dues, that the dues so payable in respect of the ship have been paid, or, if there is any difference as to the dues payable, until such Collector of Customs is satisfied that sufficient security has been given for the payment of the dues when ascertained, and of the expenses arising from non-payment thereof.

**104 Liability for dues payable by ship.**

*Ibid, sec. 119*

The following persons shall be liable to pay the dues payable by or in respect of any ship, that is to say: The owner and master, and any consignee or agent thereof who has paid or made himself liable to pay any other charge on account of such ship in the port of her arrival or discharge, or in the port from which she clears outwards.

**105 Liability for dues payable for goods.**

*Ibid, sec. 120*

The following persons shall be liable to pay the dues payable in respect of any goods carried in any ship, that is to say: The owner of such goods, and any consignor, consignee, shipper, or agent for the sale or custody of such goods, and any person entitled to the possession of such goods either as owner or agent for the owner.

**106 Persons other than master or owner of ship liable for dues may retain moneys received on account of master or owner for such payments.**

*Ibid, sec. 121*

Every consignor, consignee, shipper, or agent (not being the owner or master of any ship or goods) by this Act made liable for the payment of any dues in respect of such ship or goods, as the case may be, may, out of any moneys in his hands received on account of such ship or goods, or belonging to the owner thereof, retain the amount of dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment and liability.

**107 Recovery of dues.**

*Ibid, sec. 122*

All dues payable to the Board may be recovered by the Board as a debt in any Court of competent jurisdiction.

**108 Person authorised to collect dues may distrain.**

*Ibid, sec. 123*

- (1.) Any person authorised to collect dues may distrain any ship and the tackle thereof, or any goods in respect of which dues are payable, and may keep such ship and tackle or goods respectively until such dues are paid; and, if the same are not paid within seven days after the distress, may cause the property distrained or any part thereof to be sold, and out of the proceeds of sale may pay the amount of such dues and the expenses of the distress, keeping, and sale.
- (2.) The power given under this section is in addition to the other remedies by this Act provided for the recovery of dues.

**109 Settlement of dispute concerning dues or charges occasioned by distress.**

*1878, No. 35, sec. 124*

- (1.) Where a difference arises concerning the amount of any dues payable, or of the charges occasioned by any distress, the person distraining may detain the ship, tackle, or goods distrained until such amount is ascertained by a Magistrate's Court, or until he is satisfied that sufficient security has been given for the payment of such amount when ascertained and of the expenses arising from non-payment thereof.
- (2.) Such Court shall, on application made for that purpose, determine such amount, and award such costs to be paid by either party to the other as the Court thinks reasonable.

**110 Evasion of dues.**

*Ibid, sec. 125*

If any master, owner, consignor, consignee, shipper, or agent evades or attempts to evade the payment of any dues, he shall be liable to a fine, either not exceeding ten pounds, or in case the amount of the dues which he has evaded or has attempted to evade exceeds ten pounds, then not exceeding such amount.

**111 Prohibition of dues except for shipping purposes.**

*Ibid, sec. 126*

- (1.) No Board shall levy any dues unless the dues levied are applied to some shipping purpose the benefit whereof is enjoyed by the ships or goods on which such dues are levied.
- (2.) In this section the term "shipping purpose" includes—
  - (a.) The erecting or making of any harbour-work, or constructing or doing of any work or thing that conduces to the safety or convenience of ships, or that facilitates the shipping or unshipping of goods or passengers, or is intended to do so; and also
  - (b.) The payment of interest and sinking fund upon moneys borrowed for the purpose of any such work, and the management and superintending of any such work; and also
  - (c.) The maintenance of lights, buoys, beacons, pilot establishments, and signal-stations, and the maintenance of any life-boat or other means of preserving life in case of shipwreck.

*Special Provisions as to certain Harbour Lights and Seamarks*

**112 Governor in Council may fix dues in respect of local lights, &c.**

*Ibid, sec. 127*

In respect of any harbour light, signals, buoy, or beacon heretofore maintained by the Government, or by any Board, or which may hereafter, with the sanction of the Minister, be maintained, erected, or placed in any harbour by any Board, the Governor in Council may—

- (a.) Fix such dues, as he thinks reasonable, to be paid by every ship entering the harbour wherein such harbour light, or signals, or buoy, or beacon is situate, and passing the said light, or signals, or buoy, or beacon, and deriving benefit therefrom; and

*And reduce, alter, or increase all such dues. Ibid, sec. 128*

- (b.) From time to time reduce, alter, or increase all or any of such dues, so that the same may, as far as is practicable, be sufficient, and not more than sufficient, for the payment of the expenses incurred by the Board in respect of the lights, or signals, or buoy, or beacon for which the dues are levied.

**113 By whom such dues are payable.**

*Ibid, sec 129*

The dues so fixed as aforesaid shall be paid accordingly by the master of the said ship or other person or persons by whom the said dues if levied in respect of coastal lights would be payable, and shall be recoverable in the same manner as coastal light dues are recoverable.

**114 Application of such dues.**

*1878, No. 35, sec. 130*

All dues leviable under the last preceding section shall be applied for the purposes of the construction, placing, maintenance, and improvement of the harbour lights, or signals, or buoys, or beacons in. respect of which the same are levied, and for no other purpose.

**115 Accounts of same.**

*Ibid, sec. 131*

The Board to whom such dues are paid shall keep a separate account of the receipt and expenditure of such dues, and shall once in every year, or at such other time as the Minister determines, send a copy of such account to the Marine Department, in such form and with such particulars in relation thereto as the Minister requires.

*Exemptions from Dues*

**116 British and foreign ships of war, &c., exempt from dues.**

*Ibid, sec. 132 1886, No. 45, sec. 24*

- (1.) Nothing in this Act shall charge with any dues—
- (a.) Any ship of or in the service of His Majesty, or any stores or goods required for the use of His Majesty's naval or military forces:
  - (b.) Any ship in the naval service of any foreign Power:
  - (c.) Any ship in the service of the Government of New Zealand or of any other British possession:
  - (d.) Any steamship carrying mails under any contract made with the Postmaster-General, in cases where it is provided by the terms of such contract that such steamships shall be exempt therefrom:
  - (e.) Any vessel employed in fishing, sealing, or oyster-dredging, and not conveying goods for hire:
  - (f.) Any person in the service of His Majesty or the Government of New Zealand travelling on public service, or his baggage with which he is travelling:
  - (g.) Any ship or goods under seizure by officers of revenue:
  - (h.) Any goods of or for the service of His Majesty in New Zealand, including goods consigned to and the property of the Government of New Zealand:
  - (i.) Any of His Majesty's military forces, or of the Militia or Volunteer forces, or any constables, while travelling on duty, or their baggage with which they are travelling.
- (2.) Every person who claims and takes the benefit, or endeavours to take the benefit, of any exemption under this section without being entitled thereto is liable to a fine not exceeding ten pounds.
- 1883, No. 37, sec. 19*
- (3.) In this section "dues" extends to all dock dues or rates leviable under this Act or any other Act now or hereafter in force.

**117 Yachts, whaling-ships, &c., exempt.**

*1878, No. 35, sec. 133*

Vessels engaged in the whale-fisheries, yachts, and missionary ships not trading to or from any ports in New Zealand, and not conveying goods for hire, and vessels in distress putting into any port through stress of weather, or for water or provisions, or to refit, and vessels calling at any port for orders, shall be exempt from all harbour dues and from pilotage rates, except where the services of a pilot are actually made use of.

**118 Vessels returning from stress of weather.**

*Ibid, sec. 134*

If any other vessel (whether laden with cargo or in ballast) for which harbour dues have been paid is obliged, from stress of weather or other sufficient cause, after leaving the harbour to return thereto with the same cargo or ballast, no further dues shall be payable.

*Reserves and Endowments*

**119 Power to grant public reserves or other lands under any Act still to subsist.**

*1878, No. 35, sec. 135*

- (1.) Where under any Act or Ordinance authority has been given to or has devolved upon the Governor to grant to a Harbour Board constituted under any such Act or Ordinance any public reserves or other lands, either absolutely or upon any terms or conditions, the power to make such grant or conveyance shall, notwithstanding the repeal of any such Act or Ordinance, vest in and may be exercised by the Governor in respect of the Harbour Board constituted under this Act in the place of such first-mentioned Board.

*Reserves so vested to be subject to contracts, leases, &c., affecting same. Ibid, sec. 136*

- (2.) All such reserves and lands shall be so vested subject to any contracts, leases, mortgages, or other debts or charges for the time being affecting such lands; and the Board constituted under this Act shall be liable for the payment of such mortgages, debts, or other charges, and shall, subject to this Act, hold such lands for and upon the same trusts and purposes as are now or may hereafter be attached to the same.

**120 Board may lease lands.**

*Ibid, sec. 137*

- (1.) Subject to this Act (and also to any other Act for the time being in force by or under which leasing-powers are conferred on a Harbour Board), the Board may let any lands vested in it, or any part thereof, at such rents and upon such terms and conditions as the Board determines, so that such leases for rural or pastoral lands be for any term not exceeding twenty-one years, and for town lands or lands used for building purposes be for any term not exceeding fifty years, to take effect in possession from the time of the execution thereof, and that an annual rent be reserved, payable at such times or periods as the Board thinks fit:

Provided that on no lease shall any premium, fine, or foregift be taken.

- (2.) Where any lease is for a longer term than twenty-one years, the annual rent reserved by such lease for any period beyond the first twenty-one years shall be

an advance of at least fifty per centum upon the annual rent payable under such lease during the last year of the expired twenty-one years.

**121 Leases to be disposed of by public auction.**

*Ibid, sec. 138*

Every lease shall be sold by public auction or public tender, and at least two months' notice of such intended sale shall be publicly notified; and all rents and profits derived from the lease shall from time to time be paid into the Harbour Fund.

**122 Endowments under any Act still to subsist.**

*Ibid, sec. 139*

All lands set aside or authorised to be set aside under any repealed Act or Ordinance as endowments for Harbour Boards, and remaining undisposed of, shall be deemed to be set aside or may be set aside under this Act for the same purposes for which such lands were respectively so set aside or authorised to be set aside.

**123 Endowments to be dealt with by Land Board in certain cases.**

*Ibid, sec. 140*

Where land has been set aside under any Act heretofore in force as an endowment for any Board, with power to any Land Board to sell, deal with, or otherwise dispose thereof, the Land Board of the district where such land is situate may from time to time sell or otherwise deal with and dispose of such land in like manner as Crown lands may be sold, dealt with, or disposed of; and the Receiver of Land Revenue shall, after deducting the costs of survey of such land, pay the proceeds and profits thereof to the Board, who shall pay the same into the Harbour Fund.

**124 Endowments may be revoked if Board fails to perform duties.**

*1878, No. 35, sec. 141*

- (1.) If any Board which has under or by virtue of any Act been endowed with any Crown lands or the proceeds of the sale thereof, or to which under any Act or Ordinance have been granted any reserves or lands for the purposes of the harbour, refuses or neglects to undertake or carry on the general administration of the harbour, the Governor by Order in Council may either—
  - (a.) Call in and revoke any such endowment; and thereupon any grant made in respect thereof, or of any such reserves or lands as aforesaid, shall cease to have any force or operation whatever, and shall be deemed to be wholly void as against the Crown, and the lands comprised therein shall revert to His Majesty, and shall by him be held for the like purposes, as nearly as may be, as those for which such endowments, reserves, or lands were originally made, granted, or conveyed: or

- (b.) Direct that the control and management of such endowments, or the proceeds thereof, and the control and management of all or any of such reserves or lands granted or conveyed as aforesaid, and the rents and profits thereof, shall be vested in any local authority or other authority to whom may be committed the control and management of the harbour under this Act.
- (2.) Nothing herein shall affect any lease, mortgage, security, or other contract entered into by such Board in good faith prior to such Order in Council taking effect.

