

Public Buildings Act 1875 (A)

Provincial Act 8
Date of assent 28 May 1875

References in this Act to decimal currency were substituted for references to the former currency by section 7 Decimal Currency Act 1964 (1964 No 27).

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**In the 38th year of the reign of Her Majesty Queen Victoria
An Act to provide for the erection of certain public buildings
within the Province of Auckland**

Preamble

[Repealed]

The Preamble was repealed by section 2 Statutes Repeal Act 1907.

1 Short Title

The Short Title of this Act shall be the Public Buildings Act 1875 (A).

2

Section 2 was repealed by section 2 Statutes Repeal Act 1907.

3

Section 3 was repealed by section 2 Auckland Public Buildings Act 1876, section 7 Auckland Hospital Reserves Act 1883, and section 3 Provincial Ordinances Act 1892.

4

Section 4 was repealed by section 2 Auckland Public Buildings Act 1876, section 7 Auckland Hospital Reserves Act 1883, and section 3 Provincial Ordinances Act 1892.

5

Section 5 was repealed by section 7 Auckland Hospital Reserves Act 1883, and section 3 Provincial Ordinances Act 1892.

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Section 6 was repealed by section 7 Auckland Hospital Reserves Act 1883, and section 3 Provincial Ordinances Act 1892.

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Section 7 was repealed by section 2 Auckland Public Buildings Act 1876, section 7 Auckland Hospital Reserves Act 1883, and section 3 Provincial Ordinances Act 1892.

8

Section 8 was repealed by section 7 Auckland Hospital Reserves Act 1883, and section 3 Provincial Ordinances Act 1892.

9 Commissioners may erect or complete certain buildings

The Commissioners shall have power to cause to be built, erected or completed the public buildings hereafter mentioned that is to say provincial hospital buildings on the site chosen for the same near the present Provincial Hospital for which a

contract has already been made and which contract is hereby declared and shall be deemed to be a contract made under this Act at a cost not exceeding the sum of \$40,000.

10 Money may be raised by debentures

In order to raise money for the purposes of this Act it shall be lawful for the Commissioners from time to time to issue debentures for any sum of money not exceeding in the aggregate the sum of \$100,000 bearing interest after a rate to be therein fixed not exceeding 7 percent per annum payable half-yearly.

11

Section 11 was repealed by section 2 Statutes Repeal Act 1907.

12

Section 12 was repealed by section 2 Statutes Repeal Act 1907.

13

Section 13 was repealed by section 2 Statutes Repeal Act 1907.

14 No preference between debenture holders

The holder of any debentures shall not have any preference over any other holder by reason of any priority of date or otherwise but all debenture holders shall rank alike and be entitled to equal rights.

15

Section 15 was repealed by section 2 Statutes Repeal Act 1907.

16

Section 16 was repealed by section 2 Auckland Public Buildings Act 1876, section 7 Auckland Hospital Reserves Act 1883, and section 3 Provincial Ordinances Act 1892.

17 Sinking fund provided

For the purpose of providing a sinking fund for the liquidation of the principal there shall on the first Monday in the month of May in such year as shall be fixed by the Superintendent not being later than the first Monday in the month of May next after the expiration of 3 years after the date of the first debentures issued be set apart out of the rents and profits

arising from the lands specified in Schedule 2 to this Act a sum equal to one percent on all debentures issued at that time.

18 How to be applied

Such sum shall be applied in taking up so many debentures as the sum so set apart will cover and the balance (if any) shall be deposited at interest in some bank in Auckland and added together with the interest to the amount set apart for the same purpose in the next succeeding year.

19 Order in which debentures shall be paid

The order in which the debentures shall be taken up shall be determined by lot in some convenient manner on a day and at a place to be from time to time fixed by the Superintendent.

20 Further provision as to application of sinking fund

On the first Monday in the month of May in every subsequent year a sum equal to one percent on the total amount for which debentures have then been issued whether any of the same shall have been paid off or not with the addition of a sum equal to the interest on all debentures already paid off shall be applied in taking up so many debentures to be determined by lot as aforesaid as such sum with any balance from the preceding year and interest added together will cover and the balance (if any) shall be deposited at interest in some bank and added together with the interest thereon to be set apart for the same purpose in the succeeding year.

21 Interest to cease after time fixed for payment of debentures

When it shall be so decided by lot that any debenture shall be paid off interest thereon shall be paid up to the first Monday in the month of May following but no longer:

Provided that the full amount of the debentures with interest thereon to that date be paid on presentation and such debentures with the coupons belonging thereto and not then due be given up to the Superintendent.

