

Dunedin Drill-shed Reserve Act 1876

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An Act to authorize the Grant and Transfer of certain Parcels of Land in Dunedin in trust for the use of the Otago Volunteers, and to make provision for the Control and Management of the said Lands.

Preamble.

WHEREAS the Provincial Council of Otago, on the twenty-eighth day of July, one thousand eight hundred and seventy-three, passed a resolution recommending the Superintendent of the said province to set apart the parcel of land particularly described in the First Schedule hereto for the purposes hereinafter mentioned, hut effect could not be given to the said recommendation by reason of the said land not having been granted to the said Superintendent: And whereas the said Superintendent has concurred in the recommendation of the Provincial Council aforesaid, and it is expedient to carry out the same: And whereas the parcel of land described in the Second Schedule hereto has been granted to the Superintendent of Otago and his successors under “The Public Reserves Act, 1854,” and “The Public Reserves Act Amendment Act, 1862,” in trust as a site for a drill-shed; and it is expedient that the said land should be transferred and vested in manner hereinafter mentioned: And whereas the parcel of land described in the Third Schedule hereto was heretofore vested in the Trustees under “The Presbyterian Church of Otago Lands Act, 1866,” and the said Trustees, under the authority of “The Dunedin Presbyterian Church Lands Ordinance Amendment Ordinance, 1874,” have conveyed and assured the same to the Superintendent of Otago, in exchange for other lands which they have acquired in lieu thereof: And whereas it is expedient that the last aforesaid parcel of land should also be set apart for the purposes hereinafter mentioned:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title.

The Short Title of this Act shall be “The Dunedin Drill-shed Reserve Act, 1876.”

2 Dunedin Drill-shed Commissioners incorporated.

William Stavely, Major of the New Zealand Volunteers, Commanding the Otago District; Nathaniel Young Armstrong Wales, Captain of the Number One Company, City Guards, Dunedin Rifle Volunteers; Archibald Hill Jack, Captain of the Dunedin Artillery Volunteers; John Roberts, Captain of the South District Dunedin Volunteers; Charles Stephen Reeves, Captain of the North Dunedin Rifle Volunteers; George Robert Smith, Captain of the Dunedin Naval Volunteers; and Thomas Chalmers Reid, Captain of the Wakari Rifle Volunteers; and all such other persons as shall be hereafter appointed Commissioners under the provisions of this Act, and their successors, shall be and they are hereby constituted a body corporate in fact and in law, by the name and style of “The Dunedin Drill-shed Commissioners,” and by that name they and their successors shall have perpetual succession and a common seal, with

full power and authority, by the same name and style, to do and suffer all matters and things incidental to or appertaining to a corporate body, subject nevertheless to any provisions in this Act contained affecting such powers.

3 Power to remove and appoint Commissioners.

In case any Commissioner shall die resign become incapable to act, or be removed suspended or absent from the Province of Otago for the space of six calendar months, the Governor shall appoint some other fit and proper person or persons to be a Commissioner or Commissioners in the place of the person or persons so dying resigning becoming incapable or being absent as aforesaid.

4 Reserve may be granted for use of Otago Volunteers.

It shall be lawful for the Governor, on behalf of Her Majesty, to execute a Crown grant to the Dunedin Drill-shed Commissioners and their successors (hereinafter called "the Commissioners") of the parcel of land described in the First Schedule hereto, as a site for a drill-shed, armoury, and gun-shed, and for any other purposes in connection therewith, for the use of the several corps of different arms of the Otago Volunteers.

5 Transfer of land from Superintendent to Volunteers.

The several parcels of land described in the Second and Third Schedules hereto, and every or any part or parts thereof respectively, shall, by virtue of this Act, be transferred to and vested in and held by the said Commissioners and their successors, in trust for the like purposes as in the foregoing section mentioned, without any conveyance or assignment; and the Superintendent of Otago and his successors, in whom such lands were vested immediately before the coming into operation of this Act, shall be discharged from all liability and responsibility which might arise in respect thereof or the trusts upon which any of the said lands were held.

6 Land to vest in Commissioners and their successors.

The parcels of land described in the several Schedules hereto shall vest in and be held by the aforesaid Commissioners and their successors, with power, subject to the provisions of this Act, to make any contracts and do all other lawful things relating thereto.