### *Resumption of Land*

#### **125 Land may be taken for railways.**

*Ibid, sec. 142*

- (1.) The Governor, on behalf of His Majesty, may at any time and from time to time continue any existing line of railway vested in His Majesty, or any line of roadway, into or upon any land or harbourworks vested in any Board or under its control or management; or may lay down, construct, and maintain thereon any railway or tramway or roadway to connect with any such railway; and may take, hold, and use any land or work for that purpose.
- (2.) No compensation shall be paid or payable to any Board for the land or work so taken or used so long as the construction or erection thereof does no material damage to any building thereon; but if any such damage is done, or it becomes necessary to remove any building as aforesaid, compensation shall be paid to the Board, to be ascertained in the manner hereinafter provided.

#### **126 Governor may take land vested in Board for works of public utility.**

*Ibid, sec. 143*

- (1.) The Governor, or any person appointed by him for that purpose, may from time to time, on behalf of His Majesty, on giving one month's notice in writing to the Board, enter upon and take possession of such portion of any lands now or hereafter granted to or vested in the Board under this or the special Act as is required for the erection or construction of any public works or buildings of any kind, or for the purposes of any railway now or hereafter authorised to be constructed under any Act.
- (2.) If any lands taken under this or the last preceding section are in the occupation of any person as the tenant of the Board, then such person shall be entitled to receive compensation from the Governor for his estate or interest in the lands so taken, and such compensation shall be ascertained and settled in the manner provided by "The Public Works Act, 1908."

*Board to receive compensation therefor. 1878, No. 35, sec. 144 1904, No. 10, sec. 2*

- (3.) The Board shall be entitled to receive compensation for any land so taken:  
 Provided that where the land is taken for road or railway purposes such compensation shall not exceed the amount which the Board has actually laid out upon the said land either for cost of reclamation or otherwise in permanently improving the same.
- (4.) The amount of such compensation shall in case of dispute be ascertained and settled in the manner provided by “The Public Works Act, 1908.”

**127 Upon giving notice lands to vest in the Crown.**

*1878, No. 35, sec. 145*

Upon the giving of such notice as aforesaid the lands specified therein shall vest absolutely in His Majesty, freed and discharged from any trusts upon which the same are held.

**128 His Majesty’s right to take land for purposes mentioned not to be affected.**

*Ibid, sec. 146*

Nothing herein shall be construed to affect any other right or power vested in His Majesty or the Governor, or in any other person on behalf of His Majesty, of taking lands for all or any of such purposes as are hereinbefore mentioned.

*Foreshores and Reclamations*

**129 Foreshores to be granted only under special Act.**

*Ibid, sec. 147*

No part of the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up as the tide flows and reflows, nor any land under the sea or under any navigable river, except as may already have been authorised by or under any Act or Ordinance, shall be granted, conveyed, leased, or disposed of to any Harbour Board, or any other body (whether incorporated or not), or to any person without the authority of a special Act.

**130 Where foreshore vested in Board certain powers may be exercised.**

*1883, No. 37, sec. 8*

Where the foreshore has been legally vested in any Harbour Board or local authority it may, with respect to such foreshore, exercise the powers hereinafter conferred; but, except where special power is given by this or any other Act, no such Board or authority shall have power to lease or otherwise part with the possession of any such foreshore or any part thereof, except in accordance with this Act.

**131 Foreshore may be used and occupied for certain purposes.**

*Ibid, sec. 9 1887, No. 34, sec. 14*

Such Board or local authority may from time to time, subject to the provisions of section one hundred and fifty hereof, license and permit any part of such foreshore to be used or occupied for all or any of the following purposes:—

- (a.) The building or repairing of ships or vessels of any kind:
- (b.) The erection and use of any boat-shed, landing-place, or wharf:
- (c.) The erection of baths and bath-houses, and any enclosure or fence necessary for the protection or privacy of the same:
- (d.) Any other purpose relating to the convenience of shipping or of the public, or for any local enterprise or object which the Governor in Council may approve.

**132 Licensees may make reclamation and other necessary works.**

*1883, No. 37, sec. 10*

Every licensee shall, subject to this Act, have power to make and construct any necessary reclamation for the purpose of erecting on the foreshore comprised in his license, or upon any land below low-water mark immediately contiguous to such foreshore and specified in such license, any building, structure, erection, or other works to enable him to obtain the full benefit of such license, and this enactment shall be sufficient authority for the purposes mentioned herein.

**133 Form and terms of license.**

*Ibid, sec. 11*

Every such license shall be in writing under the seal of the Board or authority granting the same, and may be for any period not exceeding fourteen years from the date thereof, and may prescribe a sum of money to be payable, either at stated periods or on or before the granting thereof, for the use of the foreshore so granted, and may prescribe any other terms or conditions, general or particular, to be observed or performed by the licensee.

**134 When orders, &c., may not be granted.**

*1883, No. 37, sec. 12*

No such Order in Council and no license by virtue thereof shall be made or granted which will unduly interfere with or restrict any public right of navigation or the public convenience; and, in so far as relates to wharves or landing-places, every such Order in Council and license shall be made and granted subject to the right of the public to use the same at all reasonable times, either with or without payment of any fee or charge to be prescribed by the Board or authority granting the license.

**135 Disposal of revenues received for licenses**

*Ibid, sec. 13*

All moneys paid by any person to any Board or local authority for the grant of any such license aforesaid shall be received, dealt with, applied, and accounted for as revenue of such Board or authority, as the case may be.

**136 Governor in Council may in certain cases issue licenses.**

*Ibid, sec. 14*

Where the foreshore is not vested in any Harbour Board or local authority as aforesaid, then with respect to such foreshore the Governor in Council may, in his discretion, grant and issue a license for all or any of the purposes hereinbefore mentioned, and all the provisions of this Act in respect of such licenses shall, *mutatis mutandis*, extend and apply accordingly.

**137 Governor in Council may annul illegal licenses.**

*Ibid, sec. 15*

If any license is granted contrary to the provisions of this Act, the Governor in Council may forthwith annul the same on such evidence as he deems sufficient.

**138 May grant leases for twenty-one years in certain cases.**

*1887, No. 34, sec. 15*

- (1.) Notwithstanding anything hereinbefore contained, the Board may, with the consent of the Governor in Council, and without obtaining any special Act, lease for any period not exceeding twenty-one years any piece of land vested in it being on the shore of the sea or of any creek, bay, or arm of the sea, or navigable river communicating with the sea, and so that such lease may extend as far as low-water mark.
- (2.) No such lease shall be made or consented to by the Governor in Council if he is advised that the granting of the same will in any way impede or disturb navigation in the harbour or the public convenience.
- (3.) Notice of the intention to apply for such consent of the Governor; in Council shall be given by advertisement at least three times in some newspaper circulating at the port or place where such lease is intended to take effect, the first insertion of such advertisement to be made at least twenty-one days before such consent is asked.

**139 No land to be reclaimed, or graving-dock, &c., to be erected, without an Act.**

*1878, No. 35, sec. 148 Plans to be deposited.*

No land shall be reclaimed from the sea or in any harbour, and no graving-dock, dock, or breakwater shall be constructed in any harbour or in the sea, except under the authority of a special Act heretofore or hereafter passed; and

in the latter case the applicants for such special Act shall, three months at least before the session of Parliament at which such Act is sought to be obtained, deposit at the office of the Marine Department a plan, on a scale not less than three chains to one inch, prepared by a competent surveyor authorised by the Surveyor-General, or some person discharging his duties, showing all tidal waters coloured blue, and the extent of the land sought to be obtained for the purpose of the said Act.

**140 Board may purchase lands for obtaining access to other lands.**

*1878, No. 35, sec. 149*

The Board may, out of any funds at its disposal, purchase or acquire any lands necessary for the purpose of obtaining access to any other land vested in it, or required for the purposes of any reclamation or other work.

**141 Land reclaimed by Board to be under control of local authority.**

*Ibid, sec. 150 Power to take streets through same and lay down drains.*

Where land adjacent to any land under the jurisdiction or control of a local authority has been reclaimed from the sea by the Board, the land so reclaimed shall be subject to the jurisdiction of such authority, and such authority shall, if the land has been reclaimed for building purposes, have power at all times and from time to time to take and lay out roads, streets, and drains on and through any part of the land so reclaimed without making any compensation to the Board in respect thereof:

Provided, however, as follows:—

- (a.) The position of the roads, streets, and drains shall only be fixed with the consent of the Board, and in the event of the local authority and the Board disagreeing, then by the Minister.
- (b.) Such roads or streets shall not, without the consent of the Board, be more than ninety-nine feet nor less than sixty-six feet in width.
- (c.) Nothing herein shall be construed to authorise roads or streets of a less width than is prescribed by any Act.
- (d.) No drainage-works shall be allowed that will interfere with any works carried on by the Board and sanctioned by a Minister, without the consent of the Board or the Minister.

**142 Board may contribute to the cost of constructing roads or streets.**

*1894, No. 34, sec. 8*

Where it is agreed between the Board and the local authority having jurisdiction over any land reclaimed from the sea by the Board, or over any land vested in the Board or held as an endowment for the Board, to construct any road or street over such land, it shall be lawful for the Board to contribute out of its

revenue such proportion of the cost of construction as may be agreed on by the Board and the local authority:

Provided that the amount to be so contributed in respect of any road or street on any land other than land reclaimed from the sea by the Board shall not exceed fifty per centum of the cost of the construction of such road or street.

**143 Saving of rights of the Crown to foreshore where land raised by execution of harbour-works.**

*1883, No. 37, sec. 22*

- (1.) If any tidal land or land to the seaward of any land embanked or reclaimed under this or any other Act, at any time after the execution or construction of any harbour-works authorised by or under any such Act, becomes raised in height or reclaimed, whether gradually or imperceptibly, or otherwise, so as to be above instead of below the line of ordinary high-water mark, no person, body, or local authority shall, by virtue of the ownership of any land which he or it is empowered to reclaim as aforesaid, have any estate, right, or interest in or to the land so raised in height or reclaimed by reason that such raising or reclamation has been gradual and imperceptible, or has been wholly or partially caused by the works so authorised as aforesaid.

*Land so raised to continue vested in Crown. Ibid, sec. 23*

- (2.) The right and title to such land so raised and reclaimed shall continue vested in the Crown as if the same had continued subject to the flow and reflow of the ordinary tides.

**144 Land reclaimed by execution of other works shall not be taken possession of without consent of Governor in Council.**

*1883, No. 37, sec. 24*

If in the course of the execution of any harbour-works authorised under this or any other Act any part of the shore or bed of any harbour or tidal water where such shore or bed belongs to the Crown, or of the sea beyond the mouth or entrance of such harbour or tidal water, is gained or reclaimed from the water, such gain or reclamation shall enure absolutely for the benefit of His Majesty, and no person, body, or local authority shall have or exercise any right upon the same or in respect thereof, or enter upon, take, use, or interfere with the land so gained or reclaimed for any purpose without the consent of the Governor in Council on behalf of His Majesty.

**145 Governor in Council may make grants to Board of land reclaimed by Board.**

*1878, No. 35. sec. 151*

- (1.) Subject to the provisions of this Act and the special Act, the Governor in Council may, in the name and on behalf of His Majesty, grant to any Board any portion of the land reclaimed by the Board from the sea or from any navigable

lake or river; and such land, when so granted, shall be held by the Board for the purposes of this and the special Act.

- (2.) No grant shall be made to any Board for any land intended to be reclaimed until the reclamation thereof has been fully completed in accordance with the provisions of this Act.

### *Harbour-works*

#### **146 Governor in Council may exercise certain powers vested in him.**

*Ibid, sec. 152*

Where it appears to the Governor in Council that any harbour-works are required for the use, benefit, or convenience of the public within a harbour or any part thereof under the control of a Board, and that such Board—

- (a.) Either cannot conveniently execute or carry out such works; or
- (b.) Refuses or neglects to make provision for the use, benefit, or convenience of the public in such harbour or part thereof—

then and in any such case the Governor in Council may exercise all or any of the powers vested in him by sections twelve to fourteen hereof:

*Not to interfere with works under control of Board.*

Provided that this section shall not authorise the erection or construction of any harbour - works which, in the opinion of the Governor in Council, would interfere with or injure any harbour - works already constructed by the Board, or under its control, or that may be in progress.

