

Mr. Stewart.

## OTAGO HARBOUR BOARD EMPOWERING.

### ANALYSIS.

Title.	6. Power to resell lands purchased.
Preamble.	7. Power to lease lands.
1. Short Title.	8. Prior leases may be assimilated to the terms of leases under this Act.
2. Otago Harbour Board may borrow further sum of £250,000.	9. Board may enter into contracts to lease land without executing lease.
3. Land in <i>First</i> Schedule vested in Board.	10. Arbitration in case of dispute between Board and lessees.
4. Land in <i>Second</i> Schedule vested in Board for municipal purposes.	11. Act to be deemed a special Act.
5. Land to be managed under provisions of "Harbours Act, 1878," and this Act.	Schedules.

### A BILL INTITLED

Title.

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.

WHEREAS it is expedient to authorize the Otago Harbour Board to borrow more money: 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:

Preamble.

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 said 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 two hundred and fifty thousand pounds.

Otago Harbour Board may borrow further sum of £250,000.

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

Land in *First* Schedule vested in Board.

4. It shall be lawful for the Governor to grant to the Corporation of the Borough of South Dunedin, subject to any existing obligations, the ten acres of the said Board's endowment referred to in the *Second* Schedule hereto, to be held in trust for 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 said 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, not exceeding 5 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: Pro- 10 vided, further, that the Government shall, within *three* years from the date of the passing of this Act, notify to the said Board what lands, if any, shall be required for railway purposes aforesaid.

Power to resell lands purchased.

6. It shall be lawful for the said Board to resell and convey any lands that it may have purchased for any temporary use or purpose, and the moneys derived 15 from such resale shall become and be applied as ordinary revenue of the said Board.

Power to lease lands.

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, 20 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 25 shall be for any term exceeding twenty-one years from the determination of the then existing lease, and in such renewals may provide for further renewals, and may insert similar terms, provisions, and conditions.

Prior leases may be assimilated to the terms of leases under this Act.

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 30 the provisions contained in the last preceding section, with the consent of the lessees under the said leases.

Board may enter into contracts to lease land without executing lease.

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 35 accept the said leases respectively.

Arbitration in case of dispute between Board and lessees.

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 40 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. This Act shall be deemed a special Act within the meaning of section 45 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 piece or parcel of land being part of the foreshore lying in front of the Anderson's Bay Road, and laid off as areas to be reclaimed on the plan of improvements at the Harbour of Dunedin, sanctioned by His Excellency the Governor in Council, 29th October, 1875, excepting ten (10) acres thereof, which it has been agreed, in consideration of an equivalent provided for in this Act, should be granted to the Corporation of the Borough of South Dunedin.

---

By Authority: GEORGE DIDSBUY, Government Printer, Wellington.—1880.