

Reserves and other Lands Disposal and Public Bodies Empowering Act 1924

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An Act to provide for the Exchange, Sale, Reservation, and other Disposition of certain Reserves, Crown Lands, Endowments, and other Lands, to validate certain Transactions, and to confer certain Powers on certain Public Bodies.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title

This Act may be cited as the Reserves and other Lands Disposal and Public Bodies Empowering Act 1924.

Cancellation of reservation over certain lands.

2 Reservation over lands described in Schedule 1 cancelled, and lands declared to be Crown lands

The reservation over the several parcels of land described in Schedule 1 to this Act for the several purposes specified in that

Schedule is hereby cancelled, and the said lands are hereby declared to be Crown lands available for disposal under the Land Act 1948.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

North Auckland Land District.

3 Revoking vesting in Rodney County Corporation of Section 195, Parish of Oruawharo, and declaring same to be subject to Part 2 of Public Reserves and Domains Act

Whereas the land hereinafter described, formerly held by the Corporation of the Albertland South Road District pursuant to section three of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1907, as a reserve for recreation purposes, is now held by the Corporation of the County of Rodney owing to the merging of the said road district in the said county: And whereas it is desirable that the said land should be brought under the provisions of Part 2 of the Public Reserves and Domains Act 1908, so that a local Domain Board may be set up: And whereas the Rodney County Council has consented to this procedure: Be it therefore enacted as follows:—

- (1) The vesting in the Corporation of the County of Rodney of the land hereinafter described in trust for the purposes of public recreation is hereby revoked, and the said land is hereby declared to be permanently reserved for recreation purposes, and to be a public domain subject to the provisions of Part 2 of the Public Reserves and Domains Act 1908.
- (2) Section three of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1907, is hereby repealed.
- (3) The land to which this section relates is particularly described as follows:—

All that area in the North Auckland Land District, containing by admeasurement nineteen acres three roods thirty-five and eight-tenths perches, more or less, being part of Section 195, Parish of Oruawharo.

**4 Section 17 of Reserves and other Lands Disposal and
Public Bodies Empowering Act 1923, amended**

Section seventeen of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1923, is hereby amended as from the passing thereof by omitting from subsection two all words after the words “described as follows,” and substituting the words:—

“All that area in the North Auckland Land District, containing by admeasurement one acre three roods eleven perches, more or less, being Allotment 95, Suburbs of Tuakau: as the same is delineated on the plan marked L and S 22/3230, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.”

**5 Authorizing Dargaville Borough Council to expend
loan-moneys on construction of carriage-ways with
bitumen or asphalt instead of concrete as authorized by
ratepayers**

Whereas the Dargaville Borough Council was, by a poll of ratepayers taken on the twentieth day of October, nineteen hundred and twenty, duly authorized to raise a loan of sixty-three thousand seven hundred and ten dollars for the construction, *inter alia*, of certain carriage-ways in concrete: And whereas it is desired to confer on the said Council discretionary power to carry out such works of construction with bitumen, asphalt, or other similar substance, or concrete, as in any case it thinks fit: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1913, or in any other Act, it shall be lawful for the said Council to expend from time to time the whole or any part or parts of the sums borrowed, or to be borrowed pursuant to the authority aforesaid, for the construction of carriage-ways with concrete, in the construction of such carriage-ways with bitumen, asphalt, or other similar substance, or with concrete, as in any case the said Council may think fit.

The reference to “sixty-three thousand seven hundred and ten dollars” was substituted, as from 10 July 1967, for a reference to “thirty-one thousand eight hundred and fifty-five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

6 Authorizing vesting in Mrs Hannah Bailey of closed portion of road along bank of Oratia Stream

Whereas by section seven of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, the portion of the river-bank road hereinafter described was closed, and the land comprised therein was declared to be settlement land available for disposal under the Land for Settlement Act 1908: And whereas it is now found to be expedient and equitable that the said land should be vested in one Hannah Bailey, the owner and occupier of the area adjacent to the said closed road, in full recompense for other lands formerly owned by her and taken for the purpose of a road: Be it therefore enacted as follows:—

- (1) Notwithstanding anything in the enactment hereinbefore mentioned, the land hereinafter described is hereby vested in the said Hannah Bailey for an estate in fee-simple free from encumbrances.
- (2) The District Land Registrar for the Land Registration District of Auckland is hereby empowered and directed, subject to a Warrant in that behalf under the hand of the Governor-General, to issue to the said Hannah Bailey, without payment of any fees whatsoever, a certificate of title to the said land.
- (3) The area to which this section relates is more particularly described as follows:—

All that area in the North Auckland Land District, containing by admeasurement two acres one rood five perches, more or less, being portion of a closed road adjoining Section 42, Waari Hamlet, Block II, Titirangi Survey District: bounded, commencing at the southernmost corner of Section 42, Waari Hamlet; towards the east generally by a public road, 63 links, and by Section 75 of the hamlet above mentioned, 285.8 links, and towards the south by the same section, 25 links, to the Oratia Stream; towards the south-west and north-west generally by the right bank of the said Oratia Stream to a public road; towards the north-east by the last-mentioned public road, 102 links; towards the south, east, and north-east generally by Section 42, Waari Hamlet, 213.7, 256.8, 263.6, 512.2, and 233.7 links respectively to the point of commencement: be all the aforesaid linkages more or less: as the same is delineated on plan marked L and S 2/34, deposited in the Head Office, De-

partment of Lands and Survey, at Wellington, and thereon bordered red.

7 Authorizing issue of certificate of title to WH Blyth in respect of land selected under Auckland Waste Lands Act 1858

Whereas William Henry Blyth, of Paranui, Mangonui, became entitled to a grant of land under the Auckland Waste Lands Act 1858: And whereas it appears from the official records that it was proposed to allot to the said William Henry Blyth the north middle portion of Allotment 46 of the Parish of Oruru: And whereas through the failure of the said William Henry Blyth to follow the procedure prescribed by the Auckland Waste Lands Act Amendment Act 1862, a Crown grant was not issued in respect of the said land pursuant to section seventy-nine of the Auckland Waste Lands Act 1858, though the said William Henry Blyth entered into occupation of the land and has continued in occupation thereof: And whereas it is now desired to issue to the said William Henry Blyth a certificate of title in respect of the said land: Be it therefore enacted as follows:—

- (1) The Governor-General may, by Warrant under his hand, authorize the issue of a certificate of title in respect of the said parcel of land to the said William Henry Blyth.
- (2) The land to which this section relates is more particularly described as follows:—

All that area in the North Auckland Land District, being Allotment North Middle 46, Parish of Oruru, containing by admeasurement seventy-five acres three roods thirty-one perches, more or less: as the same is delineated on the plan marked L and S 9/663, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

8 Authorizing Otamatea County Council to purchase certain cattle-dips

- (1) The Otamatea County Council may, with the prior consent of the Minister of Agriculture and upon such terms as he may determine, purchase or lease any existing cattle-dips in its district, and may make by-laws regulating the use thereof, and prescribing such fees and charges for such use as it thinks fit.

