

New Zealand.



ANALYSIS.

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1884, No. 23.—*Local.*

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| Title. | AN ACT to enable Portions of certain Reserves in the Borough of Invercargill to be leased. [18th October, 1884.] |
| Preamble. | WHEREAS the lands described in the First and Second Schedules hereto are held by the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Invercargill (hereinafter referred to as "the Corporation") in trust for a public market :
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 Invercargill Reserves Leasing Act, 1884." |
| Power to lease land in First Schedule. | 2. It shall be lawful for the Corporation from time to time to lease by public auction, at an upset rental to be fixed by the Corporation, the parcel of land described in the First Schedule hereto, or any subdivisions thereof, for any term of years not exceeding twenty-one years, to take immediate effect in possession, and upon and subject to such terms and conditions as the Corporation may think fit. |
| How rents to be dealt with. | 3. All rents payable in respect of the lands mentioned in the last preceding section 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 Invercargill Market Building and Maintenance Fund Account" (hereinafter referred to as "the said account"), anything in "The Municipal Corporations Act, 1876," to the contrary notwithstanding. |
| Sections 126 to 138, "Municipal Corporations Act, 1876," to apply. | 4. The provisions contained in sections one hundred and twenty-six to one hundred and thirty-eight 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. |

5. All moneys belonging to the said account shall be held in trust for the purpose of providing a commodious market-place for the burgesses of Invercargill, and shall from time to time be expended in erecting, placing, and maintaining in good repair upon the land described in the Second Schedule hereto all such buildings, fences, appliances, and conveniences as shall be needful or expedient for such purpose, and not otherwise.

How moneys to be expended.

6. The Council may from time to time invest the whole or any part of the moneys standing to the credit of the said account on mortgage of freehold property in New Zealand, or in New Zealand Government debentures, or in the stock or debentures of any local body having authority to borrow under any Act of the General Assembly: Provided that all interest accruing therefrom and all moneys arising out of the sale thereof shall be duly paid into the said account.

Moneys may be invested.

7. If any person into whose hands any portion of the moneys mentioned in sections three and six 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.

Penalty for non-compliance.

8. 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.

How amount recovered to be paid.

9. In case the moneys recovered by a judgment in any such action be paid upon the issue of a writ of sale or other like writ 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 into 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.

In case money paid under writ of sale or distress warrant.

10. It shall be lawful for the Corporation to lay off, make, and maintain public streets through any of the parcels of land comprised in the two Schedules to this Act: Provided that no such public street shall be of a less width than sixty-six feet.

Power to lay off public streets through the said lands.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that piece or parcel of land situate in the Town of Invercargill, comprising Section twelve and portion of Section eleven of Block seventy-six of the said town, commencing at the north-west angle of said section twelve; and bounded thence by a line running due south a distance of four hundred and seventy and eight-tenths links, intersected by the Puni Creek; thence by a line running due east a distance of three hundred links; thence by a line running due north a distance of one hundred and ninety-six and eight-tenths links; thence by a line running due east a distance of two hundred links; thence by a line running due north a distance of one hundred and forty links, intersected by the Puni Creek; and thence by a curved line along the southern side of Wood Street to the commencing point a distance of five hundred and twenty-three and six-tenths links.

SECOND SCHEDULE.

ALL that piece or parcel of land situate in the Town of Invercargill, comprising part of Section eleven of Block seventy-six of the said town, commencing at the south-east angle of said Section eleven; and bounded thence by a line running due north, one hundred and ninety-six and eight-tenths links; thence by a line running due west a distance of two hundred links; thence by a line running due south a distance of one hundred and ninety-six and eight-tenths links; and thence by a line running due east a distance of two hundred links to the commencing point.