

NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 69.

ANALYSIS:

- |  |  |
|--|--|
| <p>Title.<br/>Preamble.</p> <ol style="list-style-type: none"><li>1. Superintendent may take possession of certain lands, and dispose of same.</li><li>2. Compensation to be paid within 6 months.</li><li>3. Certain provisions of recited Act deemed to be incorporated.</li><li>4. Superintendent may raise money for the purchase of lands.</li><li>5. Debentures to be sold by Public Tender.</li></ol> | <ol style="list-style-type: none"><li>6. Proceeds of re-sale to be applied to liquidation of sums borrowed.</li><li>7. Debentures to be a charge on City Endowment Lands</li><li>8. Superintendent to be deemed Corporation Sole.</li><li>9. Interpretation Clause.</li><li>10. Short Title, Schedule.</li></ol> |
|--|--|

AN ACT to enable the Superintendent of the Province of Auckland to purchase certain Lands in the Electoral District of the City of Auckland for the purpose of improving the said City, and for that purpose to borrow money upon the security of certain Lands in the said City. [21st August, 1858.] Title.

WHEREAS it is advisable to enable the Superintendent of the Province of Auckland to purchase certain lands in the City of Auckland for the purpose of improving the said City, Preamble.

And whereas by an Act of the Imperial Parliament passed in the 8th year of the reign of Her Majesty, intituled the "The Land Clauses Consolidation Act," it was enacted that for the purpose of

*Auckland Improvement.*

incorporating the provisions of the said Act in any Act of Parliament to be thereafter passed authorising the taking of lands for undertakings of a public nature, it should be sufficient in any such Act to enact that the clauses of the said recited Act with respect to the matter so proposed to be incorporated (describing such matter as it is described in the said recited Act in the words introductory to the enactment with respect to such matter) should be incorporated with such Act, and thereupon all the clauses and provisions of the said recited Act with respect to the matter so incorporated should, save so far as they might be expressly varied or excepted by such Act, form part of such Act, and such Act should be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act should relate,

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

Superintendent may take possession of certain Lands and dispose of same.

**I.** It shall be lawful for the Superintendent of the Province of Auckland, upon giving notice to the owners and occupiers of all or any part of the lands described in the Schedule to this Act annexed, in manner in the said recited Act appointed for the service of notices, to enter upon and take possession of the said lands, and upon payment of compensation as hereinafter provided, the said lands shall vest in the said Superintendent, in fee simple, subject to being laid out and disposed of in such manner as the Superintendent and Provincial Council of the said Province shall by Act direct, and subject to the payment of compensation to all parties interested in the said lands, or injuriously affected by the taking thereof, in manner provided by the said recited Act, and by this Act. Provided always that the notice hereby required to be given shall be so given within four months from the passing of this Act. Provided always that in case Notice shall not be given as aforesaid to the owners or occupiers of any of the lands described in the Schedule hereunto annexed as allotments Nos 4, 5, 39 and 40, there shall be paid by the said Superintendent to the owners and occupiers to whom notice shall not be given, reasonable compensation for the injury (if any) sustained by them by reason of the passing of this Act: Provided also, that if the said notices hereinbefore required to be given are not given within the time specified, or in the event of the said notices being duly given, and the Provincial Council of the said Province shall fail or neglect to carry out the provisions of this Act, then and in that case the several owners and occupiers of the lands described in the Schedule to this Act, as allotments Nos. 4, 5, 39, and 40, shall be entitled to compensation from the 7th day of July last, for the injury sustained and inconvenience suffered by the passing of this Act, and the amount of such compensation in each case shall be ascertained and settled as provided by the before recited "Land Clauses Consolidation Act," such compensation to be a charge on the Provincial Revenues of the Province of Auckland.

*Auckland Improvement.*

II. The compensation payable under this Act shall be paid within four months from the time when the amount thereof shall have been finally determined upon, and every amount payable under any verdict or award under the provisions of this Act shall bear interest at such rate not exceeding ten per centum per annum as shall be fixed by such award or verdict.

Compensation to be paid within four months.

III. Such of the provisions of the said recited Act as are applicable to the circumstances of the case, subject to the interpretation thereof, hereinafter contained, shall be deemed to be incorporated in this Act.