- (2) For the purpose of purchasing any such dips the said Council is hereby empowered to raise, by special order, a special loan under the provisions of the Local Bodies' Loans Act 1913, without taking the steps described in sections eight to twelve thereof.

9 Authorizing Manukau County Council to establish or subsidize service for conveyance of passengers

- (1) The Manukau County Council may establish, maintain, and regulate a service for the conveyance of passengers and goods to and from any place within the Manukau County, or, with the consent of any neighbouring local authority, between any place within the said county and any place within the district of that local authority, or the said County Council may contribute out of the County Fund or out of any riding fund to any such service established or maintained by any person or company or by any other local authority.
- (2) Nothing in this section shall authorize the said County Council to construct any tramway or railway.

10 Authorizing Manukau County Council to charge for ordinary supplies of water according to the quantity consumed

Whereas by Order in Council made under the Local Government Act 1974, dated the twentieth day of August, nineteen hundred and twenty-three, and gazetted on the twenty-third day of the same month, certain powers exercisable by Borough Councils under the Municipal Corporations Act 1920, with respect to the supply of water for domestic or industrial purposes were conferred on the Manukau County Council: And whereas, pursuant to such powers, the Council may make and levy water rates in respect of the ordinary supply within the meaning of any by-law defining such ordinary supply on the basis of the annual value of lands and dwellinghouses receiving such supply: And whereas the Manukau County Council purchases its water-supply, and the cost of such supply is calculated by means of meters provided for the purpose: And whereas it is expedient to empower the said Council to charge for the cost of water supplied to

lands and dwellinghouses according to the quantity of water consumed by any person receiving the same and measured by meter: Be it therefore enacted as follows:—

Notwithstanding any restriction contained in the powers conferred on it as aforesaid, it shall be lawful for the Manukau County Council to make and levy water rates or charges in respect both of the ordinary as well as of any extraordinary supply according to the quantity of water consumed by any person receiving the same and measured by meter, at such rates or charges as may be fixed by any by-law in that behalf or as may be agreed on with any such person, and all water rates or charges so payable shall be deemed to be separate rates, and may be recovered accordingly.

A reference to the Counties Act 1920 (1920 No 47) was substituted, as from 1 April 1957, by a reference to the Counties Act 1956 pursuant to section 453(1) Counties Act 1956 (1956 No 41). That reference was in turn substituted, as from 1 April 1980, by a reference to the Local Government Act 1974 pursuant to section 9(1) Local Government Amendment Act 1979 (1979 No 59).

11 Authorizing Otahuhu Borough Council to use for reticulation unexpended balance of loan raised for other water-supply purposes

Whereas in the year nineteen hundred and twenty-two the Otahuhu Borough Council borrowed, in the manner prescribed by the Local Bodies' Loans Act 1913, the sum of eight thousand three hundred dollars, to be allocated in the manner set out in the loan proposal submitted to the ratepayers, amongst certain water-works extension works: And whereas the sum of one thousand one hundred and ninety dollars of the said loan-moneys was in the said loan proposal allocated for the purpose of increasing the storage capacity of and roofing with concrete an existing reservoir on Fort Richmond Hill in the said borough: And whereas by reason of the completion of the other works for which the said loan was raised the said reservoir on Fort Richmond Hill is no longer required, and it is inexpedient to expend any moneys thereon: Be it therefore enacted as follows:—

The Otahuhu Borough Council is hereby authorized and empowered to expend the said sum of one thousand one hundred and ninety dollars on the purchase, construction, laying, and

fitting of additional machinery, pipes, mains, fittings, and appliances for the supply of water in the Borough of Otahuhu.

The references to “eight thousand three hundred dollars”, and “one thousand one hundred and ninety dollars” were substituted, as from 10 July 1967, for references to “four thousand one hundred and fifty pounds”, and “five hundred and ninety-five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

12 Section 11 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1919, amended

[Repealed]

Section 12 was repealed, as from 1 April 1957, by section 453(1) Counties Act 1956 (1956 No 64).

13 Adding Waiheke Island to Auckland Hospital District

- (1) The area comprised in Waiheke Island is hereby included in and declared to form part of the Auckland Hospital District.
- (2) For the purposes of the Hospitals Act 1957, the said area shall be deemed to be a county in which the Local Government Act 1974, is suspended.

The Hospitals and Charitable Institutions Act 1909 (1909 No 11) was repealed, as from 1 January 1927, by section 156 Hospitals and Charitable Institutions Act 1926 (1926 No 18). That Act was in turn repealed, as from 1 April 1958, by section 158(1) Hospitals Act 1957 (1957 No 40).

The Counties Act 1920 (1920 No 47) was substituted, as from 1 April 1957, by a reference to the Counties Act 1956 pursuant to section 453(1) Counties Act 1956 (1956 No 41). That reference was in turn substituted, as from 1 April 1980, by a reference to the Local Government Act 1974 pursuant to section 9(1) Local Government Amendment Act 1979 (1979 No 59).

14 Authorizing Governor-General to proclaim as a road portion of a State forest

Whereas the land hereinafter described forms part of an area which by Proclamation published in the *Gazette* of the seventh day of April, eighteen hundred and eighty-seven, was permanently reserved as a State forest: And whereas it is desired to utilize the said land for road purposes: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in the Forests Act 1949, the Governor-General may, by Proclamation, proclaim as a road the land hereinafter described.

- (2) The land to which this section relates is particularly described as follows:—

All that area in the North Auckland Land District, containing by admeasurement three acres and thirty-one perches, situate in Block XIII, Survey District of Waitemata, being part of Allotment 169 of the Parish of Waipareira: commencing at a point on a public road, and bounded towards the west generally by part Allotment 169 aforesaid, 402 links, 476.1 links, 197.6 links, 740 links, 752.5 links, 287.3 links, 293.9 links, 233.6 links, and 472.5 links, to its intersection with the aforesaid road; towards the east generally by the same road, 108 links, and by part Allotment 169 already mentioned, 424.6 links, 162.8 links, 205.5 links, 295.7 links, 738.1 links, and 567.2 links, to its intersection with the road hereinbefore mentioned, and thence by that road, 12.9 links, 252.5 links, 293.5 links, 218.3 links, 250.6 links, and 191 links, to the point of commencement: as the same is delineated on the plan marked L and S 9/854, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

The Forests Act 1921-22 was repealed, as from 1 January 1950, by section 73(1) Forests Act 1949 (1949 No 19).

15 Empowering certain local authorities to contribute towards the funds of the North Auckland Progress League (Incorporated)

It shall be lawful for the Councils of the counties of Waitemata, Rodney, Otamatea, Whangarei, Hobson, Bay of Islands, Hokianga, Whangaroa, and Mongonui, or any other local authority the district of which is within or partly within any of the said counties, to contribute out of their or its general fund or account such a sum of money in any year as such Council or other local authority may think fit as a subscription to the funds of the North Auckland Progress League (Incorporated).

