

AN ACT to authorize the Grant and Transfer of a certain Parcel of Land in the Borough of Invercargill in Trust for the use of the Invercargill Volunteers, and to make provision for the Control and Management of the said Land.

INVERCARGILL
DRILL-SHED SITE.

[19th August, 1880.]

WHEREAS the parcel of land particularly described in the Schedule hereto was vested in the Superintendent of the then Province of Otago upon trust for public purposes: And whereas the major portion of the said parcel of land was, on the twenty-second day of August, one thousand eight hundred and seventy-nine, set apart by the Governor for the use of the Invercargill Volunteers and as a site for a drill-shed and other buildings connected with Volunteer purposes: And whereas a drill-shed and other buildings as aforesaid have been erected upon portions of the said parcel of land, and the said parcel of land has, before that time and ever since, been used for Volunteer purposes: And whereas it is expedient that the said parcel of land should be transferred and vested in Commissioners in manner hereinafter mentioned, and that the said Commissioners should be enacted a body corporate:

Preamble.

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

1. The Short Title of this Act is “The Invercargill Drill-shed Site Act, 1880.”

Short Title.

2. James Thomson, Major Commanding Southland Volunteer District; Henry Feldwick, Captain of the K Battery, and James Ewart Hannah, Captain of the G Battery, of the New Zealand Regiment of Artillery Volunteers; William Edward Heywood, Captain of the Invercargill Rifles; and Patrick Kinney McCaughan, Captain of the Southland Hussars; and all such other persons as shall be hereafter appointed Commissioners under the provisions of this Act, and their successors, shall be and they are hereby constituted a body corporate, in fact and in law, by the name and style of “The Invercargill Drill-shed Site Commissioners,” and by that name they and their successors shall have perpetual succession and a common seal, with full power and authority by the same name and style to do and suffer all matters and things incidental to or appertaining to a corporate body, subject nevertheless to any provisions in this Act contained affecting such powers.

Invercargill Drill-shed Site Commissioners incorporated.

3. In case any Commissioner shall die, resign, or become incapable to act, or be removed, suspended, or absent from the County of Southland, in the Provincial District of Otago, for the space of six calendar months, the Governor shall appoint some other fit person or persons to be a Commissioner or Commissioners in the place of the person or persons so dying, resigning, becoming incapable, or being absent as aforesaid.

Power to remove and appoint Commissioners.

4. It shall be lawful for the Governor, on behalf of Her Majesty, to execute a conveyance or transfer to the Invercargill Drill-shed Site Commissioners and their successors (hereinafter called “the Commissioners”) of the parcel of land described in the Schedule hereto as a site for a drill-shed, armoury, and gunshed, and for any other purposes in connection therewith, for the use of the several corps of different arms of the Invercargill Volunteers.

Power to convey land to Commissioners.

Land to vest in Commissioners and their successors.

5. The parcels of land described in the Schedule hereto shall vest in and be held by the Commissioners and their successors, with power, subject to the provisions of this Act, to make any contracts and do all other things relating thereto.

Powers to build, repair buildings, &c.

6. It shall be lawful for the Commissioners to maintain and repair the drill-shed and other buildings connected with Volunteers now erected or hereafter to be erected on portions of the said parcel of land, and to add to, alter, remove, and pull down the said buildings, and to erect others in addition thereto or in place thereof, either upon the present site of the said buildings or upon any other portion or portions of the said parcel of land which they may from time to time set apart for that purpose, and from time to time to vary and alter the portion or portions which may for the time being be so set apart, and to set apart another portion or other portions of the said parcel of land for the said purposes in lieu thereof.

Commissioners may lease surplus land.

7. It shall be lawful for the Commissioners, by deed under their common seal, to lease from time to time the whole or any part of the said parcel of land specified in the said Schedule hereto not required for the purposes of a parade-ground, armoury, and drill-shed, or buildings connected with Volunteer purposes, for any term or terms of years not exceeding twenty-one years at any one time. Every such lease shall be granted by auction or public tender at such rent and on such conditions as the Commissioners shall think reasonable, and upon the special condition that substantial buildings of a permanent character only shall be erected on the land to be leased.

Power to borrow.

8. It shall be lawful for the Commissioners to borrow, on the security of the rents, issues, and profits of the said parcel of land described in the Schedule hereto, any sum or sums of money not exceeding in the whole the sum of five thousand pounds, and for such purpose to execute any deed or deeds securing to the lender or lenders the said rents, issues, and profits.

Lenders not to have power to sell the land.