Certain provisions of recited Act deemed to be incorporated.

IV. For the purpose of enabling the said Superintendent to pay for the lands hereby authorised to be taken, it shall be lawful for the said Superintendent to raise by the sale of Debentures any sum or sums of money for that purpose, provided that the total sum raised shall not exceed £40,000.

Superintendent may raise money for the purchase of lands.

V. The sale of Debentures under this Act shall be effected by means of Public Tender and not otherwise.

Debentures to be sold by Public Tender.

VI. All monies which may be received by the said Superintendent by the re-sale of any land hereby authorised to be taken by him shall be applied towards the repayment of any money borrowed under the authority of this Act.

Proceeds of re-sale to be applied to liquidation of sums borrowed.

VII. Every such Debenture shall be a first charge upon all lands heretofore granted to the Superintendent of the Province of Auckland, upon trust, for the improvement and benefit of the City of Auckland, and it shall be lawful for the holder of every such Debenture, in case the money advanced upon the same shall not be paid at the time fixed in the said Debenture for the payment thereof, or in case any interest due in respect thereof, shall be in arrear for the space of six months, to sell the said Land, or any portion thereof, either altogether or in lots, and either by public auction or private contract, or by both of such means, and subject to such conditions as he may think fit, and with power to buy in and re-sell the same without being liable for any loss occasioned thereby, and upon any such sale of the said Lands or any portion thereof, the said Superintendent shall convey such Lands, which shall be so sold as aforesaid to the purchasers thereof, and the receipts in writing of the holders of every such Debenture shall be a sufficient discharge to any purchaser of all or any part of such Lands for so much of his purchase money as may be thereby expressed to be received; the monies to arise from such sale as aforesaid shall be applied, first, in payment of the expenses attending any such sale, or otherwise incurred in the execution of the power of sale hereby given; secondly, in re-payment of the principal money and interest remaining due on any and every such Debenture, together with any costs and expenses occasioned by the non-payment thereof. The surplus if any shall be paid to the Treasurer of the said Province, and shall be subject to be appropriated by the Provincial Council

Debentures to be a charge on City Endowment Lands.

*Auckland Improvement.*

thereof: Provided that no power hereinbefore given to any such holder of such Debentures, shall extend to authorise any such holder of such Debentures to sell any portion of the said Lands hereinbefore mentioned dedicated or hereafter to be dedicated for public purposes as a Street, Road, or Thoroughfare.

Superintendent to be deemed Corporation Sole.

VIII. For the purposes of this Act the Superintendent of the Province of Auckland and his successors, shall be deemed a Corporation sole.

Interpretation Clause.

IX. The following words and expressions shall have the several meanings hereby assigned to them :

Promoters of an undertaking shall be construed to mean the Superintendent of the Province of Auckland.

Any special Act shall include this present Act.

Clerk of the Peace shall be construed to mean the Registrar of the Supreme Court.

Superior Court shall mean the Supreme Court.

In cases wherein any money is directed to be deposited in the Bank, such money shall be paid, deposited, or invested in such manner as the Supreme Court, or any Judge thereof, shall by order to be made at the instance of the Superintendent direct.

Short Title.

X. The Short Title of this Act shall be the "Auckland Improvement Act, 1858."

---

SCHEDULE.

Allotments Nos. 4 and 5, of Section No. 4, of the City of Auckland.

Allotment No. 38 of Section No. 4, of the City of Auckland.

So much of Allotments Nos. 40, 39, 37, 36, 35, 34, 33, and 32, of Section No. 4, of the City of Auckland, as shall be sufficient to carry High Street at a width of not exceeding 60 feet into Victoria Street.

All those portions of Allotments Nos. 26, 27, and 28, situate to the North-west of a line extended from the South-eastern corner of O'Connell Street, to the point in the North-eastern boundary of said Allotment No. 28, opposite the South-east corner of the said Allotment No. 38.

So much of Allotments Nos. 6, 7, 8, and 9 of the said Section, as will be sufficient to carry Chancery Street at a width of not exceeding 40 feet up to the Western corner of Field's Lane, as at present laid out.

So much of the Allotment No. 9 as will be sufficient to widen the said Lane from Chancery Street to Shortland Street, to a width of not exceeding 40 feet.