16 Authorizing Manukau County Council to borrow additional amount to complete purchase of a site and erection of a hall thereon

Whereas on the twenty-first day of April, nineteen hundred and twenty-three, the Manukau County Council submitted to a poll of the ratepayers of the Mangere East Public Hall and Recreation-ground Special-rating Area, in the said county, a proposal to borrow by way of special loan under the Local Bodies' Loans Act 1913, the sum of seven thousand dollars for the purposes of, firstly, the purchase of a site and the erection of a public hall thereon (five thousand five hundred dollars), and, secondly, the purchase of a recreation reserve and laying out same (one thousand five hundred dollars): And whereas the said poll was validated by section six of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1923: And whereas in pursuance of such poll the sum of five thousand five hundred dollars for such first-mentioned purpose was duly raised and expended by the said Council: And whereas the said moneys not being sufficient to complete the said works the said Council on the twenty-sixth day of January, nineteen hundred and twenty-four, submitted to a poll of the ratepayers of the said special-rating area a proposal to borrow by way of special loan under the said Act the sum of two thousand five hundred dollars for the purpose of additional expenditure in the erection, completion, and furnishing of the proposed public hall: And whereas in pursuance of such poll the said loan of two thousand five hundred dollars was duly raised and expended by the said Council: And whereas the said several sums so borrowed are insufficient to complete the said works: And whereas doubts have arisen as to the powers of the said Council to raise an additional ten per centum of the amount of both or either of the said loans pursuant to section eighteen of the Local Bodies' Loans Act 1913: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1913, or any other Act, the Manukau County Council may, without any further authorization by the ratepayers, borrow and give security for a further sum not exceeding an amount equal to one-tenth of the sum of the said loans in terms of section eighteen of the Local Bodies' Loans Act 1913, as though each of such loans was for a separate undertaking.

- (2) The Manukau County Council shall expend and apply the proceeds of such further loan in or towards completing all or any of the objects for which either of the said original loans was raised.

The references to “seven thousand dollars”, “five thousand five hundred dollars”, “one thousand five hundred dollars”, “two thousand five hundred dollars” were substituted, as from 10 July 1967, for references to “three thousand five hundred pounds”, “two thousand seven hundred and fifty pounds”, “seven hundred and fifty pounds”, and “one thousand two hundred and fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**17 Authorizing incorporation of certain land in
occupation-with-right-of-purchase license of Section 5,
Block XIV, Tutamoe Survey District**

Whereas in pursuance of an arrangement made for an exchange of lands whereby a more suitable water-catchment area may be provided for the Borough of Dargaville it is desired to exchange the land hereinafter described for other land, and for the purpose of effecting such exchange to incorporate such hereinafter-described land in the occupation-with-right-of-purchase license of Section 5, Block XIV, Tutamoe Survey District, a portion of which has been surrendered by the licensee for water-supply purposes: Be it therefore enacted as follows:—

- (1) The land hereinafter described (being unoccupied land belonging to the Crown) may be dealt with in manner provided by section two of the Land Laws Amendment Act 1922, notwithstanding any restrictions contained in that section, and the provisions of that section shall apply accordingly.
- (2) The land to which the last preceding subsection relates is particularly described as follows:—

All that area in the North Auckland Land District, containing by admeasurement two hundred and one acres one rood twenty perches, more or less, being Section 12, Block X, Tutamoe Survey District.

**18 Cancelling reservation over a certain quarry reserve,
and declaring same to be vested in Avondale Borough
Corporation for municipal purposes**

Whereas by notice published in the *Gazette* of the twenty-ninth day of September, eighteen hundred and ninety-eight, Allotment 94A of the

Parish of Titirangi, containing two acres, was permanently reserved for a quarry under the Land Act 1948, and by Order in Council dated the thirteenth day of December, eighteen hundred and ninety-eight, published in the *Gazette* of the twentieth day of December, eighteen hundred and ninety-eight, it was declared that the land should be vested in the inhabitants of the Avondale Road District in trust as a quarry reserve, but no title has ever been issued therefor: And whereas by virtue of the area comprised in the Avondale Road District being now included in the Borough of Avondale the said land is now vested in the Corporation of that borough: And whereas the said land is no longer required for the purpose of a quarry, and it is desirable that the purpose of such reservation be changed and the said land vested in the Avondale Borough for municipal and public purposes: Be it therefore enacted as follows:—

- (1) The reservation for the purposes of a quarry over the land hereinafter described is hereby cancelled, and the said land is hereby declared to be vested in the Corporation of the Borough of Avondale in trust for municipal and public purposes.
- (2) The District Land Registrar is hereby empowered and directed to issue to the said Corporation a certificate of title in respect of the said land.
- (3) The land to which this section relates is particularly described as follows:—

All that area in the North Auckland Land District, being Allotment 94A of the Parish of Titirangi, containing by admeasurement two acres, more or less: bounded towards the north-east by a public road, 509 links; towards the south-east and south-west by Section 94 of the Parish of Titirangi, 400 and 491 links respectively; and towards the north-west by Section 52 of the same parish, 400 links, to the point of commencement.

The Land Act 1892 (1892 No 37) was consolidated, as from 4 August 1908, by section 1(2) Land Act 1908 (1908 No 94). That Act was in turn repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

**19 Empowering Whangarei High School Board to sell and
Whangarei Harbour Board to buy certain land**

[Repealed]

Section 19 was repealed, as from 27 November 1964, by section 18(3) Reserves and Other Lands Disposal Act 1964 (1964 No 118).

**20 Authorizing sale of Allotment 148, Ruatangata Parish, to
Corporation of Whangarei County**

(1) Notwithstanding any restriction contained in section one hundred and forty of the Land Act 1908, the land hereinafter described may be sold in fee-simple to the Corporation of the County of Whangarei at such price as the North Auckland Land Board, with the approval of the Minister of Lands, may fix.

(2) The land to which this section relates is particularly described as follows:—

All that area in the North Auckland Land District, containing thirty acres, being Allotment 148, Ruatangata Parish.

