

Province of Auckland.



THE PUBLIC BUILDINGS ACT, 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

1875. SESSION XXX. No. 8.

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AN ACT to provide for the erection of certain Public Buildings within
the Province of Auckland.

Title.

WHEREAS by an Act of the Superintendent and Provincial Council of the Province of Auckland intituled "The Public Buildings Act 1874" provision was made for the erection of certain Public Buildings as therein mentioned And whereas it is expedient that the said Act should be repealed and other provision made in lieu thereof

Preamble.

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

1. The Short Title of this Act shall be "The Public Buildings Act 1875."

Short Title.

The Public Buildings Act 1874 repealed.

2. "The Public Buildings Act 1874" is hereby repealed. Provided always that notwithstanding anything herein contained all contracts and agreements made and entered into and all acts done under the said Act hereby repealed shall be as valid and effectual as though this Act had not been passed.

Commissioners of Public Buildings appointed.

3. The Superintendent and the Members for the time being of the Provincial Executive Council and William Swanson Esq. James Thomas Boylan Esq. and Thomas Macready Esq. shall be and they are hereby appointed Commissioners for carrying out the several undertakings authorised by this Act.

Vacancies how filled up.

4. If the said William Swanson, James Thomas Boylan or Thomas Macready or any person appointed in his place as herein provided shall die resign or leave the Colony of New Zealand and the Provincial Council shall then be in Session the vacancy thus arising shall be filled up by the said Council by the election of another member thereof and if the said Council shall not be in Session then such vacancy shall be filled up by a majority of the acting Commissioners by the appointment of a member of the said Council so that there shall always be three members of the Provincial Council besides the members of the Executive Council Commissioners under this Act.

Quorum of Commissioners.

5. The Commissioners may meet for the dispatch of business adjourn and otherwise regulate their proceedings as they think fit and three shall form a quorum for the transaction of business.

Order of Voting.

6. Questions arising at any meeting shall be determined by a majority of votes and in case of equality of votes the Chairman in addition to his original vote shall have a casting vote.

Chairman of Commissioners' meeting.

7. The Superintendent shall ex officio be the Chairman of the Commissioners and shall preside at their meeting but if he be not present the Commissioners present shall choose one of their number to be Chairman of such meeting.

Acts valid though Commissioners' appointment defective.

8. All acts done at any meeting of the Commissioners or by any person acting as a Commissioner shall notwithstanding that it be afterwards discovered that there was some defect in the appointment of any of the Commissioners be as valid as if the Commissioner had been duly appointed.

Commissioners may erect or complete certain buildings.

9. The Commissioners shall have power to cause to be built erected or completed the Public Buildings hereafter mentioned that is to say Provincial Hospital Buildings on the site chosen for the same near the present Provincial Hospital for which a contract has already been made and which contract is hereby declared and shall be deemed to be a contract made under this Act at a cost not exceeding the sum of Twenty Thousand Pounds.

Money may be raised by Debentures.

10. In order to raise money for the purposes of this Act it shall be lawful for the Commissioners from time to time to issue Debentures for any sum of money not exceeding in the aggregate the sum of £50,000 bearing interest after a rate to be therein fixed not exceeding 7 per cent. per annum payable half-yearly.

Form of Debentures.

11. Every Debenture shall be in the form or to the effect set forth in the First Schedule to this Act and shall be signed by the

Chairman and two other of the Commissioners and made payable at some place to be named therein in Auckland.

12. The Debentures shall be numbered consecutively commencing with the number one and shall have coupons attached thereto for every half-year's interest payable to bearer.

Debentures to be numbered consecutively and have coupons attached.

13. Debentures issued under this Act shall be sold by public tender at a price not being less than a minimum to be from time to time fixed by the Commissioners.

Debentures to be sold by public tender.

14. The holder of any Debenture shall not have any preference over any other holder by reason of any priority of date or otherwise but all Debenture holders shall rank alike and be entitled to equal rights.

No preference between Debenture holders.

15. Prior to the sale of any Debentures it shall be lawful for the Commissioners from time to time to borrow or raise money by the hypothecation or mortgage of such Debentures upon such terms and conditions as the Commissioners may think fit.

Debentures may be Mortgaged.

16. Money raised under the authority of this Act shall be expended in the building erecting completing and improving the Public Building specified in section nine of this Act and in payment of expenses incidental thereto at a cost not exceeding the amount therein specified and £30,000 the balance of the £50,000 so to be raised as aforesaid under this Act shall be paid over to the Board of Education constituted under "The Education Act 1872" to be expended in providing sites for school buildings and defraying the expense of erecting or erecting and furnishing schools and buildings or erecting teachers' houses and fencing and improving the land thereunto annexed. Provided always that out of the first sum of £20,000 to be raised under the provisions of this Act £10,000 shall from time to time be paid over to the Board of Education as they may require for the purposes aforesaid.

