

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,
16th November, 1903.

Mr. Kidd.

CITY OF AUCKLAND EMPOWERING AND RESERVES EXCHANGE (No. 2).

[LOCAL BILL.]

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Short Title.</p> <p>2. Power to lease Auckland City Market for a term not exceeding ten years.</p> <p>3. Power to Council to lease certain land for a term not exceeding fifty years.</p> <p>4. Land in Second Schedule released from security for repayment of loan.</p> <p>5. Land in First Schedule vested in His Majesty the King.</p>	<p>6. Certificate of title to issue.</p> <p>7. Land to be held as an endowment for hospital.</p> <p>8. Land in Second Schedule to vest in City Council.</p> <p>9. Certificate of title to issue.</p> <p>10. Land to be held subject to existing lease.</p> <p>11. Upon expiry of present tenancy land to be held by City Council as a public recreation-ground.</p> <p>Schedules.</p>
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A BILL INTITULED

AN ACT to enable the Mayor, Councillors, and Citizens of the City of Auckland (hereinafter called "the City Council") (a) to lease the Auckland City Market for any Term not exceeding Ten Years; (b) to lease a Part of the Land formerly known as Fort Britomart Reserve and Public Road for any Term not exceeding Fifty Years; and (c) to make a certain Exchange of Properties with the District of Auckland Hospital and Charitable Aid Board (hereinafter called "the Hospital Board").

WHEREAS it is expedient that, notwithstanding the provisions of "The Municipal Corporations Act, 1900," and the amendment thereof, and "The Auckland Domain Vesting Act, 1893," the City Council should have the powers above referred to: And whereas the land mentioned in the *First* Schedule hereto is part of the Auckland Domain vested in the City Council by "The Auckland Domain Vesting Act, 1893," for the purposes and upon the trusts therein specifically set out: And whereas the land mentioned in the *Second* Schedule hereto was vested in the Superintendent of the Province of Auckland upon trust as an endowment for a hospital or hospitals at Auckland, but now by the operation of "The Abolition of Provinces Act, 1875," the same is vested in His Majesty the King upon the same trusts: And whereas the same is part of the lands included in the charge referred to in the Third Preamble to "The Auckland Hospital Reserves Act, 1883": And whereas such last-mentioned lands have since the charge thereon was created been greatly increased

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in value by the said Hospital Board, and though the amount of the said charge has been greatly reduced, yet the same still exists: And whereas the said Hospital Board are desirous of obtaining the land mentioned in the *First* Schedule hereto as a site for a hospital for the treatment of infectious diseases other than small-pox, leprosy, or plague in exchange for the land mentioned in the *Second* Schedule hereto, and the said City Council and Hospital Board are willing to make such exchange: And whereas, in order to make such exchange, the Hospital Board are desirous that the said land mentioned in the said *Second* Schedule hereto shall be released and discharged from the operation of the said Act of one thousand eight hundred and eighty-three, and of the charge and security therein referred to, and of the trusts and conditions upon or subject to which the same is now held by virtue of the grants thereof or the operation of any statutory provision affecting the same, with the object of simultaneously including in lieu thereof in the last-mentioned Act, and such charge and security therein mentioned, the land mentioned in the *First* Schedule hereto: And whereas it would be to the advantage of the public that the said exchange should be made: And whereas it is expedient for the purposes aforesaid to alter the provisions of "The Public Reserves Act, 1881," section eight, "The Auckland Hospital Reserves Act, 1883," and "The Auckland Domain Vesting Act, 1893," and any other Acts that may in any way be inconsistent with the full operation and effect hereof:

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 City of Auckland Empowering and Reserves Exchange Act, 1903 (No. 2)."

Power to lease Auckland City Market for a term not exceeding ten years.

2. The power vested in the Council of the said City of Auckland by section three hundred and sixty-nine of "The Municipal Corporations Act, 1900," shall, with reference to the property now known as the Auckland City Market, and having entrances from Queen, Cook, Albert, and Wellesley Streets, be hereinafter read and construed as though the words "three years" where they occur in the said section had been deleted therefrom and the words "ten years" inserted in lieu thereof.

Power to Council to lease certain land for a term not exceeding fifty years.

3. The power vested in the City Council by section two hundred and one of the said last-mentioned Act shall, with reference to such part of the property described in the Schedule to the local Act called "The Auckland Harbour Act 1874 Amendment Act, 1883," as is now vested in the City Council and is not now laid out or used as a public road, be read and construed as though the words "twenty-one years" where they occur in the said section had been deleted therefrom and the words "fifty years" inserted in lieu thereof.

Land in Second Schedule released from security for repayment of loan.