**21 Authorizing expenditure on certain reserves in Onehunga
Borough of funds raised for expenditure on Jellicoe Park**

Whereas in or about the month of June, nineteen hundred and twenty-two, a meeting of residents or inhabitants of the Borough of Onehunga decided to raise funds to provide certain swings, seesaws, slides, and other appliances or equipment for the recreation of children on that portion of Jellicoe Park situated in the Borough of Onehunga which has been set aside by the Onehunga Borough Council for a children's playground: And whereas as a result of the said meeting a committee (hereinafter referred to as the said committee) was formed for the purpose of raising the sum or sums of money necessary to carry out the decision of such said meeting, which said committee consists of Ernest Joseph Higgins (chairman), James Robb (secretary), Thomas Henry Ashe (acting-secretary), William Ireland, Harry Dawson, Henry Jones, David James Hyauison, Richard George Speight, Charles Alfred Osborne, Ernest Greenland, Daniel McCarten, Henry Joseph Davies, Henry Andrew Bower, Edwin Vivian Sutherland, Arthur George Houldsworth, Thomas Henry Pardington, Wesley

Martin, Frederick Bartlett, Alfred Augustus Creamer, Thomas Henry McKeever, James Edward Cowell, and Edward Dane: And whereas the sum of one thousand seven hundred and ten dollars was raised to carry out the objects above set forth: And whereas the sum of one thousand three hundred and sixty-six dollars has been expended or applied by the said committee towards the objects above set forth: And whereas it is not deemed advisable to erect and set up any additional equipment on the area set aside as a children's playground in such said Jellicoe Park: And whereas the equipment provided in such said children's playground has been handed over by the said committee to the Onehunga Borough Council, which has under taken the future maintenance and repair thereof: And whereas the said committee is desirous of expending the balance of the funds in its hands in providing similar equipment for the recreation of children upon that public reserve or domain situated at the foot of Norman's Hill, and being Allotment 9 of Section 33 of the Borough of Onehunga, and also upon that public reserve or domain situated at the junction of Church Street West and Beach Road in the Borough of Onehunga, and bounded on the east by Lots 3 and 4 of Allotment 1 of Section 20 of the Borough of Onehunga, on the north and on the west by Church Street, and on the south by Beach Road, which said public reserves or domains above described have been set aside in part by the Onehunga Borough Council as children's playgrounds: Be it therefore enacted as follows:—

Notwithstanding that the whole of the said sum of one thousand seven hundred and ten dollars was raised for the purpose of providing appliances and equipment for the recreation and amusement of children in the said Jellicoe Park, it shall be lawful for the said committee to expend the unexpended balance of that sum and such other fund or funds as may hereafter be raised by the said committee towards providing equipment or appliances similar to those mentioned and described above upon any part or parts of the above-mentioned public reserves or domains in the Borough of Onehunga which may be set aside as a children's playground or playgrounds.

The references to “one thousand seven hundred and ten dollars”, and “one thousand three hundred and sixty-six dollars” were substituted, as from 10 July 1967, for references to “eight hundred and fifty-five pounds”, and “six hundred and eighty-three pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

22 Authorizing renewal of a certain timber-floating license in respect of Wairoa River

Whereas on the twenty-second day of March, nineteen hundred and twenty, a timber-floating license was granted under the Timber-floating Act 1908, to Thomas Charles Hawkins, of Tangowahine, to use the course of the Wairoa River and the tributaries thereof (excepting what is known as Kaihu Creek) for the term of three years from the twenty-second day of March, nineteen hundred and twenty: And whereas on the expiry of the said license a renewal thereof was granted for a period of twelve months from the twenty-second day of March, nineteen hundred and twenty-three: And whereas the aforesaid license has lapsed through the failure of the license to apply for a further renewal thereof within the time prescribed in that behalf by the said Act: And whereas it is deemed expedient to authorize a further renewal of the said license: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in the Timber floating Act 1908, the Commissioner of Crown Lands for the North Auckland Land District is hereby empowered, subject to the approval of the North Auckland Land Board, to grant a renewal of the aforesaid timber-floating license for a further period of twelve months from the twenty-second day of March, nineteen hundred and twenty-four, subject to such conditions as he may think fit.

23 Adjusting boundaries of certain Crown land, a water-conservation reserve, a State forest, and a provisional State forest

Whereas by a Warrant published in the *Gazette* of the twenty-second day of December, nineteen hundred and twenty, the land described in subsection six hereof was permanently reserved for water-conservation purposes: And whereas by a Proclamation published in the *Gazette* of the eleventh day of January, nineteen hundred and

twenty-three, the land described in subsection seven hereof was set apart as and for a provisional State forest: And whereas it is desirable that the boundaries of the said reserves and of an adjoining State forest and of adjoining Crown land should be adjusted so as to conform with the natural features of the country and with the latest surveys: Be it therefore enacted as follows:—

- (1) The reservation for water-conservation purposes over the land described in subsection six hereof is hereby cancelled.
- (2) The setting-apart as and for a provisional State forest over the land described in subsection seven hereof is hereby revoked.
- (3) The land described in subsection eight hereof is hereby permanently reserved for water-conservation purposes.
- (4) The land described in subsection nine hereof is hereby set apart as and for a provisional State forest.
- (5) The land described in subsection ten hereof is hereby permanently reserved as a State forest.
- (6) The land to which subsection one hereof relates is particularly described as follows:—

All that area in the North Auckland Land District, containing one thousand three hundred and eight acres, more or less, being Sections 1 and 2, Block IX, Takahue Survey District.
- (7) The land to which subsection two hereof relates is particularly described as follows:—

All that area in the North Auckland Land District, containing four thousand seven hundred and forty-one acres, more or less, being Sections 3, 4, and 5, Block IX, Sections 3, 4, and 5, Block XIII, Takahue Survey District, and Sections 1, 2, and 3, Block VIII, Ahipara Survey District.
- (8) The land to which subsection three hereof relates is particularly described as follows:—

All that area in the North Auckland Land District, containing one thousand two hundred and twenty-seven acres, more or less, being Section 1, Block IX, Takahue Survey District: as the same is delineated on plan marked L and S 55239A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered blue.
- (9) The land to which subsection four hereof relates is particularly described as follows:—

All that area in the North Auckland Land District, containing by admeasurement four thousand three hundred and seventy-nine acres, more or less, and situated in Blocks IX and XIII, Takahue Survey District, and Blocks V and VIII, Ahipara Survey District, and bounded as follows: commencing at the westernmost corner of Section 1, Block IX, Takahue Survey District, and bounded towards the north-east generally by the said Section 1 to the north-western boundary of the State forest described in subsection ten hereof; thence towards the south-east by the said State forest; and again towards the south-east and east by a State forest situated in Blocks IX and XIII, Takahue Survey District, as described in the *Gazette* of the seventh day of June, nineteen hundred and six, to the north eastern boundary of Lot 7 on plan No 14964, deposited in the office of the District Land Registrar at Auckland; thence towards the south-west generally by the last-mentioned lot, by Section F 5 of a subdivision of the Manukau Maori Block, by Lots 4, 3, and 2 as shown on plan 9794, deposited as aforesaid, by Section F 7 of the aforementioned Maori block, by Lot 1 of the said plan 9794 to and by a public road to the south-eastern boundary of Section 56 of a subdivision of the Ahipara Maori Block; thence towards the north-west generally by the aforesaid Section 56 and Sections 55, 49A, 49B2, all subdivisions of the Ahipara Maori Block, to and by the Wainui Stream to a point in line with the production from peg XXVIII of the south-eastern boundary of Allotment 46, Ahipara Parish, by a right line across the said Wainui Stream, and the production of the said right line to the aforementioned peg XXVIII; thence by the said Allotment 46 and by Sections 4 and 5 of a subdivision of the Pukepoto Maori Block to the southern boundary of Old Land Claim No 8; thence towards the north by the said old land claim to the point of commencement: as the same is more particularly delineated on the plan marked L and S 55239B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered green.