9. In any such deed or deeds granting such security as hereinbefore mentioned it shall be expressly provided that the lender or lenders shall have no power of sale over the said parcels of land, nor over anything save the rents, issues, and profits of the land, during the currency of any lease made under the authority of this Act.

Application of borrowed money.

10. All moneys borrowed under the provisions of this Act shall be applied in or towards the maintenance and repair or the rebuilding of a drill-shed and other necessary buildings for Volunteer purposes, on the said parcels of land: Provided always that no lender of the said moneys or any part thereof shall be concerned to see or inquire as to the application of the said moneys, or to be answerable for their misapplication.

Application of rents and profits.

11. All moneys received by the Commissioners for the rents, issues, and profits of the said parcels of land shall, after deducting therefrom all necessary expenses incurred in the management and collection thereof, be applied in and towards the repair, maintenance, and alteration of or addition to any buildings now or hereafter to be erected upon the said parcels of land and used for Volunteer purposes, and the pulling down of such buildings and the erection of others in lieu thereof, and generally in and towards the support and encouragement of the Volunteer corps of the Town of Invercargill, in the County of Southland, in the Provincial District of Otago, and for such other purposes connected with the Volunteer Force as the Commissioners may from time to time determine to apply the same.

Commissioners to keep accounts and furnish balance-sheets to be audited.

12. The Commissioners shall keep accurate accounts of all sums of money received for the rents, issues, and profits on account of the said parcel of land, and of all costs, charges, expenses, and disbursements in connection

with the maintenance and management thereof: And on the thirty-first day of December in every year, or within one week thereafter, the Commissioners shall prepare accounts and a balance-sheet showing their receipts and disbursements during the previous year, and the actual state of the estate on the thirty-first day of December in that year; and such accounts and balance-sheet shall be laid before an Auditor to be appointed by the Governor, who is hereby required and empowered to examine and audit such accounts and balance-sheet; and such balance-sheet shall be published by the Commissioners in some local newspaper immediately after the same is audited.

13. Contracts on behalf of the Commissioners may be made, varied, or discharged as follows:—

How contracts to be made, varied, and discharged.

- (1.) Any contract which if made between private persons would be by law required to be in writing under seal, or by deed, may be made, varied, or discharged in the names or on behalf of the Commissioners in writing under the corporate seal of the Commissioners.
- (2.) Any contract which if made between private persons would be by law required to be in writing, and signed by the parties to be charged therewith, may be made, varied, or discharged in the name and on behalf of the Commissioners in writing, signed by any person acting under the express authority of the Commissioners.
- (3.) Any contract which if made between private persons would by law be valid although made by parol only and not reduced into writing, may be made, varied, or discharged by parol, in the name and on behalf of the Commissioners, by any person for the time being acting under the express authority of the Commissioners.

14. No lessee shall be concerned to inquire into the necessity or propriety of any such lease, or be concerned to see to the application of the rents, or be answerable for the misapplication thereof.

Lessees not responsible for the application of moneys.

15. It shall be lawful for the Commissioners, and they are hereby authorized and empowered, from time to time to make and alter the rules for regulating the management, or for prescribing the conditions on which the drill-shed and appurtenances shall be occupied and used.

Commissioners to make rules.

16. In the event of the several corps of Volunteers failing to keep up the standard of efficiency of service, as the same may from time to time be prescribed by any Act or regulations for the time being in force affecting the Volunteer Force in the colony, or of their services being discontinued, or of their being disbanded, then and in either of such cases the whole of the lands described in the Schedule hereto and the appurtenances shall revert to and be vested in Her Majesty the Queen, and shall be and become part of the demesne lands of the Crown: Provided, nevertheless, that in such event the rents, issues, and profits of the parcels of land shall still remain, subject to the conditions of this Act, as a security to the lender or lenders of any money that may have been borrowed under the authority of this Act.

On failure of trust, lands to become demesne lands of the Crown.

Money borrowed to be secured.

17. Wherever the word "Volunteer" is mentioned in this Act it shall be understood to include "Militia," and shall be read as "Militia and Volunteers."

Interpretation.

SCHEDULE.

Schedule.

ALL that parcel of land in the Town of Invercargill, in the Southland Division of the Provincial District of Otago, containing by admeasurement one (1) acre one (1) rood and five (5) perches, more or less. Bounded towards the North by the reserve for public gardens granted to the Superintendent of Southland, four hundred and

forty-two (442) links; towards the East by Leven Street, three hundred (300) links; towards the South by Spey Street, four hundred and thirteen (413) links; and towards the West by the Oreti Railway Reserve, three hundred and one (301) links.