#### **147 Power to Board to construct works.**

*Ibid, sec. 153*

The Board may, within the limits of its jurisdiction, and subject to the provisions of this Act, do the following things:—

- (a.) Make, construct, erect, and maintain harbour-works as defined by this Act:
- (b.) On any lands legally vested in it, construct such warehouses, store-houses, sheds, and other buildings and works as may be necessary for the accommodation of goods shipped or unshipped at the harbour:
- (c.) Erect or provide such cranes, weighing or other machines, weights and measures, conveniences, or appliances as may be necessary:
- (d.) Grant by lease or license the use or occupation of any warehouses, buildings, wharves, yards, cranes, machines, or other conveniences provided by it at such annual rents and on such terms as may be agreed on:

Provided that no such lease or license shall be granted for a longer term than three years:

Provided also that every such lease or license shall be sold by public auction, of which at least fourteen days' public notice shall be given:

- (e.) Lay down on or through any land or wharf vested in it, or construct and maintain, or grant or allow to any person upon such terms as to payment and otherwise as may be agreed on the right of laying down or constructing and maintaining, pipes or channels for the conveyance of water to and within the harbour:
- (f.) Lay down, construct, and maintain, or grant or allow to any person, body, or authority upon such terms as to payment and otherwise as may be agreed on the right of laying down, constructing, and maintaining, any tramway or railway in or upon any wharf, quay, or dock, or upon any land vested in the Board, for the conveyance of goods and passengers, or any of such purposes.

**148 Works on tidal lands or waters not to be constructed without sanction of Governor in Council.**

*1878, No 35. sec. 154*

No Board or other body or authority, whether incorporated or not, or any person, shall commence, make, erect, or construct any harbour-works, or place any pile or other structure in, on, over, through, or across tidal lands or a tidal water, nor in or upon any part of the bottom or bed of any harbour, without the sanction of the Governor in Council first obtained in the manner hereinafter provided.

**149 Constructing works without sanction.**

*Ibid, sec. 155*

If any such Board, body, authority, or person, or any person by the sanction or request of such Board, body, authority, or person, constructs, erects, or attempts to construct or erect any such work, pile, or structure as aforesaid, without having obtained the sanction of the Governor in Council as hereinafter provided, the Board, body, authority, or person so offending shall be liable to a fine not exceeding one hundred pounds, and to a further fine not exceeding ten pounds for every day that any such work or structure is allowed to remain after notice to remove the same has been given by or on behalf of the Minister.

**150 Restriction on works affecting harbours or navigation under statutory powers.**

*Ibid. sec. 156*

With respect to harbour-works or any other structure of any kind undertaken or constructed by any Board or any local authority or other body or person (hereinafter called "the constructing authority") on, in, over, through, or across tidal lands or a tidal water, or the seashore below low-water mark, or in the

bed or bottom of any port or harbour, by virtue of this or any other Act, the following provisions shall have effect:—

- (a.) Before commencing the making or construction of the work the constructing authority shall deposit at the office of the Marine Department a plan in duplicate of the whole work, showing all the details of the proposed work and the mode in which it is proposed the same shall be carried out.
- (b.) If it appears to the Governor in Council that the proposed work will not be or tend to the injury of navigation, he may approve the deposited plan, with or without modification or addition, and subject or not to any restriction or condition necessary for the preservation of any public right.
- (c.) The work shall not be made, constructed, altered, or extended without the like approval; but any such approval shall not confer on the constructing authority any right to construct, alter, or extend any work which independently thereof it would not have had.
- (d.) If the constructing authority acts in any respect in contravention of any provisions of this section in relation to any work, the Minister may at the expense of the constructing authority, take all necessary steps and proceedings, and employ persons to abate and remove the work and restore the site thereof to its former condition.
- (e.) No constructing authority or person who, with such approval as aforesaid, constructs, makes, or erects any harbour work or structure shall be liable to indictment for nuisance, encroachment, or obstruction on account thereof.

**151 Works to be lighted.**

*1878. No. 35, sec. 157*

The constructing authority shall, at its own expense during the whole time of the making, constructing, altering, or extending of any such work as aforesaid, exhibit and keep burning every night from sunset to sunrise on or near the work such lights (if any) as the Marine Department from time to time requires or approves; and shall also on or near such work, when completed, always maintain, exhibit, and keep burning every night from sunset to sunrise such lights (if any) for the guidance of ships as the Marine Department from time to time requires or approves.

**152 Fine for breach.**

*Ibid, sec. 157*

If the constructing authority commits any breach of the last preceding section it is liable, for each night on which such breach continues, to a fine not exceeding twenty pounds.

**153 Provisions for preventing deviation of certain works without consent of Governor in Council.**

*Ibid, sec. 158*

Where a work made or constructed by the constructing authority skirts a public navigable tidal water, the work shall not deviate from the continuous lines thereof marked on the plan deposited at the office of the Marine Department, even within the limits of deviation (if any) shown on that plan, in such manner as to diminish the navigable space except with the previous consent of the Governor in Council, and in such manner as may be expressly authorised by the Governor in Council.

**154 Power of Minister in respect of works.**

*Ibid, sec. 159*

The Minister shall have the following duties and powers in the cases hereinafter mentioned, that is to say:—

- (a.) If any harbour-work lawfully made or constructed by a constructing authority on, in, over, through, or across tidal lands or a tidal water, or the sea-shore below low-water mark, is abandoned or suffered to fall into decay, he may, at the expense of the constructing authority liable to repair and maintain it, cause the work to be repaired, or may abate and remove it or any part of it and restore the site thereof to its former condition as nearly as may be.
- (b.) Where any deviation is made by a constructing authority from any plan of a harbour-work approved by the Governor in Council under this Act, and the constructing authority, after notice in that behalf, refuses or neglects to adhere to the plan so approved, the Minister may, at the expense of the constructing authority, cause the work in the construction whereof the deviation has occurred to be abated and removed and the site thereof restored to its former condition as nearly as may be.

**155 Minister may employ engineers, &c., to abate works.**

*Ibid, sec. 160*

- (1.) Where the Minister is empowered or authorised by this Act to repair or maintain, or abate or remove any work he may employ all such engineers, contractors, servants, labourers, or other persons as may be necessary for that purpose.

*Expenses of abating work, how recoverable.*

- (2.) Any expense incurred by the Minister in repairing, maintaining, abating, or removing any such work shall be deemed to be a debt due to the Crown by the constructing authority by which such work has been made or erected, and may be enforced or recovered accordingly.

**156 Restrictions to apply to all Harbour Boards, saving as to special powers.**

*1878, No. 35, secs. 162, 163*

Sections one hundred and forty-seven to one hundred and fifty-five hereof shall apply to all Harbour Boards and to all lands granted to any such Boards, and to all harbour-works hereafter constructed or proposed to be constructed or erected thereby; but shall not control or limit any special power or privilege given to His Majesty or the Government of New Zealand by any Act or Ordinance, nor apply to public works made, constructed, or authorised by or under the authority of His Majesty, or the Governor, or the Government of New Zealand under the provisions of any Act heretofore or hereafter in force.

**157 Existing rights protected.**

*Ibid, sec. 164*

- (1.) Nothing herein contained shall prejudice or affect the rights, powers, and privileges of any body corporate or person in and to any land below high-water mark in any harbour, creek, or arm of the sea, or in any navigable river, or on the sea-coast, granted under the authority of any Act relating to public reserves; but such rights, powers, and privileges shall remain and continue unaffected.
- (2.) No harbour-works shall be constructed on such land except with the consent of the Governor in Council.

*Harbour-works in Special Cases*

**158 Governor in Council may authorise harbour-works to be executed.**

*1883, No. 37, sec. 4*

Where a Board is desirous of executing or constructing upon land vested in the Board or upon land of the Crown any harbour-works of such a nature that the same could but for this section be carried out and executed only under the authority of a special Act, the Board may apply to the Governor in Council for a special order, and if the Governor in Council thinks fit such order may be made and granted, subject to the terms and conditions hereinafter prescribed:—

*Plans and estimates to be submitted to Minister.*

- (a.) The Board shall prepare and submit to the Minister a plan of the proposed works, showing all the details thereof and the mode in which it is proposed the same shall be carried out, together with an estimate by some competent authority of the cost of such works and the date when the same can be completed.

*Duplicates to be lodged at Custom-house.*

- (b.) A duplicate of the plan, details, and estimate as aforesaid submitted to the Minister shall be lodged at the Customhouse or other public office at the port or place where the works are intended to be executed or

constructed, for inspection during office hours by any person desiring to inspect the same.

*Or appointed public office.*

- (c.) The Minister may from time to time, either generally or in any particular case, appoint a public office at any such port or place as aforesaid as a public office for the purposes of this enactment.

*Notices to be given of application.*

- (d.) Notice in writing of the application shall be given by the Board to all persons whose lands adjoin the proposed works or may be injuriously affected by the execution or construction thereof.

*Nature of notice.*

- (e.) Such notice shall state shortly the nature of the works in respect of which the application is made and where the plan of the proposed works is deposited.

*Publication thereof.*

- (f.) The Board shall cause a like notice to be published, once in each week for a period of four consecutive weeks, in one or more newspapers circulating at the port or place where such works are intended to be executed or constructed.

*Objections may be lodged.*

- (g.) Objections in writing may be lodged with the Minister against the execution or construction of the proposed works.

*Service thereof.*

- (h.) Copies of each such objection shall be served by the objector on the Board, and the Board may in like manner answer such objections.

*After consideration of objections, order may be made.*

- (i.) After considering any objections made by any person interested or affected as aforesaid and any answer thereto, the Governor in Council may, if he thinks fit, grant a special order authorising the execution or construction of the works so applied for, in the manner prescribed by this Act.

- (j.) The works to be executed or constructed shall be specially mentioned and described in such order, and a period fixed within which the same shall be completed.

*Effect of order.*

- (k.) Every such special order shall have the effect of a special Act so far as relates to the authority for executing or constructing such works, and, except where express provision is made by or under this section, all such works shall be executed or constructed in accordance with the other provisions of this Act, and with, under, and subject to like powers,

authorities, conditions, liabilities, and restrictions on the part of the Board as it would have and be subject to if a special Act had been passed incorporating or referring to the provisions of this Act in respect of such works.

*Public Works Act incorporated.*

- (l.) The provisions of Parts II, III, and IV of “The Public Works Act, 1908,” shall be deemed to be incorporated in any such special order, and any compensation payable to any person for any land taken or injuriously affected shall be ascertained and paid by the Board in the manner prescribed in that Act; and such special order may prescribe such additional and further conditions, restrictions, or terms in relation thereto as may be deemed fit and reasonable.

*Expenses to be borne by Board.*

- (m.) The expenses of preparing and making all plans, details, and estimates, and of giving any notices, or of any inquiry or other act or thing necessary to comply with this Act as aforesaid, shall be paid and borne by the Board.

**159 Alteration, &c., in works to be authorised by order.**

*1883, No. 37, sec. 7*

If any alteration in extension of or addition to any works authorised to be constructed under a special order as aforesaid is proposed or becomes necessary, the Board may take the like proceedings to authorise the same as would be necessary in obtaining an original special order.

**160 Governor in Council may refuse to make an order.**

*Ibid, sec. 5*

- (1.) If in any case the Governor in Council is satisfied that the proposed works unduly interfere with any public right of navigation, or any other public right or interest, or are of such magnitude or importance that the same ought only to be carried out under the authority of an Act, he may refuse to make any order in respect of the application.

*No claim upon the Crown by reason of refusal. Ibid, sec. 6*

- (2.) The Board shall not have any claim upon His Majesty or his Government in New Zealand for any compensation or allowance by reason of the refusal of such order.