- (10) The land to which section five hereof relates is particularly described as follows:—

All that area in the North Auckland Land District, containing by admeasurement one hundred and eleven acres, more or less,

situated in Block IX, Takahue Survey District, and bounded as follows: commencing at the south-eastern corner of Section 1, Block IX, Takahue Survey District (Kaitaia Water-conservation Reserve), and bounded towards the north-east generally by a public road to the western boundary of Section 9, Block XIV, Takahue Survey District; thence towards the east by the said Section 9 to the northern boundary of a State forest as described in the *Gazette* of the seventh day of June, nineteen hundred and six; thence towards the south generally by the said State forest reserve to the north-western corner thereof; thence by a right line being the production of the north-western boundary of the State forest before mentioned to the south-western boundary of the aforesaid Section 1; thence towards the north generally by the said Section 1 to the point of commencement: as the same is more particularly delineated on the plan marked L and S 55239C, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

24 Section 83 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1921-22, amended

Section eighty-three of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1921-22, is hereby amended by omitting therefrom the word “landless” wherever it occurs in that section, and by adding to subsection one the words “and may be granted to Maori accordingly.”

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

25 Authorizing Rodney County Council to expend certain loan-moneys on reconstructing bridges with certain materials

Whereas the Rodney County Council was on the twenty-first day of May, nineteen hundred and fifteen, duly authorized by a poll of the ratepayers of the County of Rodney taken under the Local Bodies’ Loans Act 1913, to make and levy under section twenty-three of that Act a bridge rate of five forty-eighths of a

cent in the dollar upon the rateable value of all rateable properties within the county for the purpose of meeting interest and charges upon loans to be raised for the purpose of reconstructing old bridges in permanent material: And whereas the said Council finds that the cost of using material other than iron for girders and material other than hardwood for decking in the reconstruction of old bridges would be prohibitive: And whereas doubts have arisen, in view of the proposals submitted to the ratepayers of the county as aforesaid, of the said Council's authority to use such materials for such purposes: And whereas it is expedient to confer such authority: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1913, or in any other Act, the sums borrowed or to be borrowed on the security of the bridge rate aforesaid for the reconstruction of old bridges in permanent materials may be expended by the said Council in whole or in part on the reconstruction of such bridges or any of them by the employment of iron girders and hardwood decking.

The reference to "five forty-eighths of a cent in the dollar" was substituted, as from 10 July 1967, for a reference to "one farthing in the pound" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

26 Cancelling reservation over a certain road reserve, being part of Allotment 13, Section 12, Suburbs of Auckland, and vesting same in registered proprietors thereof

Whereas all that parcel of land, containing one rood twenty-three and three-tenths perches, more or less, shown as a road reserve on the plan deposited in the Land Registry Office at Auckland as No 4949, and being part of Allotment 13 of Section 12 of the Suburbs of Auckland, is not now required for the purposes of a road: And whereas the Onehunga Borough Council, being the local authority having control of the roads and streets in the district wherein the said land is situated, has consented to the cancellation of the reservation for road purposes over the said land: Be it therefore enacted as follows:—

The reservation of the said piece of land for the purpose hereinbefore referred to is hereby cancelled, and the said piece of

land is hereby vested in the registered proprietors thereof freed and discharged from the said reservation.

27 Empowering Hobson County Council to purchase existing cattle-dips

- (1) The Hobson County Council may, with the prior consent of the Minister of Agriculture, and upon such terms as he may determine, purchase or lease any existing cattle-dips in its district, and may make by-laws regulating the use thereof, and prescribing such fees and charges for such use as it thinks fit.
- (2) For the purpose of purchasing any such dips the said Council is hereby empowered to raise by special order a special loan under the provisions of the Local Bodies' Loans Act 1913, without taking the steps described in sections eight to twelve thereof.

28 Appointing new trustees in respect of Maori Allotment No 10 in the Mangere Block reserved for purposes of Church of England

Whereas by Crown grant dated the eleventh day of February, eighteen hundred and sixty-seven, and registered in the Deeds Registry Office at Auckland under No 44390, the land therein described, containing three acres, and being Maori Allotment No 10 in the Mangere Block, was granted to certain aboriginal Maori of New Zealand as trustees of a Church of England reserve as a site for a church and school and burial-ground: And whereas from time to time on the death of certain of the grantees succession orders have been made by the Maori Land Court in favour of their successors as if the grantees were beneficially entitled: And whereas, upon a case stated by the Maori Land Court for the opinion of the High Court, it was decided that the words **as trustees** governed the whole grant and left no room for any beneficial interest, and that the whole of the land was granted to be held on the public charitable trust expressed in the grant: And whereas no provision appears to exist to determine the number of trustees or to appoint new trustees to hold the said land in succession to those deceased, and it is desirable that such provision should be made: Be it therefore enacted as follows:—

- (1) There shall be five trustees of the said lands — namely, the vicar or clergyman in charge for the time being of the parish or

parochial district within the boundaries of which the said lands shall for the time being be situated (who shall be the chairman of any meeting of trustees), two Maori to be appointed by the Maori Land Court at Auckland, and two Europeans to be appointed by the Auckland Diocesan Trusts Board. Three trustees personally present at any meeting shall form a quorum.

- (2) The appointment of the vicar or clergyman in charge of the said parish or parochial district shall be evidenced by writing under the hand of the Bishop of Auckland for the time being or his commissary. Any appointment of trustees by the Maori Land Court shall be evidenced by an order of the said Court, and any appointment of trustees by the Auckland Diocesan Trusts Board shall be evidenced by writing under the seal of the said Board, and signed by any three members thereof; and upon the registration in the Deeds Registry Office at Auckland aforesaid of the evidence of any such appointment or appointments the said lands shall vest in the person or persons so appointed without any conveyance or other assurance.
- (3) It shall be lawful for the said trustees and they are hereby authorized and empowered to become incorporated as a Trust Board under the Charitable Trusts Act 1957, and in the event of the trustees becoming so incorporated the trustees constituting such Board, with the exception of the vicar or clergyman in charge of the said parish or parochial district, shall retire every three years, but shall be eligible for reappointment, and shall remain in office until their successors are appointed.
- (4) Every person appointed a trustee of the said lands shall make the declaration that he is a member of the Church of the Province of New Zealand, commonly called the Church of England, usually required of trustees under the canons of the General Synod of the said Church.
- (5) The said trustees may lease any part or parts of the said lands which for the time being are not required for the purposes of the trust for such period and for such rent and on such terms and conditions as they may think fit.