How Money raised to be expended.

17. For the purpose of providing a Sinking Fund for the Liquidation of the Principal there shall on the first Monday in the month of May in such year as shall be fixed by the Superintendent not being later than the first Monday in the month of May next after the expiration of three years after the date of the first Debentures issued be set apart out of the rents and profits arising from the Lands specified in the Second Schedule to this Act a sum equal to one per centum on all Debentures issued at that time.

Sinking Fund provided.

18. Such sum shall be applied in taking up so many Debentures as the sum so set apart will cover and the balance (if any) shall be deposited at interest in some Bank in Auckland and added together with the interest to the amount set apart for the same purpose in the next succeeding year.

How to be applied.

19. The order in which the Debentures shall be taken up shall be determined by Lot in some convenient manner on a day and at a place to be from time to time fixed by the Superintendent.

Order in which Debentures shall be paid.

20. On the first Monday in the month of May in every subsequent year a sum equal to one per cent. on the total amount for which Debentures have then been issued whether any of the same shall have been paid off or not with the addition of a sum equal to the interest on all Debentures already paid off shall be applied in taking up

Further provision as to Application of Sinking Fund.

so many Debentures to be determined by Lot as aforesaid as such sum with any balance from the preceding year and interest added together will cover and the balance (if any) shall be deposited at interest in some Bank and added together with the interest thereon to be set apart for the same purpose in the succeeding year.

Interest to cease after time fixed for payment of Debentures.

21. When it shall be so decided by Lot that any Debenture shall be paid off interest thereon shall be paid up to the first Monday in the month of May following but no longer. Provided that the full amount of the Debentures with interest thereon to that date be paid on presentation and such Debentures with the coupons belonging thereto and not then due be given up to the Superintendent.

Debentures charged on Lands specified in Second Schedule.

22. The Debentures together with Interest and Sinking Fund shall be a first charge on the Lands specified in the Second Schedule to this Act and the rents and profits arising therefrom and the said Lands rents and profits are hereby charged therewith.

On default in payment of Interest &c. application to be made to Superintendent.

23. If default shall be made in payment of any coupon for the space of forty days after the same shall become due or if a Sinking Fund shall not from time to time be set apart as herein provided or if default shall be made for the space of forty days in the payment of the principal sum due on any debenture when it shall become due or payable it shall be lawful for the holder of the coupon or debenture in respect of which such default is made to apply to the Superintendent in writing requiring that the Lands described in the said Second Schedule be sold.

Superintendent required to sell within 60 days.

24. It shall be the duty of the Superintendent and he is hereby required within sixty days from the time of the receipt of such application for sale if in the meantime payment in respect of which default has taken place has not been made to sell the said lands or so much thereof as shall be sufficient to pay off all the debentures charged on the said lands and still unpaid together with the coupons due in respect thereof and interest on such debentures and coupons to the time of payment.

Lands to be divided into convenient Lots and sold by auction after 30 days notice.

25. The said Lands shall be divided into convenient lots and shall be sold by auction without reserve of which not less than thirty days notice shall be given in the "Provincial Government Gazette" and in all the newspapers at the time published in the City of Auckland.

Superintendent to execute deeds, &c.

26. The Superintendent shall make and execute all such contracts deeds and conveyances as may be necessary to carry into effect the powers hereby conferred all which contracts deeds and conveyances shall be valid and effectual for the several purposes or objects therein set forth.

Receipt of Superintendent to discharge purchaser.

27. The Receipt in writing of the Superintendent shall be a sufficient discharge to the purchasers for so much money as may be thereby expressed to be received and no purchaser shall be answerable for the loss misapplication or nonapplication of the purchase money or obliged to see to the application thereof or required or concerned to enquire as to the fact of such default or demand as aforesaid.

Money to be paid into Bank to separate account.

28. The money to accrue from such sales shall be forthwith deposited by the Superintendent in a Bank carrying on business in

the City of Auckland and placed to a separate account which shall only be operated on by cheques drawn by the Superintendent countersigned by the Provincial Auditor.

29. The money so deposited shall be applied first to payment of the expenses attending the sale or otherwise incurred in the execution of the Power of Sale hereby given Secondly in payment of the several Debentures then outstanding and the coupons due in respect of the same and the Interest at the rate of 8 per cent. per annum on such Debentures and coupons until payment thereof And the surplus (if any) shall be appropriated by an Act of the Superintendent and Provincial Council of the Province of Auckland and applied accordingly.