*Meaning of “Board.” 1883, No. 37, sec. 4(9)*

- (3.) In this and the two last preceding sections the term “Board” includes any local authority.

*Special as to Wharves***161 Board may define limits of wharf.***1878, No. 35, sec. 165*

For the prevention of doubts and disputes as to the limits of any wharf under the control of a Board such Board may from time to time as occasion requires, by public notice and with the previous consent of the Minister, define for the purposes of this Act the limits and boundaries of any wharf; and every wharf so defined shall be deemed to be a wharf for the purposes and within the meaning of this Act.

**162 Governor to have powers of Board in respect of Government wharf.***Ibid, sec. 170*

- (1.) Where a wharf, whether in a harbour or not, is the property of His Majesty or of the Government of New Zealand the Governor in Council shall, with respect to such wharf, have all the powers and may do all the things that a Harbour Board has or may do under this Act over wharves within a harbour.
- (2.) No Harbour Board shall, with respect to such wharf as is hereinbefore firstly mentioned, exercise any of the powers given by this Act to a Harbour Board, except with the consent of the Governor in Council.

*Taking Lands for Harbour-works***163 Power to take lands.***Ibid, sec. 166*

Subject to the provisions of this Act, every Harbour Board may from time to time, in the manner provided by "The Public Works Act, 1908,"—

- (a.) Take land required for any harbour-works which such Board is by this or any special Act authorised to undertake:

*Power to remove soil, &c. Ibid, sec. 167*

- (b.) Take any earth, stone, boulders, gravel, sand, or other material off, from, or out of any land for the purpose of using the same in or about any harbour-works.

**164 Right to compensation.***Ibid, sec. 169*

- (1.) Every person having any estate or interest in any land so taken, or thereby injuriously affected, or suffering any damage by the exercise of any of the powers given by section one hundred and thirty-nine, or section one hundred and fifty-seven, or section one hundred and sixty-three hereof, shall be entitled to full compensation for the same to be obtained and determined in the manner provided by "The Public Works Act, 1908."

*Ibid, sec. 168*

- (2.) Parts II, III. and IV of “The Public Works Act, 1908,” are hereby incorporated with this Act.

*Funds of Harbour Board*

**165 Moneys constituting Harbour Fund.**

*Ibid, sec. 171*

- (1.) In the case of each Board the Harbour Fund shall consist of the moneys arising from the following sources:—
- (a.) Harbour dues and pilotage rates, and all other dues the Board is empowered to levy or receive:
  - (b.) Harbour-improvement rates:
  - (c.) Rents and profits of land vested in the Board:
  - (d.) Proceeds and profits of land set aside as endowments for the Board:  
*1885, No. 27, secs. 2,3.*
  - (e.) Fines recovered under this Act, or under any by-law made by the Board under this Act, for any offences committed within the harbour of the Board:
  - (f.) All other moneys received by or becoming the property of the Board under the authority of this or a special Act.
- (2.) Nothing herein shall be deemed to give any Board a right to have, collect, or receive any dues in respect of coastal lights the management and control of which is vested in the Minister.

**166 Harbour Fund Account to be kept.**

*1886, No. 45, sec. 8*

- (1.) All moneys arising from any of the sources aforesaid, or received by way of loan under this Act or a special Act, shall be paid into such bank as the Board from time to time determines, to an account to be called “the Harbour Fund Account.”

*Application of the fund. Ibid, sec. 9*

- (2.) Such fund shall be applied by the Board in payment of all charges and expenses incurred by the Board in carrying this Act into execution, and in doing all acts and things which the Board is by this or any other Act empowered or required to do.

**167 Moneys, how to be dealt with.**

*1878, No. 35, sec. 234*

- (1.) All moneys of the Board amounting to five pounds and upwards shall, within three days after they have come to the hands of the proper officer of the Board, be paid into the bank.

*1883, No. 37, sec. 21*

- (2.) No money shall be drawn out of the bank except pursuant to a resolution of the Board authorising the payment of the money, nor except by cheques signed by the Chairman, or by any two members of the Board appointed for that purpose, and countersigned by the Treasurer of the Board, or by some one appointed in his stead in the event of his absence, either generally or as occasion requires.

**168 Application of pilotage rates.**

*1878, No. 35, sec. 173*

All pilotage rates leviable under this Act shall be paid by the master of the vessel in respect of which the same are payable to the Collector of Customs of the port, who, if the same are payable to a Harbour Board, shall pay the same over to such Board from time to time as may be directed by the Minister:

Provided that such pilotage rates shall not be paid over to such Board unless it makes provision to the satisfaction of the Governor or Minister for the maintenance of the pilot and general harbour establishment in respect of which such rates have been paid.

*Accounts and Audit*

**169 Board to keep books.**

*Ibid, sec. 174*

- (1.) The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums received and paid by the Board by virtue of this Act or any special Act and of the several purposes for which such sums were received and paid; and such books shall at all reasonable times be open without fee or reward to the inspection of any of the members of the Board and any debenture-holder or creditor of the Board.
- (2.) Any member of the Board and any such debenture-holder or creditor may take copies of or extracts from the said books without paying anything for the same.
- (3.) Any Clerk or other person having the custody of such books who does not, on the reasonable demand of any member of the Board or of any such debenture-holder or creditor, permit him to inspect the said books, or to take such copies or extracts as aforesaid, is liable to a fine not exceeding five pounds for every such offence.

**170 Accounts to be kept by Board.**

*1886, No. 45, sec. 10*

The accounts of the Harbour Fund shall be kept under the several heads as follow:—

*The General Account.*

- (a.) The General Account, which shall be credited with all moneys received and not hereby required to be carried into any other account, and shall be charged with all the ordinary expenditure of the Board and with any advances the Board thinks fit to make to the other accounts:

*The Special Fund Accounts.*

- (b.) The Special Fund Accounts, each of which severally shall be credited with all moneys raised by loan for a special purpose, or received for harbour-improvement rates or for any special purpose, and shall be charged with the costs and charges of raising such loan, or the levying and collection of such rates or otherwise, and with the expenditure on account of any such purpose:

*The Interest Accounts.*

- (c.) The Interest Accounts, in which the account of the interest payable on each loan shall be credited with all moneys received on account of special rates (if any), or transferred from the General Account to provide for such interest, and shall be charged with the interest paid on such loan:

*The Sinking Fund Accounts.*

- (d.) The Sinking Fund Accounts, in which an account for each separate loan shall be credited with the sums provided for the repayment of such loan, either by way of sinking fund (comprising the interest and profits on the investments of such sinking fund) or by way of periodical drawings and repayments of debentures, and shall be charged with all moneys invested or paid in repayment of such debentures.

**171 Transfers from General Account to other accounts may be made in certain cases.**

*1886, No. 45, sec. 11*

- (1.) If the balance in any of the said accounts other than the General Account is at any time insufficient to meet the lawful charges thereon, the Board may transfer from the General Account such sums as may be necessary to meet such charges, and may at any time repay any such advance out of any excess in the receipts over the liabilities of any such account.
- (2.) Except as provided by this section no transfer shall be made from any one to any other of the accounts above mentioned.

**172 Board may create a special fund.**

*1894, No. 34, sec. 4*

- (1.) Notwithstanding anything hereinbefore contained, the Board may appropriate in any year any part of the Harbour Fund, not appropriated for any special purpose, towards the creation of a special fund to provide for the following contingencies:—
  - (a.) Destruction of or injury to any of the property of the Board:
  - (b.) Depreciation in the value of any of the property of the Board:
  - (c.) Claims which may be made upon the Board by employees:
  - (d.) Any other exceptional losses or expenditure.
- (2.) The Board may invest all moneys so appropriated, and the interest and profits accruing therefrom, in such securities as it from time to time determines.
- (3.) The Board may at any time and from time to time repay into the Harbour Fund the whole or any part of the moneys so appropriated or invested and the accumulations thereof.

**173 Board to balance accounts.**

*1878, No. 35, sec. 175*

Subject to the provisions of any special or local Act now in force dealing with any specified Board, every Board shall in every year cause its accounts to be balanced to the thirty-first day of December in each year, and a true statement and account to be drawn out of all contracts entered into and of all moneys received or expended by virtue of this Act or any special Act during the preceding year, and of all its available assets, and of all debts then owing by it.

**174 Accounts to be audited.**

*1878, No. 35, secs. 176, 177, 179 1886, No. 45, sec. 14*

- (1.) Forthwith after the drawing out and balancing of such statement and account they shall be laid before the Audit Office, which office shall be the auditor of the Board.
- (2.) The Audit Office shall audit the said statement and account, and shall have, in respect of the Board, its accounts, and all persons dealing with its moneys, the same powers as if the Board were a local authority within the meaning of “The Public Revenues Act, 1908.”

*Creditor may be present at audit. 1878, No. 35, sec. 178*

- (3.) Any person interested in the said accounts, either as a debenture-holder or a creditor of the Board, may be present at the audit of the said accounts by himself or his agent, and may make any objection to any part of such accounts.

**175 Statement and account to be printed.**

*Ibid, sec. 180*

- (1.) The Board shall cause such statement and account to be printed, and allow the same to remain for inspection at the office of the Board; and every debenture-holder, creditor, or any other person interested may at all reasonable times inspect such statement and account, and compare the same with the books and documents relating thereto in the possession of the Board.
- (2.) The Clerk shall on demand furnish a printed copy of the said statement and account to every debenture-holder and creditor of the Board without fee.

**176 General inspection by creditors or others interested to be allowed.**

*Ibid, sec. 181*

Seven days at least before the meeting for examining and settling such accounts as hereinafter mentioned, the Board shall give public notice of such intended meeting, stating in such notice that the said statement and account are printed, and lie at the office of the Board ready for the inspection of the creditors or other parties interested.

**177 Accounts to be produced at annual meeting.**

*Ibid, sec. 182*

- (1.) The accounts of the Board, so balanced and audited, and either allowed or disallowed by the Audit Office, together with the said statement and account, shall be produced at the annual meeting of the Board or at some adjournment thereof, at which meeting all debenture-holders, creditors, and other persons interested may be present.
- (2.) The accounts shall be then finally examined and settled by the Board; and if found correct shall be allowed by the Board, and certified accordingly under the hand of the Chairman of the Board or person acting as chairman at such meeting.
- (3.) After such accounts have been so allowed and signed by such Chairman, and also by the Audit Office, the same shall be final in regard to all persons whomsoever.

**178 Abstract of accounts to be published at least once.**

*Ibid, sec. 183 1894, No. 34, sec. 10*

- (1.) After such audit as aforesaid an abstract of the receipts and expenditure for the period for which such accounts were made, together with a statement of the assets and liabilities of the Board, shall be made out, signed by the Chairman and by the Treasurer, and published at least once.
- (2.) A copy of such abstract and statement shall also be sent to the Minister, who shall, within ten days after he receives it, lay it before Parliament if sitting,

and if not, then within ten days after the commencement of the next ensuing session.

**179 Governor may order special audit.**

*1878, No. 35, sec. 186*

The Governor may, if he thinks fit, at any time appoint any person to make a special examination of the accounts of any Harbour Board, and direct the result of such examination to be reported specially to him.

*Borrowing-powers*

**180 Board may borrow money by overdraft.**

*1894, No. 34, sec. 2*

- (1.) The Board may, in anticipation of the income of its General Account, from time to time borrow moneys from the bank by way of overdraft; but the amount of such overdraft shall never at any time exceed the amount of the ordinary income of the General Account received during the previous financial year, exclusive of any moneys received by way of subsidies or special grant from the Government, and of money borrowed, and of separate or special rates.
- (2.) "Overdraft" shall, for the purposes of this Act, be deemed to be money borrowed on any account, notwithstanding that money may be standing to the credit of any other account in the bank.
- (3.) The limit specified in this section shall not be interpreted to affect the right of any bank to be repaid out of the funds of the Board the moneys advanced by the bank to such Board; and no bank shall be concerned to inquire whether such limit is being or has been exceeded.