The words "High Court" were substituted, as from 1 April 1980, for the words the "Supreme Court" pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

The words “Maori Land Court” were substituted, as from 27 November 1947, for the words “Native Land Court” pursuant to section 9(2)(a) Maori Purposes Act 1947 (1947 No 59).

The Religious, Charitable, and Educational Trusts Act 1908 was repealed, as from 1 January 1958, by section 63(1) Charitable Trusts Act 1957 (1957 No 18).

29 Authorizing Manukau County Council to expend portion of loan-moneys in metalling Whitford-Maraetai Road

Whereas the Manukau County Council, in pursuance of the provisions of section sixteen of the Local Bodies’ Loans Act 1913, with the consent of the ratepayers as therein required, did by special order, passed on the twenty-first day of July, nineteen hundred and twenty-one, raise a special loan of five thousand dollars for the purpose of deviating, forming, and re-grading portions of the Whitford-Maraetai Road in the Maraetai Road Special-rating Area: And whereas the consent of ratepayers as aforesaid did not authorize the metalling of such portions out of the proceeds of such loan: And whereas it is expedient that such authority be conferred on the said Council: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in the Local Bodies Loans Act 1913, or in any other Act, it shall be lawful for the Manukau County Council to expend from time to time any portions of the said loan-moneys in metalling the whole or any portions of the said Whitford-Maraetai Road.

The reference to “five thousand dollars” was substituted, as from 10 July 1967, for a reference to “two thousand five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

30 Authorizing the Auckland City Council to refund certain fees for cab licenses paid in excess

Whereas the Auckland City Council did on the twenty-third day of August, nineteen hundred and twenty-three, by section three of By-law No Thirty-three of the By-laws of the City of Auckland, provide that certain fees should be paid in respect of cab licenses granted by the said Council: And whereas by order of the High Court of New Zealand, Northern District, dated the eighteenth day of July, nineteen hundred and twenty-

four, the said section three was amended, and a reduced fee was substituted for the fees as originally prescribed, but certain persons have in the meantime paid fees in excess of the amount of the said reduced fee: And whereas there is no authority in law to enable the Auckland City Council to make a refund of the amount of fees so paid in excess, and it is desired to confer such authority: Be it therefore enacted as follows:—

The Auckland City Council, on application in writing from any person holding a cab license granted by it, and on being satisfied that the licensee has, by reason of the facts hereinbefore recited, paid license fees in excess of the amount for which he was properly liable or would have been liable if the present license fee had been in force as from the passing of the above-mentioned by-law, may refund to the licensee the amount so paid in excess.

The words “High Court” were substituted, as from 1 April 1980, for the words the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

31 Cancellling reservation over portion of Kawakawa Domain

- (1) The reservation for the purposes of a public domain over the land hereinafter described and the vesting of the control thereof in the Kawakawa Domain Board are hereby cancelled, and the said land is hereby declared to be Crown land available for disposal under the Land Act 1948.
- (2) The land to which this section relates is particularly described as follows:—

All that area in the North Auckland Land District, containing by admeasurement three acres and seven perches, being portion Section 26, Suburbs of Kawakawa, bounded as follows: commencing at a point on Mill Road at the northernmost corner of Section 26, Suburbs of Kawakawa; towards the east by Sections 31 and 32, Block XVI, Kawakawa Survey District, 1419.3 links, to the western extremity of the north side of Albert Street; thence towards the south-east and south-west by the other part Section 26, Suburbs of Kawakawa, by right lines 45.6 links bearing 239° 20' and 928.2 links bearing 337° 8' respectively to Mill Road; and thence by Mill Road afore-

said, 710.9 links, to the point of commencement: be all the aforesaid admeasurements a little more or less: as the same is delineated on plan marked L and S 26/17244, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

32 Authorizing exchange of lands between His Majesty and Auckland City Council

[Repealed]

Sections 32 and 33 were repealed, as from 16 September 1938, by section 27(5) Reserves and other Lands Disposal Act 1938 (1938 No 19).

33 Validating agreement for exchange of certain lands in Auckland City, and providing for modification of provisions of last preceding section as to computation of compensation

[Repealed]

Sections 32 and 33 were repealed, as from 16 September 1938, by section 27(5) Reserves and other Lands Disposal Act 1938 (1938 No 19).

34 Validating disposal of certain land to Whangarei Borough Council by Whangarei Agricultural and Pastoral Society (Incorporated)

Whereas the Whangarei Agricultural and Pastoral Society (hereinafter referred to as the society), being a society incorporated under the Agricultural and Pastoral Societies Act 1908, being seised of an estate in fee-simple of the land hereinafter described, disposed of the said land for valuable consideration to the Whangarei Borough Council (hereinafter referred to as the Council): And whereas the said land is subject to the provisions of the Agricultural and Pastoral Societies Act 1908: And whereas, in pursuance of the said transaction, the said society by deeds of conveyance registered in the Deeds Registry Office at Auckland under Nos 270852 and 333212 conveyed to the Council the said land, reserving to itself, however, the right to hold meetings and exhibitions as therein set forth upon the said land: And whereas upon presentation of an application by the said Council at the Land Transfer Office at Auckland to have

the said land brought under the provisions of the Land Transfer Act 1952, the District Land Registrar declined to issue a certificate of title under the said Act upon the grounds that, under the provisions of section seven of the said Agricultural and Pastoral Societies Act 1908, the society had no power to sell the said land upon the terms hereinbefore recited: And whereas it has been established that the land will always be available for the purposes of the society upon the terms set out in the said deeds of conveyance Nos 270852 and 333212, and it is desirable that the disposal of the said land be validated: And whereas by an agreement bearing date the thirtieth day of August, nineteen hundred and two, the society covenanted with the Minister of Defence as follows, namely: “That the Kensington Park shall be at all times available (free of cost) for the camping and training of the Defence Forces of New Zealand or of any part thereof, subject to such conditions and upon such days and times as may be agreed upon between the said society and the officer commanding the Volunteer corps in the district of Whangarei, or, in default of such agreement, as the Minister may from time to time specify by writing under his hand”: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in the Agricultural and Pastoral Societies Act 1908, or any other Act, the disposal by the Whangarei Agricultural and Pastoral Society to the Whangarei Borough Council of the land hereinafter described is hereby validated and declared to have been lawfully made.
- (2) The District Land Registrar for the Land Registration District of Auckland is hereby empowered and directed, on presentation to him of the aforesaid deeds of conveyance Nos 270852 and 333212, to proceed with the consideration of the said application No 7188 in the same manner as if the disposal by way of sale as aforesaid of the said land were in the first instance lawful and valid, and to issue such certificate of title as may be necessary to give effect to the provisions of this section, subject, however, to the covenant entered into with the Minister of Defence as aforesaid.
- (3) The land to which this section relates is particularly described as follows:—
All those pieces or parcels of land, being parts of Allotments 1 and 2 of the Parish of Whangarei, being all the land on a

plan lodged in the Land Transfer Office at Auckland under No 17386.

