

No. LIII.

THAMES HARBOUR  
BOARD.

AN ACT to authorize a Grant of Land to the Thames Harbour Board, and to empower the said Board to borrow Moneys. [1st November, 1878.]

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

Short Title.

1. The Short Title of this Act shall be “The Thames Harbour Board Act, 1878.”

Repeal of section 29 of “Thames Harbour Board Act, 1876.”

2. Section twenty-nine of “The Thames Harbour Board Act, 1876” (herein referred to as “the said Act”), is hereby repealed.

Governor may grant land below high-water mark at Thames to Harbour Board.

3. The Governor in Council may, subject to the conditions of this Act, by grant under the public Seal of the Colony, grant to the Board constituted by the said Act any land situated below high-water mark within the Port of the Thames.

Right of mining reserved.

4. Such grant shall be made upon such terms and conditions as the Governor in Council thinks fit, but shall contain a reservation to Her Majesty, her heirs and successors, of gold and other minerals, and power to search for and work the same, and to grant licenses for that purpose, making reasonable compensation in respect of all damage done to the surface, and to buildings and other improvements thereon.

Governor in Council may appoint Judge of Supreme Court to ascertain rights of Natives, &c.

5. Prior to the issue of such grant, the Governor in Council may appoint one of the Judges of the Supreme Court to ascertain the just claims and rights of aboriginal natives under the Treaty of Waitangi, which have not been satisfied and discharged, of and in the land authorized to be granted under this Act, and the contracts, promises, and engagements heretofore made by the Superintendent of the Province of Auckland, and by any persons acting on behalf of or with the authority of the Government of the colony, affecting such land, all of which contracts, promises, or engagements are hereby declared to be valid and effectual. The Judge shall direct himself by the best evidence that can be procured or that is laid before him, whether the same shall be strictly legal evidence or not. The Judge shall sit at such convenient times and places as he may appoint, and may adjourn from time to time.

Board to have power to settle and compromise all claims, contracts, &c.

6. The Board shall have full power to settle, adjust, compound, and compromise all rights, claims, contracts, promises, and engagements, and execute all necessary conveyances, leases, and other instruments for carrying the same into effect.

Judge to determine question of fact as well as of law.

7. The Judge shall determine all questions of fact as well as of law, and may give such judgments and make such orders upon such

*Thames Harbour Board.*

LOCAL.

terms and conditions as he may think fit, for all or any of the purposes following:—

- (1.) For defining the extent, terms, and conditions of such rights, claims, contracts, promises, and engagements, and matters incidental thereto; How judgments and orders to be given.
- (2.) For the completion of any contract, promise, or engagement, as aforesaid;
- (3.) For directing how and by what instruments the rights, claims, contracts, promises, and engagements so to be ascertained shall be given effect to and protected:

And every such judgment or order shall have the full force and effect of a judgment or order of the Supreme Court, and shall in all respects be subject to and enforced by the law in force in relation to such judgments or orders.

**8.** The Judge shall have the same power and functions generally which a Judge of the Supreme Court has in ordinary cases, and may make the like orders; and also shall have power to make orders for costs, which he may either fix at the hearing, or order to be taxed by the Registrar of the Supreme Court in the district in which the land is situate; all which orders shall have the same effect, and be enforced, as if made in ordinary cases by Judges of the Supreme Court. Judge may make orders as to costs.

**9.** For the maintenance and construction of harbour works at the Port of the Thames it shall be lawful for the Thames Harbour Board to borrow and take up at interest not exceeding seven per centum per annum any sum of money not exceeding in the whole fifty thousand pounds, to be raised under the provisions of "The Harbours Act, 1878," but no larger sum than twelve thousand pounds shall be so borrowed except under the provisions of a special Act to be passed for that purpose. Power to Board to borrow.

**10.** This Act shall come into force on and after the first day of January, one thousand eight hundred and seventy-nine. When to come into force.

**11.** The Board shall, out of any moneys in their hands, settle and pay all compensation which the Court shall decide to be payable to aboriginal natives or other persons, on account of rights or claims over the land to be granted to the Board. Board to pay compensation for land granted.