**181 Power to borrow money given by special Act, how to be exercised.**

*1878, No. 35, secs. 187, 188*

- (1.) Where by any special Act power has been or is given to a Harbour Board to borrow money, then subject to the provisions of such special Act such power shall be exercised in the manner and subject to the conditions of this Act.
- (2.) Where such power was given by any repealed Act or Ordinance, then in so far as the power has not been fully exercised it may be exercised notwithstanding such repeal; and in the case of every Board affected by this provision the powers conferred by this Act shall be deemed to have been conferred by special Act.

**182 Saving of rights of holders of securities.**

*Ibid, sec. 189*

All rights and liabilities in respect of moneys borrowed by a Board, or the interest due or to accrue due thereon, and all remedies for enforcing the payment of such moneys or interest, shall and may be exercised against the Board

by the holders of any mortgage, bond, debenture, or other security issued under any repealed Act or Ordinance authorising the borrowing as effectually as if the same had been issued under the authority of this Act and a special Act.

**183 Board may issue debentures for money authorised to be raised.**

*Ibid, sec. 190*

In order to raise the money which by any special Act the Board is authorised to raise, the Board may issue debentures under the common seal of the Board to the extent specified in the special Act.

**184 Amount and form of debentures.**

*Ibid, sec. 191*

- (1.) Every debenture issued under this Act shall be in the form numbered (1) in the Fourth Schedule hereto 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 a sum of not less than twenty or more than one thousand pounds.
- (2.) No such debenture shall be sold at such a price as will produce to the purchaser an interest of more than seven per centum per annum on the price paid.

**185 Where payable.**

*Ibid, sec. 192*

Every debenture shall be repayable, both as to the principal and interest, at a place within or out of New Zealand named in the debenture, 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.

**186 Interest payable.**

*Ibid, sec. 193*

- (1.) The interest on every debenture shall not exceed seven per centum per annum on the amount thereof, and shall be payable half-yearly or otherwise; and separate coupons for each sum so payable, in the form numbered (2) in the Fourth Schedule hereto or to the effect thereof, and numbered consecutively for each debenture, shall be attached thereto.
- (2.) The signatures to coupons attached to debentures issued under this Act may be made by fac-similes thereof in lithograph or such other manner to represent the signature of the person signing such coupon; but no advantage shall be taken of this provision, and no coupon shall be issued until the original debenture has been signed by the person whose signature is represented on such coupon.

**187 Debentures and coupons transferable by delivery.**

*1878, No. 35, sec. 194*

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 Board from all liability in respect of such debenture or coupon.

**188 Power to appoint agents for raising loans.**

*Ibid, sec. 195*

- (1.) The Board may appoint any company, or any two or more persons, within or out of New Zealand, to be agents for raising and managing any loan authorised to be raised under any special 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 directs, 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 prescribes.
- (2.) All such bonds and debentures shall be signed by the Chairman and counter-signed by the Treasurer of the Board, or shall be signed by the agents (if any) for raising the loan.

**189 Pending raising loan debentures may be hypothecated.**

*Ibid, sec. 196*

Pending the raising of any moneys authorised to be raised, the Board or, as the case may be, the agents raising the same may borrow any sum or sums of money, not exceeding the whole amount then authorised to be raised, by the hypothecation or mortgage of any debentures hereby authorised to be issued; but all moneys so borrowed shall be a first charge upon and shall be repaid out of the loan when raised.

**190 Debenture-holders to have no claim on public revenues.**

*Ibid, sec. 197*

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

**191 Principal and interest to be first charge on Harbour Fund.**

*Ibid, sec. 198*

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

**192 Proceeds of sale of endowments may be pledged.**

*Ibid, sec. 199*

In addition to any security hereby authorised, the Board may from time to time pledge or otherwise give security over the proceeds and profits of Crown lands set aside as endowments as hereinbefore provided, in such manner as the Board thinks 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.

**193 Board may issue debentures in lieu of mortgaging land.**

*Ibid, sec. 200*

- (1.) Where power is given to a Board to borrow money on the security of any land by mortgage, and it appears to the Board that such money could be more advantageously obtained by the issue of debentures, the Governor in Council, on being satisfied as to the nature of the transaction and the validity of the securities, may authorise the Board applying to him in that behalf to issue debentures from time to time for any sums not exceeding the amount originally authorised to be borrowed, or not exceeding the said amount less any portion thereof that is already borrowed.
- (2.) Every such debenture shall be subject to the provisions of the Act authorising the loan and of this Act; and on the issue of any such debentures all the powers contained in the aforesaid Act authorising the raising of money on mortgage shall absolutely cease and determine in respect of and be reduced by an amount of money equivalent to the amount of the debentures issued under the authority of any such Order in Council.

**194 Illegal borrowing or expenditure.**

*1886, No. 45, sec. 12 1894, No. 34, sec. 3*

- (1.) If any Harbour Board at any time—
  - (a.) Borrows any money, whether by way of overdraft or otherwise, or issues any debentures in excess of or otherwise than in accordance with the provisions of any Act in that behalf; or
  - (b.) Borrows under any such Act or otherwise any moneys which the Board is not legally bound to repay; or
  - (c.) Permits any money borrowed to be expended in any manner or for any purpose other than that for which it was borrowed and ought to be expended—

every member of such Board who consents thereto shall for every such offence be liable to a fine not exceeding one hundred pounds, to be recovered in a summary way under “The Justices of the Peace Act, 1908.”

*Auditor shall institute proceedings. 1886, No. 45, sec. 13*

- (2.) It shall be the duty of the Controller and Auditor-General to institute the necessary proceedings against every member of the Board liable to pay any such fine.

*Costs.*

- (3.) All costs incurred by the Controller and Auditor-General in any such proceedings shall be paid out of the Harbour Fund, and all moneys recovered for fines and costs shall be deemed to be a part of such Harbour Fund, and shall be paid over accordingly.

### *Repayment of Loans*

#### **195 Board may make provision for repayment of loan.**

*1878, No. 35, sec. 201*

Before raising any loan the Board may make provision for the repayment thereof either—

- (a.) By making, with or without a sinking fund, the whole loan repayable at a stated period, or any parts thereof at stated periods; or
- (b.) By making any debentures of such loan repayable by periodical drawings.

#### **196 Provision for sinking fund.**

*Ibid, sec. 202*

In order to provide funds for the creation of a sinking fund or for the repayment of debentures coming due by periodical drawings, the Board may permanently appropriate any part of the Harbour Fund not appropriated for any special purpose.

#### **197 Appointment of Sinking Fund Commissioners.**

*Ibid, sec. 203*

- (1.) The Board shall appoint, and may from time to time remove and reappoint, Commissioners within or out of New Zealand to whom it shall pay all moneys so appropriated as a sinking fund or for the repayment of debentures as above provided.

*Ibid, sec. 205*

- (2.) Such Commissioners may be the Public Trustee alone, or may include any company within or out of New Zealand as one of such Commissioners.

#### **198 Disposal of moneys by Commissioners.**

*Ibid, sec. 203*

Such Commissioners shall dispose of such moneys—

- (a.) In the case of a sinking fund, by investing the same, together with all interest and profits accruing therefrom, in such securities as the Board from time to time directs:
- (b.) In the case of periodical drawings, by paying all debentures coining due according to the conditions on which the loan is raised.

**199 Commissioners to furnish accounts of moneys in their hands.**

*1878, No. 35, sec. 204*

Such Commissioners shall send to the Board, at such times 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 previous year.

**200 Commissioners also to send certificate of securities.**

*Ibid, sec. 205*

Such Commissioners shall, together with such balance-sheet, send to the Board a certificate, under the hand of the Controller and Auditor-General or such person as he appoints for the purpose, of all securities held by the Commissioners.

**201 Accumulated sinking fund to be applied in payment of loan.**

*Ibid, sec. 206*

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

**202 Board may reborrow under certain circumstances.**

*Ibid, sec. 207*

When the principal of any loan becomes payable, except when the debentures of such loan are paid by periodical drawings as above provided, then, for the purpose of paying so much of the said principal as is not provided for by any accumulated sinking fund held by the said Commissioners for the payment thereof, the Board may reborrow moneys under this Act or, as the case may be, the special Act under which such loan was raised.

*Remedies of Debenture-holders*

**203 Remedies of holder on default in payment of debenture or coupon.**

*Ibid, sec. 208*

- (1.) If any person—
  - (a.) Holding a debenture duly issued by the Board tenders the same for payment of the principal thereby secured at the place where and at the time when such principal is payable, or at any time thereafter, and such principal is not paid in full; or

- (b.) Holding a coupon for payment of interest on any such debenture tenders the same for payment at the place where and at the time when such interest is payable, or at any time thereafter, and such interest is not paid in full—

such person may apply for relief under this Act, by petition in a summary way, to a Judge of the Supreme Court.

*Judge may direct property of Board to be sold. Ibid, sec. 209*

- (2.) The Judge, on 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 he directs, and that the proceeds of sale thereof be applied—
- (a.) In payment of the expenses of the application and order, and of the proceedings thereon, and the sale in pursuance thereof; and
- (b.) 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 and interest have been paid; and
- (c.) The residue, if any, in payment to the Board.

*Also may appoint Receiver. Ibid, sec. 210*

- (3.) The Judge may also from time to time appoint a Receiver of the rents and profits arising from the lands 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, without directing a sale of the said lands, he may from time to time appoint a Receiver of all or any of the rents and profits arising from the lands, or of the aforesaid moneys, dues, and rates.
- (4.) The Judge may also direct that such Receiver shall be paid, out of the moneys received by him, such remuneration as the Judge thinks fit.

#### **204 Unpaid principal and interest to be debt of Board.**

*1878, No. 35. sec. 211*

The principal moneys secured by every debenture issued by the Board under this Act or any special Act shall, when the same becomes 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.

*Regulations and By-laws General Harbour Regulations*

**205 Governor in Council may make regulations.**

*Ibid, sec. 212*

- (1.) The Governor may from time to time, by Order in Council gazetted, make regulations to be called “General Harbour Regulations,” which shall be in force in all the ports of New Zealand, for the following purposes:—
- (a.) Preventing the overloading of either steam or sailing vessels and the overcrowding of sailing-vessels with passengers:
  - (b.) Regulating all other matters relating to the protection of life and property in or on vessels, and the safe navigation of any harbour, navigable river, or navigable lake:
  - (c.) Prescribing the form and mode of erecting harbour lights, the mode and use of signals, laying down buoys and beacons, and the forms and colours thereof respectively:
  - (d.) Regulating the landing and shipping, transshipping, deposit, and removal of gunpowder and other explosive substances and compounds, or of any goods or substances declared to be “dangerous” or “specially dangerous” under “The Explosive and Dangerous Goods Act, 1908,” and providing or appointing of places or magazines, whether afloat or ashore, for the safe keeping of the same:
  - (e.) Regulating the use of fire and lights, and the keeping or using of gunpowder, combustibles, explosive substances, and other dangerous goods, and loaded guns, on board ship or elsewhere; and providing for the entry by any Harbourmaster or other harbour officer upon or into any ship or place to search for fire or light suspected to be therein contrary to any by-law, and extinguishing it if found:
  - (f.) Carrying into effect and enforcing the general powers and duties by this Act vested in and imposed on the Governor or the Governor in Council, or which he is authorised to do or cause to be done under this Act, and also all duties and powers which are by this Act imposed or conferred upon the Minister:
  - (g.) Fixing such fines for breaches of the regulations as he thinks fit; provided that no such fine shall exceed the sum of one hundred pounds.

*Regulations under this Act to supersede by-laws made by Harbour Boards.*

*1878, No. 35. sec. 213*

- (2.) All such regulations shall supersede all by-laws made upon like subjects by any Harbour Board, and every Harbour Board shall carry out and enforce any regulations so made by the Governor in Council.

**206 Orders in Council may be altered.**

*Ibid, sec. 214*

- (1.) Where under this Act the Governor is empowered to make an Order in Council for any purpose, he may from time to time alter, modify, and revoke such Order.

