

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES,
and having this day passed as now printed is transmitted to the
LEGISLATIVE COUNCIL for its concurrence.*

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*House of Representatives,
27th July, 1882.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Mr. Fish.

**PART OF THE DUNEDIN SOUTHERN MARKET RESERVE
LEASING.**

[LOCAL BILL.]

ANALYSIS.

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1. Short Title.
2. Power to lease.

3. Rents to be set apart to form building fund to erect market-houses on residue of Southern Market Reserve.
Schedule.

A BILL INTITULED

**AN ACT to enable Portions of the Southern Market Reserve in the
City of Dunedin to be leased.** Title.

Struck out.

5 WHEREAS by a certain Ordinance, passed by the Superintendent of
the Province of Otago, with the advice and consent of the Provincial
Council thereof, intituled "The Dunedin Reserves Management
Ordinance, 1867," it was enacted that the lands and hereditaments
mentioned and described in the First Schedule thereto should be, and
10 the same were thereby, transferred to and vested in the Corporation of
the City of Dunedin and its successors as a corporate body, to be held
by the said Corporation and its successors in trust for the like pur-
poses for which such lands were then held, which purposes were
severally named and set forth in the First Schedule thereto immediately
15 before the lands to which they respectively applied: And whereas it
was further enacted in and by the said Ordinance that it should be
lawful for the said Corporation of the City of Dunedin to manage the
said lands and hereditaments in such manner in every respect as to
them should seem fit, and, with the sanction and consent of the Super-
20 intendent for the time being of the Province of Otago, to lease the
same lands and hereditaments at such rents, issues, and profits as they
might deem expedient, so that such leases were for any term not
exceeding twenty-one years, to take effect from the time of the execu-
tion thereof: And whereas, in pursuance of "The Municipal Corpora-
25 tions Act, 1876," by a certain Proclamation under the hand of the
Governor, bearing date and published in the *New Zealand Gazette* on
or about the twentieth day of December, one thousand eight hundred
and seventy-seven, it was proclaimed and declared that from the
twenty-first day of December, one thousand eight hundred and seventy-

seven, the said City of Dunedin should be a Borough constituted under the said "Municipal Corporations Act, 1876": And whereas, by "The Municipal Corporations Act Amendment Act, 1878," it was enacted that the City of Dunedin was thereby declared to be, and to have been from the twenty-first day of December, one thousand eight hundred and seventy-seven, a Borough constituted under "The Municipal Corporations Act, 1876," under the name of "The City of Dunedin": And whereas the said First Schedule to the said "Dunedin Reserves Management Ordinance, 1867," comprises *inter alia* a certain parcel of land commonly called or known, and hereinafter referred to, as "The Southern Market Reserve," and the same parcel of land is therein described in the words and figures following, that is to say,—

"10. *Reserve for Market*.—All that parcel of land in the Province of Otago, containing by admeasurement three acres and six perches, more or less, situate in the Town of Dunedin, and being land reserved for a market, as shown on the map of the said Town of Dunedin, bounded towards the north-west by Manor Place, seven hundred and seventy-nine and three-tenths links; towards the east by Princes Street, eleven hundred and two links; and towards the south-west by sections numbered respectively sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, and seventy-two, Block III., seven hundred and seventy-nine and three-tenths links": And whereas it is expedient to alter, amend, and extend the leasing powers conferred by the said Ordinance, so far as the same relate to such parts of the said Southern Market Reserve as are described in the Schedule hereto, and to make such other provisions as are hereinafter contained :

New.

Preamble.

WHEREAS under the provisions of "The Dunedin Reserves Management Ordinance, 1867," the lands comprised in the Schedule hereto, and commonly known as "The Southern Market Reserve," have *inter alia* become vested in the Corporation of the Borough of the City of Dunedin and its successors, as a corporate body upon trust for the purposes in the said ordinance mentioned: And whereas it is expedient to alter, amend, and extend the leasing powers conferred by the said ordinance, so far as the same relate to the said Southern Market Reserve described in the Schedule hereto, and to make such other provisions as are hereinafter contained.

BE IT THEREFORE 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 is "~~The Part of~~ "The Dunedin Southern Market Reserve Leasing Act, 1882."

Power to lease.