The Land Transfer Act 1915 (1915 No 35). Appendix B of the repealing Act replaced the 1908 Act with a compiled Act enacted under the title of “The Land Transfer Act 1915”. That Act was in turn repealed, as from 1 January 1953, by section 245(1) Land Transfer Act 1952 (1952 No 52).

- 35 Section 16 of Bay of Islands Harbour Act 1920, amended**
Section sixteen of the Bay of Islands Harbour Act 1920, as amended by section seventy-seven of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1921-22, and by section two of the Bay of Islands Harbour Amendment Act 1922, is hereby further amended, as from the passing of such last-mentioned Act, by omitting the words “before the first day of July, nineteen hundred and twenty-three,” and substituting the words “before the thirty-first day of December, nineteen hundred and twenty-four.”

36 Closing roads and a square in Town of Te Toro, and validating certain dealings with the lands comprised therein

Whereas in or about the year eighteen hundred and ninety-two it was considered expedient to reclassify the lands comprising the Town of Te Toro, situated in the Waipipi Parish: And whereas no steps were taken at the time to close a number of roads and a square previously laid off in the said town: And whereas it is expedient that these roads and the square should be closed: Be it therefore enacted as follows:—

- (1) The roads and square as shown in green colour on the plan marked 23073, deposited in the office of the Chief Surveyor, North Auckland Land District, at Auckland, and also shown on a copy of the same deposited in the Head Office, Department of Lands and Survey, at Wellington, and marked L and S 16/1208, are hereby closed, and the lands comprised therein are hereby declared to be Crown lands available for disposal under the Land Act 1948.
- (2) The closing of the said roads and square shall have effect as from the fifth day of December, eighteen hundred and ninety-two, and all dealings with the lands comprised therein under the Land Act 1908, or any previous Land Act, are hereby val-

idated and declared to be as lawfully carried out as if the said roads and square had been lawfully closed on the date aforesaid and made available for disposal under such Act.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

**37 Authorizing Governor-General to vest certain land
in Whangarei Borough Corporation for tree-planting
purposes**

Whereas the Whangarei Borough Council desires to acquire Sections 84, 89, 90, 91, and W 93, Parish of Parahaki, in the North Auckland Land District, containing an aggregate area of four hundred and two acres two roods thirty-four perches, for the purpose of planting trees thereon: And whereas it is desirable that the said sections should be made available for this purpose, subject to such terms and conditions as the Governor-General deems fit to prescribe or impose: Be it therefore enacted as follows:—

- (1) The Governor-General may, by Order in Council, vest the said lands in the Corporation of the Borough of Whangarei for tree-planting purposes, subject to such terms and conditions as may be prescribed or imposed in such Order, and subject also to the payment by the Whangarei Borough Council of such price (if any) as the Governor-General may determine.
- (2) If at any time the said Council fails to comply, to the satisfaction of the Minister of Lands, with any of the terms and conditions so imposed the Governor-General may, by Order in Council, revoke the vesting of the said land in the said Corporation, and thereupon the said land shall revert to His Majesty as Crown land available for disposal under the Land Act 1948.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

**38 Cancelling reservation over Courthouse Reserve,
Helensville, validating certain dealings with parts thereof,
and vesting remaining part in Helensville Town Board**

Whereas by a notice pursuant to section one hundred and forty-five of the Land Act 1948, published in the *Gazette* of the thirty-first day of July, eighteen hundred and seventy-nine, the Crown land therein

described as part of **Courthouse Reserve**, in the Township of Helensville, containing one acre (comprising the lands described in subsections four and five hereof), was permanently reserved for the use of aboriginal Maori of the colony: And whereas by a notice published in the *Gazette* of the thirtieth day of January, eighteen hundred and ninety, a portion of the said Maori reserve, containing eighteen perches, and designated therein as Section 1B, Block XIV, Kaipara Survey District, and being the land more particularly described in subsection four hereof, was, without lawful authority in that behalf, declared to be permanently reserved as a library-site: And whereas by an Order in Council published in the *Gazette* of the twentieth day of February, nineteen hundred and eight, the said library-site was, without lawful authority, vested in the Helensville Public Library Trust Board (Incorporated) in trust for that purpose: And whereas a certificate of title issued to the said Trust Board in respect of the said library-site, and the said land was thereafter, on the twenty-eighth day of April, nineteen hundred and fourteen, transferred to the Helensville Town Board: And whereas the land reserved as aforesaid for the use of aboriginal Maori of the Dominion is no longer required for such purpose, and it is desirable to dispose of it as hereinafter provided, and to validate the aforesaid transactions in connection therewith: Be it therefore enacted as follows:—

- (1) The reservation of the land known as Section 1 of Courthouse Reserve, Helensville Survey District (being all the land described in subsections four and five hereof), for the use of aboriginal Maori of the Dominion is hereby cancelled.
- (2) The said notice published in the *Gazette* of the thirtieth day of January, eighteen hundred and ninety, and the said Order in Council published in the *Gazette* of the twentieth day of February, nineteen hundred and eight, with respect to the land described in subsection four hereof are hereby validated and declared to have been lawfully made and issued.
- (3) The land described in subsection five hereof is hereby vested in the Helensville Town Board in trust for the purposes of a park, public garden, and recreation-ground.
- (4) The land to which subsection two hereof relates is particularly described as follows:—

All that area in the North Auckland Land District, containing by admeasurement eighteen perches, more or less, being Sec-

tion 1B, Block XIV, Kaipara Survey District: bounded commencing at the intersection of the southern side of No 8 Avenue with the eastern side of Commercial Road; towards the north by No 8 Avenue aforesaid, 151.5 links; towards the east by Section 1C, Block XIV, Kaipara Survey District, 74.2 links; towards the south by Section 1C aforesaid, 166.9 links; and thence towards the west by Commercial Road, 75.7 links, to the point of commencement: be all the aforesaid linkages a little more or less: as the same is delineated on the plan marked L and S 1913/625A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

- (5) The land to which subsection three hereof relates is particularly described as follows:—

All that area in the North Auckland Land District, containing by admeasurement three roods twenty-two perches, more or less, being Section 1C, Block XIV, Kaipara Survey District: bounded commencing at the north-eastern corner of Section 1B, Block XIV, Kaipara Survey District; towards the north by No 8 Avenue, 292.9 links; towards the east by part of Courthouse Reserve, 215 links: towards the south by part of Courthouse Reserve aforesaid, 489.2 links, to Commercial Road; towards the west by Commercial Road aforesaid, 143.7 links; again towards the north and west by Section 1B aforesaid, 166.9 links and 74.2 links respectively, to the point of commencement: be all the aforesaid linkages a little more or less: as the same is delineated on the plan marked L and S 1913/625B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

The Land Act 1877 was repealed, as from 1 November 1885, by section 250 Land Act 1885 (1885 No 56). That Act was in turn repealed, as from 1 November 1892, by section 253 Land Act 1892 (1892 No 37). That Act was in turn consolidated, as from 4 August 1908, by section 1(2) Land Act 1908 (1908 No 94). That Act was in turn repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