*To be gazetted.*

- (2.) Every Order in Council made under this Act shall be gazetted, and published in such other manner as to the Governor in Council may seem best for making it known to all bodies or persons interested therein.
- (3.) Every such Order in Council shall come into operation upon such date as is prescribed by the Order, and if no date is prescribed, then from the date of publication thereof in the *Gazette*.

*Harbour By-laws*

**207 Board may make by-laws to regulate position, mooring, and government of ships within harbour.**

*Ibid, sec. 215*

The Board may from time to time, by by-laws made under this Act, do all or any of the following things for and within the limits of the harbour, namely:—

In respect of harbour control,—

- (1.) Regulate the mode and place of mooring and anchoring of ships within the limits of the harbour, and their position and government in the harbour, and their unmooring and removal out of the harbour:
- (2.) Provide for the Harbourmaster insuring the observance of such by-laws (in case of non-compliance therewith) by mooring, unmooring, placing, or removing a ship, and for that purpose casting off or loosing any warp or rope, or unshackling or loosing any chain by which the ship is moored or fastened (first putting on board a sufficient number of persons for the protection of the ship in case there is no person on board to protect it):
- (3.) Regulate the times, places, order, and mode of the shipping, unshipping, landing, warehousing, stowing, and depositing of goods (with special regulations and restrictions in the case of dangerous goods), and of the landing and embarking of passengers, and of the taking-in and delivery of ballast:
- (4.) Fix and authorise, the levying of Harbourmasters' fees and of port charges, not exceeding the rates specified in the Fifth Schedule hereto:
- (5.) Regulate the use of wharves or docks, quays, landing-stages, and other landing-places, and generally regulate the traffic on the same:
- (6.) Fix scales of dues, tolls, and charges to be paid for the use of such wharves or docks:

- (7.) Fix scales of dues for the storage of goods, and charges to be paid for taking the same into and delivering the same from warehouses or buildings belonging to or in the occupation of the Board:
- (8.) Regulate the use of cranes, weighing and other machines, weights and measures, conveniences, or appliances belonging to the Board, and fix charges to be paid for the use of the same:
- (9.) Regulate the duties and conduct of all persons, as well the servants of the Board as others (not being officers of Customs or of the Marine Department) who are employed in the harbour:
- (10.) Provide for the control and management of steam or other ferry-boats plying for hire at wharves or public thoroughfares:
- (11.) License tugs for conducting vessels into or out of port, and fix the fees to be paid for such licenses:
- (12.) License watermen plying for hire in the port, and fix the fees to be paid for such licenses:
- (13.) Regulate the fares to be charged by licensed watermen plying for hire within the port:
- (14.) Provide for the name of each boat and the name of its owner being shown thereon:
- (15.) Provide for the registration and licensing of all ballast-boats, tank-boats, cargo-boats, lighters (whether decked or undecked, and whether propelled by steam or not), and other vessels and boats plying for hire either for goods or passengers within the harbour or any part of the sea adjacent thereto, and for the registration and licensing of master boatmen and others, and for preventing unlicensed boatmen plying for hire:
- (16.) Provide for the inspection of all such vessels and boats, and for preventing the use of such as are unseaworthy or insufficient:
- (17.) Fix the fees to be paid for licensing any such vessels or boats as aforesaid, and the fees to be paid for the carriage of persons and goods in the same, or any of them, according to either time or distance:
- (18.) Regulate the conduct and punish the misconduct of licensed watermen and boatmen when practising their calling:
- (19.) Regulate the cleansing, repair, and effectual preservation of docks and wharves, and provide for keeping and maintaining the same in a fit state for the convenience of persons walking upon or landing on or embarking from the same:
- (20.) Make regulations for the guidance of porters, cab-drivers, carters, carmen, and others carrying goods or driving horses or vehicles for conveying passengers or goods or other commodities on any wharf:

*By-laws respecting pilotage rates*

In respect of pilots and pilotage,—

- (21.) Fix pilotage rates, not being greater than the rates specified in the Fifth Schedule hereto, and determine the nature of the services for which such rates respectively shall be payable and the time of payment for pilotage services rendered to any ship, and the amount to be paid for detention of pilots on board vessels under quarantine or otherwise:
- (22.) Abolish compulsory pilotage:
- (23.) Determine what shore signals in aid of vessels entering or going out of harbour shall be deemed to be pilot service, and the rates to be paid therefor:
- (24.) Make regulations for the government of the pilots, and for insuring their good conduct and constant attendance to and effectual performance of their duty on board ship and on shore:
- (25.) Make rules for punishing any breach of such regulations by the dismissal or withdrawal or suspension of the license of the person guilty of such breach, or by the infliction of fines:
- (26.) Prescribe rules (to be approved by the Governor) for determining the qualification in respect of age, time of service, skill, character, and otherwise to be required from persons applying to be appointed or licensed as pilots:

*Collection of dues.*

In respect of dues payable or belonging to the Board, and the collection thereof,—

- (27.) Empower an officer of the Board (called the Collector of Dues), either alone or with other persons, to enter a ship in order to ascertain the dues payable in respect of the ship or of goods therein:
- (28.) Require the master of every ship to report his arrival within a specified time (not being later than twenty-four hours) after his arrival:
- (29.) Require the master of every ship to produce the certificate of registry to the Collector of Dues on demand, and also, where cargo or goods are liable to the payment of dues, to the Board:
- (30.) Require the master of every ship to give a copy of the bill of lading or manifest of the cargo or other proper account of goods intended to be unshipped, and the name of the consignee or other person to whom they are intended to be delivered:
- (31.) Require the master of every ship to give to the Collector of Dues, if required, notice of the intended time of unshipment:
- (32.) Require from the shippers of goods accounts of the goods intended to be shipped:
- (33.) Regulate the time when dues on goods shipped or unshipped are to be payable.

*Harbour-improvement Rates***208 Board may levy harbour-improvement rates.***1878, No. 35, sec. 216*

- (1.) The Board may from time to time make by-laws providing that harbour-improvement rates, not exceeding in any case two shillings per ton by weight or by measurement, as expressed in such by-law, shall be levied upon all goods discharged at or shipped from the port.
- (2.) Such by-laws may provide for the manner of levying and collecting such rate, and by whom and in what manner the same shall be paid to any authorised officer of the Board or other person authorised by the Board in that behalf.

*Offences***209 Restriction on deposit of ballast or rubbish.***Ibid, sec. 217 1883, No. 37, sec. 20*

- (1.) Every person commits an offence who does, or causes or suffers to be done, any of the following things so as to be or tend to the injury of navigation, that is to say:—
  - (a.) Casts or suffers to fall, either from on board any vessel or from land, any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, or other substance or thing on any tidal land, or into any harbour or tidal water, or into the sea below low-water mark; or
  - (b.) Casts or suffers to fall any such substance or thing on land in a position where the same is liable to fall or descend or be carried or washed down by ordinary or high tides, or by any stream or flow of water, or by any storm or flood, or otherwise, into any harbour or tidal water, or into the sea; or
  - (c.) Casts, or places, or leaves any vessel laid by or neglected as unfit for sea service, or any floating or other timber, or any other thing, on any tidal lands, or in any harbour or tidal water, or in the sea.
- (2.) For each such offence the offender shall be liable to a fine not exceeding twenty pounds, and shall also be liable to pay the expenses of the removal to a proper position of any such substance or thing.
- (3.) Such fine shall be recovered only on the prosecution of the Board having jurisdiction at the place where the offence is committed or the injury to navigation is or would be produced, or on a prosecution directed by the Minister; and if there is no Board at such place, then only on a prosecution directed by the Minister:

Provided that it shall not be necessary in any case to prove that any such direction has been given.

**210 Damaging light, buoys, or beacons.**

*1878, No. 35, sec. 218*

- (1.) Every person commits an offence who, wilfully or negligently, does any of the following things, that is to say:—
  - (a.) Injures any harbour light or light-ship, or the lights exhibited therein, or any buoy or beacon:
  - (b.) Removes, alters, or destroys any harbour light, light - ship, buoy, or beacon:
  - (c.) Rides by, makes fast to, or runs foul of any harbour light, light-ship, buoy, or beacon:
  - (d.) Removes, alters, injures, or destroys any signal or signal-staff used for purposes in aid of vessels navigating.
- (2.) For each such offence the offender shall, in addition to the expenses of making good any damages so occasioned, be liable to a fine not exceeding two hundred pounds, or, in default of payment thereof, to imprisonment for any term not exceeding twelve months with or without hard labour.

**211 Wilfully cutting moorings.**

*Ibid, sec. 219*

Every person, excepting the Harbourmaster or persons acting according to his authority, who wilfully cuts, breaks, or destroys the mooring or fastening of any vessel in any harbour is liable to a fine not exceeding fifty pounds.

**212 Wilful damage to works.**

*Ibid, sec. 220*

- (1.) Every person commits an indictable offence punishable by imprisonment with or without hard labour for any term not exceeding two years, or a fine not exceeding fifty pounds, who wilfully breaks, throws down, destroys, or in any-wise damages or injures any wharf, shed, roadway, building, or any harbour-work whatsoever, or any part thereof, constructed or in course of construction by or under the authority of His Majesty or of the Government, or any Harbour Board.
- (2.) This provision shall not interfere with any other statute or law applicable to such offence:  
Provided that no person shall be punished twice for the same offence.

**213 Wilful damage to lights.**

*1878, No. 35, sec. 221*

Every person who wilfully or negligently breaks, throws down, damages, or takes away any lamp, lamp-post, lamp-iron, or other work set up for the purpose of lighting any harbour-work, or any roadway or street adjoining the

same, or wilfully extinguishes any light within any such lamp, is liable to a fine not exceeding twenty pounds over and above the amount of injury or damage done.

**214 Other offences.**

*Ibid, sec. 222*

Every person is liable, where no other penalty is in that behalf specifically provided, to a fine not exceeding twenty pounds who fails, refuses, or neglects to do, or in any manner obstructs, impedes, or interferes with the doing of, anything enjoined or authorised to be done, or wilfully does anything prohibited by this Act, or molests or makes use of any threatening language to any Harbourmaster, Pilot, Engineer, Surveyor, or other officer or person whilst in the execution of his duty under this Act, and whether acting under the authority of the Governor, or the Minister, or any Harbour Board, or in any other respect offends against any of the provisions of this Act or any regulation or by-law duly made under this Act.

**215 Neglect by Harbourmaster, &c.**

*Ibid, sec. 223*

Every Harbourmaster or other officer or person is liable, where no other penalty is in that behalf specifically provided, to a fine not exceeding fifty pounds who refuses or neglects to perform any duty imposed on him by this Act or by any regulation or by-law. duly made under this Act, or who, through negligence or drunkenness, does or occasions any injury to a vessel or to the tackle or furniture thereof, or who, while in the execution of his duty as such Harbourmaster or other officer or person, makes use of threatening or abusive language to the master of any vessel.

**216 Offering bribes to officers.**

*Ibid, sec. 224*

Every person is liable to a fine not exceeding twenty pounds who gives or offers any money or thing by way of reward or bribe to any Harbourmaster, Collector of Dues, or other officer employed about a harbour for the purpose of gaining an undue preference in the execution of his office or for the purpose of inducing him to do or omit to do anything relating to his office.

**217 Summary procedure for breach of by-laws.**

*Ibid, sec. 225*

Any breach of any of the provisions of this Act, or of any regulation or by-law made thereunder, shall, where no other mode or remedy is by this Act specifically provided, be heard and determined before a Magistrate or two or more Justices in a summary way in the manner provided by "The Justices of the Peace Act, 1908."

**218 What shall be sufficient averment.**

*Ibid, sec. 226*

In any proceedings for an offence against this Act the averment that such offence was committed within the limits of the harbour within which the same is alleged to be committed shall be sufficient without proof of such limits, unless the contrary is proved.