7 Commissioners may set apart portion of said land as a drill-shed.

It shall be lawful for the Commissioners to set apart a sufficient portion of the said parcels of land for the erection thereon, at a total cost of not less than two thousand pounds, of a drill-shed and other buildings connected with Volunteer purposes, and from time to time to vary and alter the portion which may for the time being be set apart, and to set apart another portion of the said parcels of land for the said purposes in lieu thereof.

8 Commissioners may lease surplus land.

It shall be lawful for the Commissioners, by deed under their common seal, to lease from time to time the whole or any part of the said parcels of land specified in the said Schedules hereto, not required for the purposes of a drill-shed and other buildings connected with Volunteer purposes, for any term or terms of years not exceeding twenty-one years at any one time.

Every such lease shall be granted at such rent and on such conditions as the Commissioners think reasonable, and upon the special condition that substantial buildings of a permanent character only shall be erected on the land to be leased.

9 Application of moneys.

All moneys received by the Commissioners for the rents issues and profits of the said parcels of land shall, after deducting therefrom all necessary expenses incurred in the management thereof, be applied in and towards the erection and maintenance of a building to be used as a drill-shed and other necessary buildings upon the said parcels of land, and generally in and towards the support and encouragement of the Volunteer corps in the Province of Otago, and for such other purposes connected with the Volunteer force as the Commissioners may from time to time determine to apply the same.

10 Commissioners to keep accounts and furnish balance sheets to be audited.

The Commissioners shall keep accurate accounts of all sums of money received for rents issues and profits on account of the said parcels of land, and of all costs charges expenses and disbursements in connection with the management and maintenance thereof, and on the thirty-first day of March in every year, or within one week thereafter, the Commissioners shall prepare accounts and a balance sheet showing their receipts and disbursements during the previous year and the actual financial state of the estate on the thirty-first day of March in that year; and such accounts and balance sheet shall be laid before the Auditors of the City Council, who are hereby required and empowered to examine and audit such accounts and balance sheet, and such balance sheet shall be published in some local newspaper immediately after the same is audited.

11 Lessees not responsible for the application of moneys.

No lessee shall be concerned to inquire into the necessity or propriety of any such lease, or be concerned to see to the application of the rents, or be answerable for the misapplication thereof.

12 Commissioners to make rules.

It shall be lawful for the Commissioners, and they are hereby authorized and empowered, from time to time to make and alter rules for regulating the

management and for prescribing the conditions on which the drill-shed and appurtenances shall be occupied and used.

13 On failure of trust, lands to become demesne lands of the Crown.

In the event of the several corps of the Otago Volunteers failing to keep up the standard of efficiency of service, as the same may from time to time be prescribed by the Volunteer Regulations, or of their services being discontinued, or of their being disbanded, then and in either of such cases the whole of the lands described in the several Schedules hereto and the appurtenances shall be vested in Her Majesty the Queen, and shall be and become part of the demesne lands of the Crown.

14 Interpretation.

Wherever the word "Volunteer" is mentioned, it shall be understood to include Militia, and shall be read as "Militia and Volunteers."

SCHEDULES

FIRST SCHEDULE

All that area in the Province of Otago, containing by admeasurement thirty-nine (39) poles, more or less, situate in the City of Dunedin, being section numbered ten (10), Block Fifteen (XV.), on the map of the said city. Bounded towards the North-west by section numbered nine (9), three hundred and twenty (320) links; towards the Northeast by reserve numbered four (4), one hundred and thirty-one (131) links; towards the South-east by reserve numbered four (4), and Crown lands, two hundred and twenty (220) links; and towards the South-west by Dowling-street, ninety-three (93) links.

SECOND SCHEDULE.

All that area in the Province of Otago, containing by admeasurement eighteen (18) poles, more or less, situate in the City of Dunedin, being portion of Crown lands between reserve numbered four (4) and High Street. Bounded towards the North by reserve numbered four (4), one hundred and fifty (150) links; towards the North-east by Crown lands, one hundred and twenty-nine (129) links; towards the South-east by High Street, seventeen (17) links; towards the South-west by Dowling Street, two hundred (200) links; and towards the North-west by section numbered ten (10), Block Fifteen (XV.), fifteen (15) links.

THIRD SCHEDULE

All that area in the Province of Otago, containing by admeasurement twenty (20) poles, more or less, situate in the City of Dunedin, being part of reserve numbered four (4), Block Fifteen (XV.), on the map of the said city. Bounded towards the Northwest by section numbered ten (10), two hundred and five (205) links; towards the North-east by other part of the said reserve numbered four (4), one hundred and eighty-one (181) links; and towards the South by Crown lands, one hundred and fifty (150) links.