4. The land mentioned in the *Second* Schedule hereto is hereby released and discharged from the charge and security referred to in the said Third Preamble to the Act of one thousand eight hundred and eighty-three, and from all liability whatever in respect thereof, and from the trusts and conditions upon or subject to which the same was originally granted, or upon or subject to which the same is now held:

Provided that neither this nor the *next succeeding* section shall have effect unless and until the consent of the electors of the City of Auckland and the electors of the Boroughs of Parnell and Newmarket has been obtained in the manner prescribed by "The Local Bodies' Loans Act, 1901," in the case of the raising of a special loan.

For the purposes of this proviso "electors" shall mean and include electors as defined in "The Municipal Corporations Act, 1900."

- 10 5. The land described in the *First* Schedule hereto is hereby vested in His Majesty the King, and shall be held by his said Majesty subject to the last-mentioned charge and security, but freed and discharged from the trusts and conditions heretofore attaching to the same under the provisions of "The Auckland Domain Vesting Act, 15 1893."
6. The District Land Registrar at Auckland is hereby empowered and directed to issue a Land Transfer certificate of title for the land described in the *First* Schedule hereto to His Majesty the King.
- 20 7. Upon the issue of a certificate of title to His Majesty the King for the land described in the *First* Schedule hereto such land shall be held by His Majesty upon trust as an endowment for a hospital at Auckland for the treatment of infectious diseases other than small-pox, leprosy, or plague.
- 25 8. The land described in the *Second* Schedule hereto is hereby vested in the City Council.
9. The District Land Registrar at Auckland is hereby empowered and directed to issue a Land Transfer certificate of title for the land described in the *Second* Schedule hereto to the City Council.
- 30 10. The said land described in the *Second* Schedule hereto shall be held by the City Council subject to the tenancy thereof of one Ah Chee, expiring on the twenty-fourth day of October, one thousand nine hundred and sixteen, and the said District Land Registrar shall on presentation of the lease to the said Ah Chee register the same upon the certificate of title mentioned in the *last* 35 *preceding* section hereof.
11. Upon the issue of a certificate of title to the City Council for the land described in the *Second* Schedule hereto such land shall be held by the City Council after the expiration of the said 40 tenancy of Ah Chee thereof as a place of public recreation and enjoyment for the inhabitants of the City of Auckland and the public generally as if the same had been included and specifically mentioned in paragraph four of the Schedule to "The Auckland Domain Vesting Act, 1893," and had vested in the City Council by 45 virtue of such Act; and all the rent accruing from the tenancy of the said Ah Chee shall be placed to the credit of the Domain Account of the City Council, and be spent only on the Auckland Domain.

Land in First Schedule vested in His Majesty the King.

Certificate of title to issue.

Land to be held as an endowment for hospital.

Land in Second Schedule to vest in City Council.

Certificate of title to issue.

Land to be held subject to existing lease.

Upon expiry of present tenancy land to be held by City Council as a public recreation-ground.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that parcel of land in the Auckland Land District, containing by admeasurement 5 acres 3 roods 1 perch, more or less, being part of the Auckland Domain, bounded as follows: Commencing at a point on the northern boundary-line of the land vested in the Auckland Hospital Board by "The Auckland Hospital Reserves Act, 1890," distant 262.9 links to the westward of the north-eastern corner of the said land, measured along its north-eastern boundary-line; thence towards the south-west by the said hospital land to the Domain Boundary Creek, 732 links; thence towards the west generally by that creek to the southern side of the abutment of a road leading from Grafton Road into the Auckland Domain; thence towards the north-east by a right line bearing south 80° 07' east, 141.5 links; thence towards the north-west by a right line bearing north 12° 15' east, 352.8 links; thence towards the north-east by a right line bearing south 64° 14' east, 789.9 links; and thence towards the south-east by a right line bearing south 25° 46' west, 756.8 links, to the place of commencement: be all the aforesaid linkages a little more or less.

SECOND SCHEDULE.

ALL that parcel of land in the Auckland Land District, containing by admeasurement 6 acres 3 roods 30 perches, more or less, being parts of Sections Nos. 98 and 99 of the Suburbs of Auckland, bounded as follows: Commencing at a point on the north-western boundary-line of Section No. 99, distant 79 links from the south-western corner of the said Section No. 99; thence towards the north-west by Section No. 96, 1125 links; thence towards the north by the abutment of a public road, 115.9 links; thence towards the north-east by land taken for railway purposes by Proclamation, *New Zealand Gazette* No. 65, 29th November, 1888, 125.6 links, 328 links, 424 links, and 402.1 links; thence towards the south generally by the Auckland Domain, 212.4 links, 235 links, 392 links, 300 links, 235 links, 134.8 links, and 130 links; thence again towards the north-west by Section No. 96 aforesaid, 37 links; thence again towards the north-east, north-west, and south-west by other part of Section No. 99 aforesaid, 88 links, 46 links, and 78 links respectively, to the place of commencement: be all the aforesaid linkages a little more or less: as the same is delineated on the plan No. 3419A, deposited in the Land Transfer Office, at Auckland.