*Limitation of Actions*

**219 Limitation and regulation of actions.**

*Ibid, sec. 227 1886, No. 45, sec. 22*

- (1.) No plaintiff shall recover in any action commenced against a Harbour Board or person for anything done in pursuance of this Act unless such action is commenced within three months after the act is committed, and unless notice has been given to the defendant one month before such action is commenced of such intended action signed by the plaintiff or his solicitor, specifying the cause of such action.
- (2.) The plaintiff shall not recover in any such action if tender of sufficient amends has been made to him or his solicitor by or on behalf of the defendant before such action is brought.
- (3.) In case no such tender is made, the defendant may, in accordance with the rules of the Court in which the action is brought, pay into Court such sum of money as he thinks proper.
- (4.) The defendant may plead the general issue, and give the special matter in evidence, and that the same was done in pursuance and under the authority of this Act.
- (5.) If the same appears to have been so done, or if the respective limits of time prescribed by subsection one hereof are not duly observed, or if the action is commenced after sufficient satisfaction has been made or tendered as aforesaid, then and in every such case the verdict or judgment shall be for the defendant.
- (6.) If the verdict or judgment is for the defendant, or if the plaintiff discontinues the action or is nonsuited, the defendant shall have the ordinary costs.
- (7.) Nothing in this section shall be deemed to give any person any further or greater remedy against the Crown in respect of anything done under this Act than such person has by any law for the time being in force.

*Miscellaneous*

**220 Rates authorised for harbour purposes, how to be raised.**

*1878, No. 35, sec. 229*

Where under any Act or Ordinance power is given to a Board to make and levy a rate for any purpose connected with a harbour, or to provide for the payment

of interest and sinking fund on money borrowed in respect of such harbour, by levying a rate on lands or other rateable property as mentioned in such Act or Ordinance, every such rate shall be made and levied in the manner prescribed by “The Rating Act, 1908” and for that purpose the Board shall be deemed to be a local authority within the meaning of that Act.

**221 How rate to be levied.**

*Ibid, sec. 229 Amount of rate.*

If the area within which the Board is empowered to levy such rate comprises more than one district or parts of a district, the rate may be made and levied upon the valuation rolls of each such district; but no such rate shall exceed the sum of three farthings in the pound on the capital value of the rateable property of the district, or its equivalent on the unimproved value or annual value, according to the system of rating in force in the district.

**222 Freedom of passage for officers of Customs or Marine Department.**

*Ibid, sec. 230*

Officers of Customs and officers of the Marine Department acting in the execution of their duty shall at all times have free ingress, passage, and egress, into, through, and out of any harbour, by land or water, and with vessels or otherwise, and over any wharf.

**223 Special constables.**

*Ibid, sec. 231*

- (1.) Any Justice may appoint any persons nominated by the Board to be special constables within the limits of the harbour of the Board and within one mile of the same.
- (2.) Every person so appointed shall be sworn in by a Justice duly to execute the office of a constable within those limits, and when so sworn in shall have the same powers, protection, and privileges within those limits and shall be subject to the same liabilities as constables have or are subject to by law.
- (3.) Any two Justices may, upon request of the Board, by order under their hands, dismiss any such constable from his office.

**224 Governor in Council may rectify irregularities, and extend times for acts, &c.**

*1878, No. 35, sec. 233*

Where by misadventure or accident anything is at any time done after the time or is not done within the time required by this Act, or is otherwise irregularly done in matter of form, the Governor may from time to time, by Order in Council gazetted, make provision for any such case, or may extend the time within which anything is required to be done, or may validate anything so done

after the time required or so irregularly done in the matter of form, so that the true intent and purpose of this Act may have effect.

**225 References in unrepealed Acts.**

On and after the coming into operation of this Act all references in any unrepealed Act to “The Harbours Act, 1878,” or to any amendment thereof shall be construed as references to this Act.

**226 Saving of special Acts.**

In the case of each Harbour Board the provisions of this Act shall be construed subject to the provisions of any special Act relating to that Board.

**227 Certain sections of Act of 1886 retained.**

- (1.) Sections twenty-five to thirty of “The Harbours Act 1878 Amendment Act, 1886,” in so far as the same are still operative and capable of taking effect, shall not be affected by the general repeal of that Act.
- (2.) For convenience of reference a copy of those sections is set out in the Sixth Schedule hereto.

**SCHEDULES****FIRST SCHEDULE****Enactments consolidated.**

- 1878, No. 35.—“The Harbours Act, 1878.”
- 1879, No. 27.—“The Harbours Act Amendment Act, 1879.”
- 1883, No. 37.—“The Harbours Act Amendment Act, 1883.”
- 1885, No. 27.—“The Financial Arrangements Act 1876 Amendment Act. 1885.”
- 1886, No. 45.—“The Harbours Act 1878 Amendment Act, 1886.”
- 1887, No. 34.—“The Public Bodies’ Powers Act, 1887”: Sections 14 to 16.
- 1894, No. 34.—“The Harbours Act Amendment Act, 1894.”
- 1896, No. 28.—“The Harbours Act Amendment Act, 1896.”
- 1904, No. 10.—“The Harbours Act 1878 Amendment Act, 1904.”

## SECOND SCHEDULE

### Constitution of Existing Harbour Boards.

Sections 17, 18. 1878, No. 35, Second  
Schedule. 1886, No. 45, sec. 2

Corporate Names of Boards and Number of Members.	Members appointed by Governor or Governor in Council.	<i>Ex Officio</i> Members.	Number of Elective Members, their Qualification, and by whom elected.	
1885, No. 2 (Local), sec. 6	“The Auckland Harbour Board.” Thirteen members	Two by the Governor	..	Four by the Auckland City Council; one by the Devonport Horough Council; one by the Parnell Borough Council; one by the Birkenhead Borough Council and the Waitemata County Council, sitting together and acting as one body, at a meeting to be called by the Chairman of the said county; one by the Auckland Chamber of Commerce; and three by and out of the persons who severally paid to the Board £3 or upwards of harbour dues during the year ending the 16th day of January last preceding such election, and the persons who were on that day the registered owners or part owners of any vessel registered at the Port of Auckland.
1878, No. 35, Second Schedule. 1902, No. 17 (Local) sec. 2	“The Bluff Harbour Board.” Eleven members	Two by the Governor	..	Two by the electors of the Borough of Invercargill; one by the electors of the Boroughs of East Invercargill, South Invercargill, North

	Corporate Names of Boards and Number of Members.	Members appointed by Governor or Governor in Council.	<i>Ex Officio</i> Members.	Number of Elective Members, their Qualification, and by whom elected.
				Invercargill, Avenal, and Gladstone; one by the electors of the Borough of Campbelltown; one by the electors of the Boroughs of Gore and Mataura; one by the Southland County Council; one by the Wallace County Council; one by the Lake County Council; and one by the Invercargill Chamber of Commerce.
1905, No. 15 (Local), sec. 5	“The Gisborne Harbour Board.” Nine members	Three by the Governor	The Mayor of the Borough of Gisborne; the Chairman of the Cook County Council	Two by the electors of the Counties of Cook and Waiapu; two by the electors of the Borough of Gisborne, together with all persons who have severally paid harbour, pilotage, and wharfage dues and charges to an amount of not less than £6 during the year preceding the day of election.
1884, No. 11 (Local), sec. 3	“The Greymouth Harbour Board.” Seven members	Seven by the Governor in Council.		
1905, No. 30 (Local), sec. 4	“The Havelock Harbour Board.” Five members	Two by the Governor	..	Two by the electors of the Town District of Havelock; and one by the electors of that portion of the Kaituna Subdivision of the Pelorus Road District included in the harbour district.

	Corporate Names of Boards and Number of Members.	Members appointed by Governor or Governor in Council.	<i>Ex Officio</i> Members.	Number of Elective Members, their Qualification, and by whom elected.
1906, No. 29 (Local), sec. 5	“The Hokitika Harbour Board.” Five members	..	The Mayor of the Borough of Hokitika; the Chairman of the Westland County	Three by the electors of the Borough of Hokitika.  (And when a rating proposal is carried in the harbour district, then the Mayor of Ross for the time being and two members to be elected by the electors of the Westland County within the harbour district.)
1882, No. 17 (Local), sec. 4 1896, No. 5 (Local), sec. 4-6 1903, No. 34 (Local), secs. 4-6	“The Lyttelton Harbour Board.” Nineteen members	One by the Governor	The Mayor of the Borough of Lyttelton	Four by the electors of the City of Christchurch; one by the Council of the Borough of Ashburton; one by the electors of the Boroughs of New Brighton, Woolston, and Sumner; one by the electors of the Borough of Lyttelton; one by the Ashley County Council; one by the Ashley County Council and the Councils of the Boroughs of Kaiapoi and Rangiora; four by the Selwyn County Council; one by the Ashburton County Council; one by the Councils of the Counties of Akaroa and Mount Herbert; and two by and out of the members of the Canterbury Chamber of Commerce.

Corporate Names of Boards and Number of Members.	Members appointed by Governor or Governor in Council.	<i>Ex Officio</i> Members.	Number of Elective Members, their Qualification, and by whom elected.	
“The Mangawai Harbour Board”	..	The Mangawai Road Board.		1893, No. 27 (Local), sec. 2
“The Mokau Harbour Board.” Seven members	..	..	Two by the electors of the Awakino Riding of the harbour district; three by the electors of the Mokau Riding; and two by the electors of the Tongaporutu Riding.	1900, No. 31 (Local), sec. 5
“The Motueka Harbour Board.” Seven members	..	..	Two by the electors of the Borough of Motueka; and five by the electors of the portion of the Waimea County within the harbour district.	1905, No. 38 (Local), sec. 4
“The Napier Harbour Board.” Sixteen members	Three by the Governor	The Mayor of the Borough of Napier	Three by the electors of the Borough of Napier; three by the Hawke’s Bay County Council; three by the Waipawa. Patangata. Waipukurau, and Dannevirke County Councils; one by the Hastings Borough Council; one by the Wairoa County Council; and one by the Napier Chamber of Commerce.	1878, No. 35, Second Schedule. 1896, No. 28, sec. 2 1906. No. 37 (Local), sec. 4
“The Nelson Harbour Board.” Ten members	Three by the Governor	..	Three by the electors of the City of Nelson; one by the electors of the Borough of Richmond; and three by the electors of that part of the Waimea County included in the harbour district.	1905, No. 36 (Local), sec. 3

Corporate Names of Boards and Number of Members.	Members appointed by Governor or Governor in Council.	<i>Ex Officio</i> Members.	Number of Elective Members, their Qualification, and by whom elected.	
"The New Plymouth Harbour Board." Nine members	Three by the Governor		One by the electors of each of the six wards into which the New Plymouth Harbour Rating District (being the rating district described in the Second Schedule to "The New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877") has been divided by the New Plymouth Harbour Board.	1878, No. 35, Second Schedule. <i>Gazette</i> , 1896. p. 752
"The New River Harbour Board"	..	The Mayor and Councillors of the Borough of Invercargill.		1888, No. 23 (Local), sec. 5
"The Oamaru Harbour Board." Fourteen members	Four by the Governor	The Mayor of the Borough of Oamaru	Three by the electors of the Borough of Oamaru; four by the Waitalvi County Council; one by the electors in the Hakataramea Riding of the Waimate County; and one by the electors in so much of the Waihao Riding of that county as is within the Oamaru Harbour District.	1878, No. 35, Second Schedule. 1882, No. 25 (Local), sec. 19 <i>Gazette</i> , 1883, p. 336
"The Otago Harbour Board." Thirteen members	Four by the Governor	..	Three by the electors of the Borough of Port Chalmers; two by the electors of the City of Dunedin; one by the electors of the Boroughs of West Harbour and North-east Valley; one by the electors of the Boroughs of Maori Hill, Roslyn, and Mornington;	1883, No. 22 (Local), sec. 4