Application of Money.

30. No Debenture holder shall have any claim whatever in respect of any Debenture issued under this Act on the Revenue of the Colony of New Zealand or of the Province of Auckland but every such Debenture shall be chargeable only on the Lands hereby charged therewith and on the rents and profits arising therefrom.

No liability upon Revenue of Colony or Province.

31. This Act shall not come into force until the time within which it may be disallowed by the Governor shall have expired.

Commencement of Act.

FIRST SCHEDULE.

FORM OF DEBENTURES.

AUCKLAND PUBLIC BUILDINGS LOAN.

£100. £50,000. £100.
 Authorised by an Act of the Superintendent and Provincial Council and thereby charged upon the Lands specified in the Second Schedule to the above Act and not on the ordinary or other Revenue of the Colony of New Zealand or of the Province of Auckland.

The Principal to be repaid at par by the application to annual drawings of one per cent. accumulative Sinking Fund.

The bearer of this Debenture will be entitled to receive from the Superintendent of the Province of Auckland £100 sterling on the first Monday in the month of May following the day on which this Debenture shall have been drawn for payment.

The bearer will further be entitled to receive Interest thereon half-yearly at the rate of seven per cent. per annum from the day of inclusive to the day on which the above principal shall become due and payable by reason of this Debenture being drawn.

The drawings will take place in the month of March on a day to be fixed by the Superintendent of which at least 21 days' notice will be given commencing in 187 and will be conducted in the presence of such Debenture holders as may be pleased to attend and of a Notary Public. The Debentures drawn will be paid off at par on the first Monday in May following together with Interest up to that day inclusive and no longer.

A. B., Chairman of Commissioners.

C. D. }
 E. F. } Commissioners.

NOTE—By accumulative Sinking Fund it is understood that the liability will continue at the rate of one per centum per annum on the total amount of debt contracted until the whole shall have been extinguished and that after paying the interest on the outstanding Debentures the balance will be applied to the annual drawings.

SECOND SCHEDULE.

CITY OF AUCKLAND :

(1) All that parcel of land within the Province of Auckland in the Parish of Waitemata in the County of Eden and being allotments Nos. 1, 2, 3 and part of Allotment No. 4 of Section No. 15 of the City of Auckland containing three roods and twenty-eight perches bounded towards the North by Victoria-street 328 links towards the East by Queen-street 283 links towards the South by Darby-street 328 links and towards the West by Elliott-street 283 links.

- (2) Allotment No. 12 of Section 4 containing one rood and one perch.
- (3) Allotment No. 16 of Section 7 containing one rood and thirty-seven perches.
- (4) Allotment No. 8 of Section 15 containing one rood and three perches.
- (5) Allotments Nos. 7, 8, 9 and 10 of Section 9 containing one rood and thirty-six perches.
- (6) The Western portion of Allotment No. 17A of Section 4 containing thirteen perches.
- (7) Allotment No. 1 of Section 31 containing two roods and sixteen perches situated in Mechanics Bay.

SUBURBS OF AUCKLAND :

- (8) Allotment No. 21A of Section 11 containing seven acres and one rood.
- (9) Part of Allotment No. 13 of Section 12 containing fourteen acres and thirty-six perches.
- (10) Allotment No. 7A of Section 12 containing fifty-three acres.
- (11) Allotment No. 17A of Section 12 containing twenty-seven acres and twenty-three perches.
- (12) Allotment No. 14A of Section 12 containing four acres and one rood.
- (13) Allotment No. 24 of Section 6 containing forty acres.
- (14) Part of Section No. 98 containing two acres two roods and twenty-nine perches.
- (15) Allotment No. 41 of Section 3 containing twelve acres excepting such portion thereof as may be conveyed by law to Her Majesty the Queen for the purposes and subject to the provisions of "The Public Domains Act 1860."
- (16) Part of Allotment No. 1 of Section 99 containing three acres and six perches.

PARISH OF TAKAPUNA :

- (17) Allotments Nos. 14, 15, 16, 17 and 20 containing one hundred and two acres one rood and twenty-four perches.

G. MAURICE O'RORKE,
SPEAKER.

Passed the Provincial Council the twenty-eighth
day of May, One thousand eight hundred
and seventy-five.

ROBERT KIDD,
Clerk of Council.

On behalf of the Governor, I hereby assent to this Act, this
twenty-eighth day of May, One thousand eight hundred and seventy-five.

G. GREY,
SUPERINTENDENT.