2. It shall be lawful for the Corporation of the mayor, councillors, and *burgesses* citizens of the City of Dunedin (hereinafter referred to as "the Corporation"), with the sanction and consent of the Governor of New Zealand, from time to time to lease such parts of *by public auction at an upset rental to be fixed by the Corporation* the Southern Market Reserve as are described in the Schedule hereto, or any subdivisions of such parts reserve, for any term of years not exceeding twenty-one years, to take immediate effect in possession, ~~at or for such rents as the Corporation~~

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shall ~~deem sufficient~~; and such leases (hereinafter called "original leases") may, in addition to all such covenants, agreements, conditions, and provisions as are usual in such leases, at the option of the Corporation, contain provisions to the following effect—

5 that is to say: That three months previous to the expiration of the respective terms of such original leases, two separate valuations shall be made by three indifferent persons, to be appointed in writing, as follows—one by the said Corporation, one by the lessee, his executors, administrators, or assigns, and the third by the two valuers, to

10 be appointed as aforesaid: That the decision of such three valuers, or any two of them, shall be binding on all parties: That one of such valuations shall be made of all the buildings and improvements then on the land demised, and the other of the fair annual ground-rent of the said lands only, without any building or improvements, for a further

15 term, not exceeding twenty-one years, from the expiration of the term granted by such original lease as aforesaid: That before the expiration of such original lease a new lease of the said land and premises for a further term not exceeding twenty-one years, containing similar covenants and provisions to those contained in such original lease as aforesaid, shall be put up to public auction at the upset price of the annual

20 rent of the said land so valued as aforesaid, without buildings and improvements, subject to the payment by the purchaser of the value of the said buildings and improvements, so fixed by the valuers as aforesaid: That in the event of any person or persons other than the

25 original lessee, his executors, administrators, or assigns, becoming entitled to such new lease, such person or persons shall forthwith pay in cash to the said Corporation for the benefit of the original lessee, his executors, administrators, or assigns, the amount of the value of the buildings and improvements so fixed as aforesaid: and, That the

30 said Corporation shall pay over to the said original lessee, his executors, administrators, or assigns, the amount so paid to them by the purchaser of such new lease, without any deduction whatsoever, provided that the said original lessee, *his executors, administrators, or assigns* shall have previously paid all rent and other charges payable under

35 the original lease.

New clauses, 3 to 10.

3. Before the Governor shall give such sanction and consent to any such leases, plans of the buildings to be erected on the said reserve, both by lessees, and by the Corporation, shall be submitted for his approval,

40 and he shall prescribe such conditions as he shall think fit for the purpose of securing uniformity of design in such buildings, and shall require that such of the above-mentioned conditions as may be applicable to each lease shall be inserted in such lease, and be made binding on the lessee and the Corporation; and also shall require the Corporation to

45 enter into a contract under its corporate seal to observe the aforementioned conditions, which contract shall be as binding on the Corporation as any other contract it may lawfully enter into.

Plans to be approved by the Governor.

4. All rents reserved under the leases authorized by this Act shall, from time to time as they are received by or on behalf of the Corporation, be paid into such bank as the Council of the said borough shall appoint, to an account to be called "The Southern Market Building and Maintenance Fund Account" (hereinafter referred to as

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How rents to be dealt with.

Sections 126 to 138
"Municipal Corporations Act, 1876," to
apply.

How moneys to be
expended.

Moneys may be
invested.

Penalty for non-
compliance.

How amount re-
covered to be paid.

In case money paid
under distress
warrant.

"the said account"), anything in "The Municipal Corporations Act, 1876," to the contrary notwithstanding.

5. The provisions contained in sections 126 to 138 of "The Municipal Corporations Act, 1876," inclusive, so far as they are applicable, shall apply to the said account in the same manner as if such account were a "Separate account," within the meaning of that Act.

6. All moneys belonging to the said account shall be held in trust for the purpose of providing a commodious market-place for the citizens of Dunedin, and shall from time to time be expended, subject to the conditions hereinbefore mentioned, in erecting, placing, and maintaining in good repair, upon such portions of the said Southern Market Reserve as shall not be leased under the provisions of this Act, all such buildings, fences, appliances, and conveniences as shall be needful or expedient for such purpose, and not otherwise.

7. The Council may from time to time invest the whole or any part of the moneys standing to the credit of the said account in such securities as it directs, and may sell such securities: Provided that all interest accruing therefrom, and all moneys arising out of the sale thereof shall be duly paid into the said account.

8. If any person into whose hands any portion of the moneys mentioned in section *four* shall at any time come fails to pay the same into the said account forthwith, or if any councillor or officer of the Council shall at any time, directly or indirectly, consent to or in any way authorize or sanction the payment or expenditure of the whole or any portion of the moneys standing to the credit of the said account for any purpose other than those hereinbefore mentioned, he shall be liable to be sued in any Court of competent jurisdiction: or if there be more than one such person, then they shall be liable to be sued jointly or severally, by any burgess of the said borough for any moneys which he or they shall have so failed to pay into the said account, or the payment or expenditure of which contrary to the provisions of this Act he or they shall have so consented to or in any way authorized or sanctioned, together with a penalty not exceeding *one hundred pounds* and all costs of the proceedings.

