

Harbour Reclaimed Lands Sale And Leasing Ordinance 1868 (O)

Provincial Act 278
Date of assent 5 September 1868

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**In the 31st year of the reign of Her Majesty Queen Victoria
An Ordinance to authorise the leasing and sale of certain lands
reclaimed from the Harbour of Otago**

Preamble

WHEREAS by Crown Grant bearing date the 8th day of October 1861 all that parcel of land in the Province of Otago in the Dominion of New Zealand situate in the Harbour of Otago below high water mark and opposite and adjacent to the Town of Dunedin containing by admeasurement 421 acres 3 roods and 13 perches more or less bounded as in the said Grant is mentioned was granted to the Superintendent and his successors in trust for the improvement of the Harbour of Dunedin and the construction and maintenance of such docks, piers and other works therein as might be deemed advisable by the said Superintendent for facilitating the trade and commerce of

the Town and Port of Dunedin: AND WHEREAS by another Crown Grant bearing date the 17th day of October 1862 all those 2 parcels of land in the Province and Dominion aforesaid containing together by admeasurement 29 acres and 17 perches more or less bounded as in the said Grant is mentioned were granted to the said Superintendent and his successors upon trust for the improvement of the Harbour of Dunedin and the construction and maintenance of such docks, piers and other works therein as might be deemed advisable by the said Superintendent for facilitating the trade and commerce of the Town and Port of Dunedin: AND WHEREAS by the Otago Harbour Trust Leasing Ordinance 1862 the Superintendent of the Province of Otago is empowered to grant leases of a portion of the lands described and comprised in the said first mentioned Crown Grant for periods not exceeding 99 years: AND WHEREAS large sums have been expended out of the revenues of the Province of Otago in reclaiming the lands described in the said recited Crown Grants in improving the Harbour of Otago and otherwise in connection therewith: AND for the purpose of reimbursing the Treasurer of the Province of Otago the sums so expended it is expedient that the Superintendent should be empowered to grant leases of the portion of the lands described in the said first mentioned Grant not included in the said recited Ordinance and of the lands described in the said second mentioned Grant for any period or periods not exceeding 99 years: And also to sell the whole or any part or parts of the lands comprised in the said recited Grants.

1 Short Title

This Ordinance may be cited and referred to as the Harbour Reclaimed Lands Sale and Leasing Ordinance 1868.

2 Superintendent to offer lease of lands for sale at an annual rental

It shall be lawful for the Superintendent from time to time to offer for lease by public auction to the highest bidder at an annual rental for any term not exceeding 99 years the lands mentioned and described in the said recited Crown Grants respectively (and not included in the said recited Ordinance) or any portion thereof in allotments of such size and form as he shall think fit and to execute all necessary deeds for demising

and leasing the land so let as aforesaid to the purchaser thereof at such auction his executors, administrators, and assigns for the term for which the same shall be so let.

3 Superintendent to offer lease of lands for sale at a nominal rental

It shall also be lawful for the Superintendent from time to time to offer for sale by public auction the lease of any portion of the said lands at a nominal rental for any term not exceeding 99 years and upon payment of the premium or purchase money from time to time to execute all necessary deeds for demising and leasing every portion of the lands so disposed of to the purchaser thereof his executors, administrators and assigns for the term for which the same shall be so let.

4 Superintendent authorised to sell

If instead of leasing the lands comprised in the said recited Grants or any portion or portions thereof it shall be deemed by the Superintendent expedient to sell the same it shall be lawful for the Superintendent and he is hereby authorised and empowered to sell the said lands comprised in the said recited Grants (including the portion of the said lands described in the said recited Ordinance) or any part or parts thereof respectively either altogether or in lots by public auction subject to such conditions as the Superintendent may think fit and if such lands or any part thereof shall be under lease then as to such part subject to any lease affecting the same and upon payment of the purchase money the Superintendent may from time execute all necessary conveyances and other assurances in the law for conveying and assuring every portion of the said lands which may be so sold as aforesaid to the purchaser thereof his heirs and assigns for ever and for the purpose of selling or leasing any portion of such lands under this Ordinance to accept the surrender of any existing lease or leases thereof.

**5 Money arising from sale or lease to be paid to the
Provincial Treasurer and how to be applied**

All money arising from the sale of the said leases and the rents to be thereby reserved and all money arising from the sale of the said lands and every part or parts thereof respectively shall be paid to the Provincial Treasurer of the Province of Otago or other the person having the custody or control of the public funds of the Province and shall be applied in the first place towards the payment and satisfaction of the principal and interest on any debentures issued under the provisions of any Ordinance already passed for raising money by way of loan for the improvement of the Harbour of Otago in the next place in repayment and satisfaction of all sums of money expended out of the Revenues of the Province of Otago in reclaiming the lands described in the said Crown Grants and otherwise in connection therewith and the improvement of the said Harbour and the surplus of such money if any shall form part of the ordinary revenue of the said Province and shall be appropriated in the same manner as the revenues of the said Province subject to the appropriation of the Provincial Council may now by law be appropriated.