Corporate Names of Boards and Number of Members.	Members appointed by Governor or Governor in Council.	<i>Ex Officio</i> Members.	Number of Elective Members, their Qualification, and by whom elected.	
"The Patea Harbour Board." Seven members	One by the Governor	..	one by the electors of the City of Dunedin and the Borough of St. Kilda; and one by the Dunedin Chamber of Commerce. Two by the electors of the Patea Borough Subdivision of the harbour district; one by the electors of the Hawera Borough Subdivision; one by the electors of the Hawera Subdivision; one by the electors of the Otoia Subdivision; and one by the electors of the Waverley Subdivision.	1885, No. 5 (Local), sec. 7
Corporate Names of Boards and Number of Members.	Members appointed by Governor or Governor in Council.	<i>Ex Officio</i> Members.	Number of Elective Members, their Qualification, and by whom elected.	
1878, No. 35, Second Schedule.	"The Port Molyneux Harbour Board." Seven members	..	..	One by the Balclutha Borough Council; five by the Clutha County Council; and one by the Balmoral Road Board.
1897, No. 22, secs. 4, 5 <i>Gazette</i> , 1898, p. 410	"The Port Robinson Harbour Board"	..	The Cheviot County Council.	
1889, No. 29 (Local), sec. 5	"The Riverton Harbour Board"	..	The Mayor and Councillors of the Borough of Riverton.	
1890, No. 21 (Local), sec. 6	"The Thames Harbour Board." Nine members	Two by the Governor	The Mayor of the Borough of Thames	One by the Thames Borough Council; one by the Thames County Council; one by the

	Corporate Names of Boards and Number of Members.	Members appointed by Governor or Governor in Council.	<i>Ex Officio</i> Members.	Number of Elective Members, their Qualification, and by whom elected.
<p>1882, No. 18 (Local), sec. 3 1885, No. 14 (Local), secs. 23-25 1899, No. 7 (Local), sec. 7 1903, No. 31 (Local), sec. 3</p>	<p>“The Timaru Harbour Board.” Thirteen members</p>	<p>..</p>	<p>..</p>	<p>Ohinemuri County Council; one by the Piako County Council; and two by and out of the persons who have severally paid to the Board £3 or upwards of harbour dues during the year ending the 15th day of January last preceding such election.</p> <p>Three by the electors of the Borough of Timaru; three by the electors of the Levels County; one by the electors of the Borough of Geraldine and the Geraldine Road District; one by the electors of the Borough of Temuka and the Temuka Road District; one by the electors of the Mount Peel Road District; one by the electors of the Mackenzie County; one by the electors of the Waimate County within the Otaio Riding and so much of the Pareora Riding as is included in the Timaru Harbour District; and two by the electors of the last-mentioned county within the Makikihi and Deep Creek Ridings and so much of the Waihao Riding as is included as</p>

	Corporate Names of Boards and Number of Members.	Members appointed by Governor or Governor in Council.	<i>Ex Officio</i> Members.	Number of Elective Members, their Qualification, and by whom elected.
1902, No. 22 (Local), sec. 5	“The Waikokopu Harbour Board.” Five members	Five by the Governor.		aforesaid: the person elected to be qualified in each case to be a member of the local authority for the district wherein he is elected.
1878, No. 35, Second Schedule.	“The Waimakariri Harbour Board.” Nine members	Two by the Governor	The Mayor of the Borough of Kaiapoi	Two by the electors of the Borough of Kaiapoi; two by the electors of the Eyreton Road District; and two by the electors of the Mandeville and Rangiora Road District.
1907, No. 24 (Local), sec. 4	“The Wairau Harbour Board.” Nine members	Three by the Governor	..	Three by the electors of the Borough of Blenheim; two by the electors of the Omaka Road District; and one by all persons who in the year preceding the day of election have paid not less than £3 as harbour dues, port, harbour, pilotage, or wharfage rates, dues, or charges levied at or in respect of the harbour.
1878, No. 57 (Local), sec. 2	“The Wairoa Harbour Board.” Seven members	Two by the Governor	The Chairman of the Wairoa County Council	Two by the electors of the Waikaremoana Riding; and two by the electors of the Clyde Riding.

Corporate Names of Boards and Number of Members.	Members appointed by Governor or Governor in Council.	<i>Ex Officio</i> Members.	Number of Elective Members, their Qualification, and by whom elected.	
"The Waitara Harbour Board." Seven members	Three by the Governor	The Mayor of the Borough of Waitara; the Chairman of the Clifton County Council	Two by the Waitara Borough Council.	1878, No. 35, Second Schedule.
"The Wanganui Harbour Board." Ten members	..	The Mayor of the Borough of Wanganui; the Chairman of the Wanganui County Council; the Chairman of the Waitotara County Council; the Collector of Customs for the Port of Wanganui	Four persons qualified to be Councillors of the Borough of Wanganui; one person qualified to be a member of the Wanganui County Council; and one person qualified to be a member of the Waitotara County Council: to be elected by the electors of the Borough of Wanganui and of the Counties of Wanganui and Waitotara respectively.	1893, No. 10 (Local), sec. 8
"The Wellington Harbour Board." Eleven members	Three by the Governor	Mayor of the City of Wellington	Two by the electors of the City of Wellington; one jointly by the Hutt County Council, the Makara County Council, and the Borough Councils of Lower Hutt, Petone, Onslow, Karori, Miramar, and East, bourne, and by the Councils of any other county or borough hereafter to be constituted within or from the said county or boroughs; one jointly by the Councils of the Counties of Wairarapa South, Pahiatua, Akitio,	1879, No. 13 (Local), secs. 4, 5 1901, No. 2 (Local), sec. 5

Corporate Names of Boards and Number of Members.	Members appointed by Governor or Governor in Council.	<i>Ex Officio</i> Members.	Number of Elective Members, their Qualification, and by whom elected.
			Eketahuna, Mauriceville, Castlepoint, and Masterton, and by the Borough Councils of Masterton, Carterton, Greytown, and Pahiatua, and by the Councils of any other county or borough hereafter to be constituted within or from the said counties or boroughs; one jointly by the Councils of the Counties of Manawatu, Oroua, Horowhenua, Pohangina, and Kiwitea, and by the Borough Councils of Foxton, Feilding, Palmerston North, and Levin, and by the Councils of any other county or borough hereafter to be constituted within or from the said counties or boroughs; one by the Wellington Chamber of Commerce; and one by all persons qualified as follows: (a) All persons who in the year preceding the day of the election have severally paid a sum of not less than £10 as harbour dues, port, harbour, pilotage, or wharfage rates, dues, or charges levied at or in

Corporate Names of Boards and Number of Members.	Members appointed by Governor or Governor in Council.	<i>Ex Officio</i> Members.	Number of Elective Members, their Qualification, and by whom elected.	
<p>“The Westport Harbour Board.” Seven members</p> <p>“The Whangarei Harbour Board.” Seven members</p>	<p>Seven by the Governor in Council.</p> <p>..</p>		<p>respect of the harbour; (b) all persons who on the day of such election are the registered owners of vessels registered at the Port of Wellington of a registered tonnage or aggregate registered tonnage of not less than 50 tons; any person holding both of such qualifications to be entitled to two votes, one in respect of each of such qualifications.</p> <p>Seven by the electors of the Borough of Whangarei and the electors of the County of Whangarei, except such portion of the County as is comprised in the Waipu River District.</p>	<p>1884, No. 10 (Local), sec. 3</p> <p>1907. No. 31 (Local) sec. 3</p>

**THIRD SCHEDULE**  
**Scale of Fees to be paid for Pilotage-exemption Certificate.**

Section 68. 1883, No. 37, Schedule.

	£	s.	d.
For ships not exceeding 150 tons	1	0	0
For ships exceeding 150 tons and not exceeding 200 tons	1	10	0
For ships exceeding 200 tons and not exceeding 300 tons	2	0	0
For ships exceeding 300 tons and not exceeding 500 tons	2	10	0
For ships exceeding 500 tons	3	0	0

Provided that in all cases where a pilotage-exemption certificate for a higher rate of tonnage is granted to the holder of a certificate for a lower rate, the amount paid for the original certificate shall be deducted from the fee chargeable for the subsequent certificate.

## FOURTH SCHEDULE

### (1.) Debenture.

Section 184. 1878, No. 35, Third  
Schedule.

#### *Harbour Board, Loan of £*

Number . Debenture for £

Payable at , on

Issued by the Harbour Board, New Zealand, under an Act of the General Assembly of New Zealand intituled "The Harbours Act, 1908."

#### *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 , 19 , 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 , 19 .

(Signed) Chairman of the Board.

(Countersigned) Treasurer of the Board

[or duly appointed Agents of the Board].

### (2.) Coupon.

Section 186. Ibid, Fourth Schedule.

Debenture No. , of the Harbour Board, New Zealand, issued under "The Harbours Act, 1908."

On presentation of this coupon at , on or after the day of 19 , the bearer hereof will be entitled to receive £ .

(Signed) Chairman of the Board.

(Countersigned) Treasurer of the Board

[or duly appointed Agents of the Board].

**FIFTH SCHEDULE**

Section 207. Ibid, Fifth Schedule. 1886,  
No. 45, sec. 23

**Harbourmasters' Fees**

For every service performed by a Harbourmaster under this Act, for vessels of one hundred and twenty tons and upwards, a sum not exceeding one penny per ton of the vessel in respect of which the service is performed, and for vessels of less than one hundred and twenty tons, ten shillings.

**Port Charges**

For every vessel, whether coming from seaward or not, whether decked or undecked, and whether propelled by steam or not, navigating or plying, whether for hire or not, within any port, a port charge not exceeding fifteenpence per ton half-yearly.

For every boatman or waterman, and every person who is the master of or who works or navigates any such vessel used or employed in landing or embarking cargo, passengers, or luggage, within any port, a license fee not exceeding two pounds two shillings yearly.

**Pilotage Rates.**

For every sailing-vessel, a sum not exceeding sixpence per ton inwards, and the same sum outwards.

For every steam-vessel, a sum not exceeding fourpence per ton inwards, and the same sum outwards.

For every day that a pilot is detained on board any vessel whilst under quarantine, or by any act of the master, a sum not exceeding twenty shillings per day.

**SIXTH SCHEDULE**  
**Sections Twenty-five to Thirty of “The Harbours Act 1878**  
**Amendment Act, 1886.”**

Section 227.

*Westport and Grey-mouth Breakwaters to be deemed constructed under special Act. 1886, No. 45, sec. 25*

25. The construction of breakwaters at Westport and Greymouth by the respective Harbour Boards at those ports, and all acts and things in relation to such construction, shall be deemed to have been authorised under a special Act from the sixth day of November, one thousand eight hundred and eighty-four.

*Moneys appropriated for erection of saltwater baths at Moeraki. Ibid, sec. 26*

26. The sum of fifteen hundred pounds, being part of the moneys to the credit of the Moeraki Harbour Board, shall be set aside, and is hereby appropriated for the purpose of erecting saltwater baths in the Port of Moeraki.

*The Moeraki Seabathing Trust. Ibid, sec. 27*

27. For the purpose of giving effect to the foregoing section the Governor in Council may appoint three persons to be Trustees, to be called “The Moeraki Sea-bathing Trust.”

*Trustees incorporated. Ibid, sec. 28*

28. The said Trustees shall be a corporate body under the said name of “The Moeraki Sea-bathing Trust,” and have all the powers corporate bodies possess, and they shall be removable at the pleasure of the Governor.

*Application of moneys. Ibid, sec. 29*

29. It shall be the duty of the Trust to expend the aforementioned sum in erecting the said baths on some site approved by the Minister of Marine, and also to make regulations for the managing and using of the said baths, and for providing who may have access to them. Such regulations shall be approved by the Governor before coming into operation.

*Proviso as to last four sections hereof. Ibid, sec. 30*

30. Provided always that sections twenty-six, twenty-seven, twenty-eight, and twenty-nine shall not come into operation except upon a petition signed by a majority of the ratepayers in the Moeraki Riding of the Waitaki County, and of the ratepayers of the Borough of Hampden.