

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.

*House of Representatives,
29th July, 1880.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Mr. Stewart.

OTAGO HARBOUR BOARD EMPOWERING.

ANALYSIS.

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Preamble.	5. Land to be managed under provisions of "Harbours Act, 1878," and this Act.
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A BILL INTITULED

AN ACT authorizing the Otago Harbour Board to borrow more Money, and to authorize Dealing with the Lands mentioned in the Schedules hereto. and amend the said Board's power of Leasing.

Title.

WHEREAS it is expedient to authorize the Otago Harbour Board to borrow more money : *Struck out.*

Preamble.

And whereas a part of the endowment granted to the said Board by divers Acts and Ordinances has been taken by the Government of the Colony of New Zealand for railway and public works purposes : And whereas no compensation has been granted to the said Board for the land so taken : And whereas it is expedient to transfer from the said Board ten acres of its endowment to the Municipality of South Dunedin, and to amend the leasing powers of the said Board, and to make other provisions in favour of the said Board :

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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 Otago Harbour Board Empowering Act, 1880."

Short Title.

2. It shall be lawful for the Otago Harbour Board (hereinafter called "the Board"), and it is hereby authorized, to raise, and borrow from time to time (in addition to any money already borrowed) a sum or sums of money not exceeding in the whole one hundred and fifty thousand pounds.

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Otago Harbour Board may borrow further sum of £100,000.

3. It shall be lawful for the Governor of the Colony of New Zealand to grant to the Board the lands described in the *First* Schedule hereto, to be held by the Board on the same or similar trusts and for the same or similar purposes as the lands in Dunedin now vested in the Board are now held.

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Land in *First* Schedule vested in Board.

4. The Board shall convey to the Corporation of the Borough of South Dunedin, subject to any existing obligations, the ten acres of the Board's endowment referred to in the *Second* Schedule hereto, to be held in trust for municipal purposes.

25 municipal purposes.

Land in *Second* Schedule vested in Board for municipal purposes.

Land to be managed under provisions of "Harbours Act, 1878," and this Act.

5. The land to be granted to the Board by virtue of this Act shall be leased and managed as provided by "The Harbours Act, 1878," as modified by this Act: Provided always that, in the event of it being decided to carry the Dunedin and Port Chalmers Railway, or any portion thereof, over any part of the said endowment, the Government shall be entitled to take such land which shall be reclaimed by the Board when required, in accordance with plans and to levels to be approved of by the said Government, not exceeding fifty feet from the top of the outer slope, without payment of compensation to the Board other than actual cost of reclamation from the sea, and without any payment of compensation whatever, if the Government gives in exchange for the land so taken that portion of land in proximity to the land taken at that time occupied by the railway-line, but which it may be proposed to abandon: ~~Provided, further, that the Government shall, within three years from the date of the passing of this Act, notify to the Board what lands, if any, shall be required for railway purposes aforesaid.~~

Power to resell lands purchased.

6. It shall be lawful for the Board to resell and convey any lands that it may have purchased for any temporary use or purpose, and the moneys derived from such resale shall become and be applied as ordinary revenue of the Board.

Struck out.

7. It shall be lawful for the said Board to lease any lands vested in it at such rents, issues and profits, and upon such terms and conditions, as it shall determine, so that such leases be for any term not exceeding twenty-one years, to take effect from the time of the execution thereof: Provided always that it shall be lawful for the Board, in granting leases as aforesaid, to provide for the renewal of such leases, and the payment of the value of buildings and improvements on the demised land by any incoming tenant or tenants, upon such terms and conditions as the Board may deem fit: Provided that no such renewal shall be for any term exceeding twenty-one years from the determination of the then existing lease, and in such renewals the Board may provide for further renewals, and may insert similar terms, provisions, and conditions.

8. It shall be lawful for the said Board, on such terms as it may determine, to assimilate the terms of all leases made by it prior to the date of this Act to the provisions contained in the last preceding section, with the consent of the lessees under the said leases.

9. It shall be lawful for the said Board to enter into contracts to lease any lands vested in it without at the same time executing the said leases, and such contracts shall be binding on the said Board and the said lessees to grant and accept the said leases respectively.

10. It shall be lawful for the said Board to agree to refer and to refer all disputes which may hereafter arise between it and any person or persons to whom any part or parts of its lands or hereditaments shall have been or be leased as aforesaid to the arbitration of three indifferent persons, to be appointed as follows: One by the said Board, one by the said lessee or lessees, and the third by the two arbitrators so appointed; and the decision of the said arbitrators, or any two of them, so appointed shall be final as between the said Board and the said lessee or lessees.

Act to be deemed a special Act.

11. 7. This Act shall be deemed a special Act within the meaning of section one hundred and eighty-eight of "The Harbours Act, 1878."

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that piece or parcel of land in the Provincial District of Otago, containing by admeasurement eighty-three (83) acres, more or less; and bounded towards the North-west by the Dunedin and Port Chalmers Railway-line, from a point at or near Trigonometrical Station G to a point on said line near a small promontory opposite Section 17, Upper Harbour West District; towards the North by a line from said point at right angles to said railway-line to extremity of promontory aforesaid; towards the South-east by lines from point to point along the shore to a point opposite Trigonometrical Station G; and towards the South-west by a line from said point, at right angles to railway-line, to starting point: as the same is delineated on the plan deposited in the Provincial District Survey Office, Dunedin.

SECOND SCHEDULE.

ALL that area in the Provincial District of Otago, containing by admeasurement ten (10) acres, more or less, being a portion of that area of twenty-one (21) acres three (3) roods and eight (8) perches, Crown granted to the Otago Harbour Board on the 11th July, 1877. Bounded towards the North-east by the Dunedin, Peninsula, and Ocean Beach Railway Reserve of one (1) chain wide for about twenty-seven (27) chains, to the Beach Road; towards the South by the said road; towards the South-west by the Anderson's Bay Road; and towards the North-west by a line in prolongation of the boundary between Sections 5 and 6, Town District, from the said Anderson's Bay Road to the said Dunedin, Peninsula, and Ocean Beach Railway Reserve: as the same is delineated on the plans deposited in the Survey Office, Dunedin.