



THE HARBOUR ENDOWMENT ORDINANCE, 1861.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XLII., No. 53.

ANALYSIS.

Title.

Preamble.

1. Power to lease land at an annual rental for ninety-nine years.
2. Power to sell the lease of lands for ninety-nine years.
3. Power to borrow money on mortgage.
4. Copies of leases and mortgages to be open for inspection.

5. Covenants and power implied by Conveyancing Ordinance to be implied.
6. Appropriation of money.
7. Limit as to amount.
8. Mode of leasing and mortgaging.
9. Superintendent may lease part of said lands to William Hunter Reynolds.
10. Superintendent may purchase lands.
11. Short Title.

AN ORDINANCE to enable the Superintendent of the Province of Otago to raise money by lease or mortgage of certain lands granted to him under an act of the General Assembly of New Zealand, intituled "The Public Reserves Act, 1854."

WHEREAS, by an Act of the General Assembly of New Zealand, intituled, "The Public Reserves Act, 1854," it was amongst other things provided that it should be lawful for the Governor of the said Colony, with the advice of his Executive Council, to grant any land reclaimed from the sea, and any land below high water mark, in any harbour, arm, or creek of the sea, or in any navigable river, or on the sea coast within the said Colony, either to the Superintendent of the Province and his successors, in or to which such land might be situate or adjacent, or in such other manner to such other persons and upon such terms as should be thought fit,

and for such purposes as should be specified in any such grant, subject to the provisos hereinafter contained. And it was further provided that for the purposes of the said Act, such Superintendent and his successors should be deemed and taken to be a body corporate. And it was further provided that no such lands to be granted as aforesaid to the Superintendent of any Province and his successors, should be alienated by way of sale or mortgage, or by lease for any longer term than three years, except by the authority of some Act or Ordinance of the Provincial Council of such Province, to be passed in that behalf, nor except by deed signed by the Superintendent and sealed with the public seal of the Province. And whereas by deed of grant made in pursuance of the said recited power bearing date the eighth day of October, one thousand eight hundred and sixty one, the land mentioned in the schedule to this Ordinance annexed, was granted to the Superintendent of the Province of Otago and his successors—In trust for the improvement of the harbour of Otago, 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 city and port of Dunedin. And whereas it is expedient to enable the Superintendent of the Province of Otago to borrow money upon the said land in the manner and for the purposes hereinafter mentioned :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago, by and with the consent of the Provincial Council thereof as follows :—

Power to lease land at an annual rental for ninety-nine years.

1. It shall be lawful for the Superintendent of the Province of Otago, from time to time to offer for lease by public auction to the highest bidder, at an annual rental for any term not exceeding ninety-nine years, the land mentioned and described in the schedule to this Ordinance annexed, in such allotments as he shall think fit, and to execute all necessary deeds for demising and leasing every portion of the said land so let as aforesaid to the purchaser thereof, his executors, administrators, and assigns, for the term for which the same shall be so let.

Power to sell the lease of lands for ninety-nine years.

2. It shall be lawful for the Superintendent from time to time to offer for sale by public auction the lease for any term not exceeding ninety-nine years at a nominal rental, of any portions of the said lands mentioned and described in the said schedule, 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 said lands so disposed of to the purchaser thereof, his executors, administrators, and assigns, for the term for which the same shall have been so let.

Power to borrow money on mortgage.

3. It shall be lawful for the Superintendent from time to time to borrow and take up at interest not exceeding the rate of eight pounds per centum per annum, on the security of the whole or of a portion of the land so granted as aforesaid, such sum or sums of

money as he shall from time to time think proper, and to mortgage by way of conveyance in fee or by way of demise for any term of years, such lands or any part or parts thereof respectively, as a security to any person or persons who shall advance such sum or sums of money.

4. Copies of all mortgages and leases made under this Ordinance shall be entered in books to be kept for that purpose by the said Superintendent, which books may at all reasonable times be perused and inspected, on payment of a fee of 2s. 6d. Copies of leases and mortgages to be open for inspection.

5. All covenants and powers implied in a conveyance of land by way of mortgage by virtue of an Ordinance of the Governor and Legislative Council of the Colony of New Zealand, Session 2, No. X, intituled "An Ordinance to facilitate the Transfer of Real Property and to simplify the law relating thereto," shall be implied in any Mortgage made under this Ordinance, and any notice or demand of payment required by the said Ordinance to be served on the Mortgagers may be served on or left at the office of the said Superintendent. Covenants and power implied by Conveyancing Ordinance to be implied.

6. All monies received by the Superintendent by reason of the exercise by him of any of the powers contained in this Ordinance shall be applied in the first instance (after defraying all necessary expenses of raising the same) for or towards the improvement of the Harbour of Otago, and the construction and maintenance of any works therein for facilitating the trade and commerce of the city of Dunedin, and the Port of Otago, and the balance if any to the reclaiming of the said lands or some part thereof from the sea, and subject thereto to the other purposes set forth in the said grant thereof. Appropriation of money.

7. It shall not be lawful for the said Superintendent to raise under or by virtue of this Ordinance by way of Mortgage any greater sum than one hundred thousand pounds. Limit as to amount.

8. The power of leasing and mortgaging given by this Ordinance shall be exercised by offering the land to be leased or mortgaged by public auction or tender and not otherwise. Provided always that it shall not be necessary for any lessee or mortgagee to enquire whether any part of the said land has been so offered, or to see to the application of any premium, rent, or mortgage money raised by virtue of this Ordinance. Mode of leasing and mortgaging.

9. Whereas a bonded store has been erected on part of the said land by William Hunter Reynolds, Esquire, under a promise of a lease thereof made to him by the Provincial Government. Be it therefore Enacted, that it shall be lawful for the Superintendent to grant to the said William Hunter Reynolds a lease of all that parcel of the said land situate near the Dunedin Jetty, commencing from the south side of the bonded store already erected by him, and extending northwards seventy-nine feet, with an uniform depth Superintendent may lease part of said lands to William Hunter Reynolds.

of ninety-nine feet, for the term of fourteen years, from the first day of March, one thousand eight hundred and fifty-nine, at the clear yearly rent of seventy-five pounds, such rent to commence from the first day of June, one thousand eight hundred and sixty-one.

Superintendent
may purchase
lands. 10. It shall be lawful for the Superintendent to acquire by purchase any lands contiguous to the said Harbour, the possession of which may be deemed by him to be requisite for carrying out the objects of the said grant, and for that purpose to contract for the purchase of any such lands with any person or persons, trustee or trustees, owners thereof, who shall be willing to sell the same, and to pay the purchase money for such lands out of monies authorised to be raised under the provisions of this Ordinance.

Short Title. 11. The short title of this Ordinance shall be the "Harbour Endowment Ordinance, 1861."

Passed the Provincial Council this eighth day of November, One thousand eight hundred and sixty-one,

ALEX. RENNIE,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, this twelfth day of November, One thousand eight hundred and sixty-one.

J. RICHARDSON,
Superintendent of the Province of Otago.

SCHEDULE.

ALL that parcel of land in the Province of Otago, in the Colony 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 four hundred and twenty-one acres three roods and thirteen perches, more or less, bounded towards the north-west by Princes-street, by high-water mark in Otago Harbour, by High-street, by Castle-street, and again by high-water mark, twenty-four thousand and eighty links towards the east, by high-water mark in Otago Harbour aforesaid four thousand two hundred links, and by lines one thousand five hundred and fifty links, and one thousand three hundred and eighty links towards the south-east by a curved line, eight thousand nine hundred and fifty links, again towards the east by a line one thousand seven hundred links, and towards the south by a line three thousand and fifty links.