9. The amount recovered by a judgment in any such action as aforesaid, less the sum awarded by way of penalty and costs, shall be paid by the defendant into the said account, and unless so paid such judgment shall not be deemed to be satisfied. The residue of the amount so recovered shall be paid to the plaintiff.

10. In case the moneys recovered by a judgment in any such action be paid upon the issue of a writ of *fiere facias*, or distress warrant, the Sheriff or other officer of the Court receiving the same shall thereupon in the first place pay to the plaintiff the amount awarded as costs in the action, and secondly shall pay in to the credit of the said account the moneys which should have been paid by the defendant into, or which were so improperly paid or expended from, the said account. The balance remaining after deducting these amounts shall be paid to the plaintiff.

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3. The Corporation shall from time to time set apart and accumulate all rents which shall accrue and be received by the Corporation under or by virtue of such original or new leases as aforesaid, for the purpose of forming a fund, to be called "The Southern Market Building and Maintenance Fund," to be expended in erecting, placing, and maintaining in good condition upon that portion of the said Southern Market Reserve which is not included in the said Schedule hereto, all such market-houses, stalls, buildings, fences, weighbridges, and other conveniences and appliances as shall be needful or expedient for the purpose of providing a commodious market-place for the citizens of Dunedin.

Rents to be set apart to form building fund to erect market-houses on residue of Southern Market Reserve.

Struck out.

SCHEDULE.

PIECE No. 1.

ALL that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, containing by admeasurement two roods and twenty-five perches, more or less, situate in the City of Dunedin, and being part of reserve for market, numbered ten in the First Schedule of "The Dunedin Reserves Management Ordinance, 1867." Bounded by a line commencing at a point in the line of Princes Street, distant from the north-eastern corner of the said reserve along the said line of Princes Street in a south-south-westerly direction one hundred and ninety-six links and eighteen-hundredths of a link, and proceeding thence in a south-south-westerly direction along the line of Princes Street, bearing two hundred and one degrees thirty-eight minutes forty-two seconds, six hundred and twenty-four links; thence in a west-north-westerly direction, bearing two hundred and ninety-one degrees thirty-eight minutes forty-two seconds, fifty-four links and seventy-six hundredths of a link; thence in a north-north-westerly direction, bearing three hundred and thirty-six degrees thirty-eight minutes forty-two seconds, seventy-eight links and twelve-hundredths of a link; thence in a north-north-easterly direction, bearing twenty-one degrees thirty-eight minutes forty-two seconds, five hundred and thirteen links and fifty-two hundredths of a link; thence in an east-north-easterly direction, bearing sixty-six degrees thirty-eight minutes forty-two seconds, seventy-eight links and twelve-hundredths of a link; thence in an east-south-easterly direction, bearing one hundred and eleven degrees thirty-eight minutes forty-two seconds, fifty-four links and seventy-six hundredths of a link, to the point of commencement.

Schedule.

PIECE No. 2.

All that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, containing by admeasurement one rood and sixteen perches, more or less, situate in the City of Dunedin, and being part of reserve for market, numbered ten in the First Schedule of "The Dunedin Reserves Management Ordinance, 1867." Bounded by a line commencing at a point in the line of Manor Place, distant from the north-eastern corner of the said reserve along the said line of Manor Place in a west-south-westerly direction three hundred and sixty-eight links and sixty-nine hundredths of a link, and proceeding thence in a west-south-westerly direction along the said line of Manor Place, bearing two hundred and forty-six degrees thirty-eight minutes forty-two seconds, three

hundred and fifty links; thence in a south-south-easterly direction along the line of Market Street, bearing one hundred and fifty-six degrees thirty-eight minutes forty-two seconds, one hundred links; thence in an east-north-easterly direction, bearing sixty-six degrees thirty-eight minutes forty-two seconds, three hundred and fifty links; thence in a north-north-westerly direction, bearing three hundred and thirty-six degrees thirty-eight minutes forty-two seconds, one hundred links, to the point of commencement.

New.

SCHEDULE.

ALL that parcel of land in the Province of Otago, containing by admeasurement three acres and six perches, more or less, situate in the Town of Dunedin, and being land reserved for a market, as shown on the map of the said Town of Dunedin, bounded towards the North-west by Manor Place, seven hundred and seventy-nine and three-tenths links; towards the East by Princes Street, eleven hundred and two links; and towards the South-west by sections numbered respectively sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, and seventy-two, Block III., seven hundred and seventy-nine and three-tenths links.