- 22 Debentures charged on lands specified in Schedule 2**
The debentures together with interest and sinking fund shall be a first charge on the lands specified in Schedule 2 to this Act and the rents and profits arising therefrom and the said lands, rents and profits are hereby charged therewith.
- 23 On default in payment of interest etc, application to be made to Superintendent**
If default shall be made in payment of any coupon for the space of 40 days after the same shall become due or if a sinking fund shall not from time to time be set apart as herein provided or if default shall be made for the space of 40 days in the payment of the principal sum due on any debenture when it shall become due or payable it shall be lawful for the holder of the coupon or debenture in respect to which such default is made to apply to the Superintendent in writing requiring that the lands described in Schedule 2 be sold.
- 24 Superintendent required to sell within 60 days**
It shall be the duty of the Superintendent and he is hereby required within 60 days from the time of the receipt of such application for sale if in the meantime payment in respect of which default has taken place has not been made to sell the said lands or so much thereof as shall be sufficient to pay off all the debentures charged on the said lands and still unpaid together with the coupons due in respect thereof and interest on such debentures and coupons to the time of payment.
- 25 Lands to be divided into convenient lots and sold by auction after 30 days' notice**
The said lands shall be divided into convenient lots and shall be sold by auction without reserve of which not less than 30 days' notice shall be given in the Provincial Government Gazette and in all the newspapers at the time published in the City of Auckland.
- 26 Superintendent to execute deeds, etc,**
The Superintendent shall make and execute all such contracts, deeds and conveyances as may be necessary to carry into

effect the powers hereby conferred all which contracts, deeds and conveyances shall be valid and effectual for the several purposes or objects therein set forth.

27 Receipt of Superintendent to discharge purchaser

The receipt in writing of the Superintendent shall be a sufficient discharge to the purchasers for so much money as may be thereby expressed to be received and no purchaser shall be answerable for the loss, misapplication or non-application of the purchase money or obliged to see to the application thereof or required or concerned to enquire as to the fact of such default or demand as aforesaid.

28 Money to be paid into bank to separate account

The money to accrue from such sales shall be forthwith deposited by the Superintendent in a bank carrying on business in the City of Auckland and placed to a separate account which shall only be operated on by cheques drawn by the Superintendent countersigned by the Provincial Auditor.

29 Application of money

The money so deposited shall be applied first to payment of the expenses attending the sale or otherwise incurred in the execution of the power of sale hereby given, secondly in payment of the several debentures then outstanding and the coupons due in respect of the same and the Interest at the rate of 8 percent per annum on such debentures and coupons until payment thereof, and the surplus if any shall be appropriated by an Act of the Superintendent and Provincial Council of the Province of Auckland and applied accordingly.

30 No liability upon revenue of Dominion or Province

No debenture holder shall have any claim whatever in respect of any debenture issued under this Act on the revenue of the Dominion of New Zealand or of the Province of Auckland but every such debenture shall be chargeable only on the lands hereby charged therewith and on the rents and profits arising therefrom.

31

The reference to the “Dominion of New Zealand” substituted a reference to the “Colony of New Zealand” pursuant to section 4 Acts Interpretation Act 1924.

Section 31 was repealed by section 2 Statutes Repeal Act 1907.

Schedule 1
Form of debenture
[Repealed]

Section 11

The First Schedule was impliedly repealed by section 2 Statutes Repeal Act 1907.

Schedule 2

Section 17

CITY OF AUCKLAND:

- (1) All that parcel of land within the Province of Auckland in the Parish of Waitemata in the County of Eden and being allotments Nos. 1, 2, 3 and part of Allotment No 4 of Section No 15 of the City of Auckland containing 3 roods and 28 perches bounded towards the North by Victoria street 328 links towards the East by Queen-street 283 links towards the South by Darby-street 328 links and towards the West by Elliott-street 283 links.
- (2) Allotment No 12 of section 4 containing 1 rood and 1 perch.
- (3) Allotment No 16 of Section 7 containing 1 rood and 37 perches.
- (4) Allotment No 8 of Section 15 containing 1 rood and 3 perches.
- (5) Allotments Nos 7, 8, 9, and 10 of Section 9 containing 1 rood and 36 perches.
- (6) The Western portion of Allotment No 17A of Section 4 containing 13 perches.
- (7) Allotment No 1 of Section 31 containing 2 roods and 16 perches situated in Mechanics' Bay.

SUBURBS OF AUCKLAND:

- (8) Allotment No 21A of Section 11 containing 7 acres and 1 rood.
- (9) Part of Allotment No 13 of Section 12 containing 14 acres and 36 perches.
- (10) Allotment No 7A of Section 12 containing 53 acres.
- (11) Allotment No 17A of Section 1 2 containing 27 acres and 23 perches.
- (12) Allotment No 14A of Section 12 containing 4 acres and 1 rood.
- (13) Allotment No 24 of Section 6 containing 40 acres.
- (14) Part of Section No 98 containing 2 acres 2 roods and 29 perches.
- (15) Allotment No 41 of Section 3 containing 12 acres excepting such portion thereof as may be conveyed by law to Her Majesty the Queen for the purposes and subject to the provisions of the Public Domains Act 1860.
- (16) Part of Allotment No 1 of Section 99 containing 3 acres and 6 perches.

PARISH OF TAKAPUNA:

- (17) Allotments Nos 14, 15, 16, 17 and 20 containing 102 acres 1 rood and 24 perches.