**39 Changing name of an electric-power district from
Kaipara to Waitemata, and authorizing Board thereof to
incur certain expenditure**

Whereas the Kaipara Electric-power Board has incurred and will incur certain preliminary expenses in connection with a proposal for the enlargement of the Kaipara Electric-power District by including therein all those areas in the County of Waitemata not at present forming part of the district, the town districts within the geographical boundaries of the said county, and the boroughs of Devonport, Takapuna, Northcote, and Birkenhead: And whereas it is expedient to validate the incurring of such expenses: And whereas it is desirable to change the name of the Kaipara Electric-power District to the Waitemata Electric-power District: Be it therefore enacted as follows:—

- (1) The name of the Kaipara Electric-power District is hereby changed to, and that district shall henceforth be known as, the Waitemata Electric-power District, and the name of the Board thereof is hereby changed to, and that Board shall henceforth be known as, the Waitemata Electric-power Board: Provided that the rights and liabilities of the said Board shall not be prejudiced or affected by such change of name.
- (2) Nothing in the foregoing changes of name shall in any way affect the constitution of the said district, or the corporate existence of the Board thereof, or the property, contracts, debts, and liabilities of the Board.
- (3) All proceedings by or against the Board commenced before the passing of this Act in the name of the Kaipara Electric-power Board may be continued and completed by or against the Board in its name of the Waitemata Electric-power Board.
- (4) The Board is hereby empowered to pay out of its general fund or account such preliminary expenses incurred by it before or after the passing of this Act in connection with the aforesaid proposal to extend the boundaries of its district as may be approved by the Minister of Public Works.

**40 Authorizing Manukau County Council to transfer to
Crown East Tamaki Recreation Reserve**

The Manukau County Council is hereby authorized and empowered to sell and transfer to His Majesty the King the whole or any portion of the East Tamaki Recreation Reserve, being

Lots 10, 11, and part 9 on plan deposited in the Land Transfer Office at Auckland under No 9824, being part of Allotment 51 of the Parish of Pakuranga, at such price and upon such terms as may be agreed upon between the Crown and the said Council; and the said Council is hereby further authorized and empowered to apply the proceeds of such sale in and towards repayment of the special loan raised under the Local Bodies' Loans Act 1913, in respect of the said reserve, and known as the East Tamaki Recreation Reserve Special Loan.

41 Authorizing Raupo Drainage Board to employ Edwin Henshall

Nothing in section forty-four of the Land Drainage Act 1908, shall so operate, or be deemed at any time to have so operated, as to render Edwin Henshall incapable of being employed by the Raupo Drainage Board by reason of any breach, committed before the passing of this Act, of the provisions of that section.

42 Authorizing the conveyance of the Henderson Public Hall to the Henderson Town Board upon certain trusts

[Repealed]

Section 42 was repealed, as from 1 October 1925, by section 140(4) Reserves and other Lands Disposal and Public Bodies Empowering Act 1925 (1925 No 46).

43 Authorizing cancellation of reservation over part of Pahurehure Domain

Whereas the land described in subsection three hereof is permanently reserved as a recreation-ground and is part of the Pahurehure Domain subject to the provisions of Part 2 of the Public Reserves and Domains Act 1908: And whereas it is desired to sell the said land, and to apply the proceeds therefrom towards the purchase of the private lands described in subsection four hereof, which are more suitable for a domain: Be it therefore enacted as follows:—

- (1) The Governor-General may, by Warrant under his hand, cancel the reservation for the purposes of a recreation-ground and domain over the land described in subsection three hereof, and also the vesting of the control of such land in the Pahurehure Domain Board, and thereupon the said land shall be deemed

to be Crown land available for disposal under the Land Act 1948.

- (2) The proceeds derived from the disposal of the land referred to in the last preceding subsection, or such part of the said proceeds as may be necessary for the purpose, may be applied towards the cost of taking or acquiring the private land described in subsection four hereof, and on the taking or acquisition of such land the Governor-General shall, by Warrant under his hand, declare it to be permanently reserved for the purposes of a recreation-ground and domain. In the event of part only of such proceeds being applied towards the cost of taking or acquiring the land described in subsection four hereof, the remaining part of such proceeds may be applied towards the management, administration, and improvement of the said land, and may, without further appropriation than this section, be paid over for such purpose to the Domain Board (if any) having control of the said land.

- (3) The land over which the reservation may be revoked under the authority of subsection one hereof is particularly described as follows:—

All that area in the North Auckland Land District, containing by admeasurement one acre and two perches, more or less, being Lot 1 of Section 1, Town of Papakura: bounded towards the north-east by a public road bearing $139^{\circ} 5'$, 185 links; towards the south-east by a public road bearing $214^{\circ} 10'$, 361.3 links; towards the south-west by Lot 2, Section 1, Town of Papakura, bearing $304^{\circ} 17'$, 317.5 links; and towards the north-west by a stream forming the south-east boundaries of Lots 10 and 9 of Section 7, Town of Papakura: be all the aforesaid bearings and linkages more or less: as the same is delineated on the plan marked L and S 5514/8, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

- (4) The private land to which subsection two hereof relates is particularly described as follows:—

All that area in the North Auckland Land District, being Lots 12 and 13 of Section 6, Village of Papakura, and containing six acres one rood, more or less, and being part of the land

contained in conveyance No 267460, registered in Volume R 296/74 at the office of the District Land Registrar at Auckland.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

44 Varying trusts with respect to Church of England burial-ground at Tamaki

Whereas by deed of conveyance registered in the Deeds Registry Office at Auckland under No 376 portion of Farm Section No 27 of the District of Tamaki was conveyed to the Right Reverend George Augustus, Bishop of New Zealand: And whereas by deed of conveyance registered as aforesaid under No 323351 and bearing date the eighteenth day of July, eighteen hundred and sixty-one, the said land was conveyed by him unto certain trustees, to be held by them upon such trusts as the General Synod of the Church of the Province of New Zealand commonly called the Church of England should direct, subject to the right of use of two acres thereof as a place for the burial of the dead according to the rites of the said Church: And whereas a portion of the said land, containing one rood twenty perches thereof, has been used as such cemetery: And whereas the said land is now vested in and administered by the General Trust Board of the Diocese of Auckland subject to the trusts contained in the said deed of conveyance No 323351: And whereas it is now no longer necessary or desirable to hold two acres of the said land as a burial-ground: Be it therefore enacted as follows:—

- (1) The General Trust Board of the Diocese of Auckland shall hold upon trust as a site for the burial of the dead according to the rites of the Church of the Province of New Zealand commonly called the Church of England all that piece of land, containing one rood twenty perches, more or less, being portion of Farm Section No 27 of the District of Tamaki, and being portion of the land comprised in deed of conveyance registered in the Deeds Registry Office at Auckland under No 376: bounded (commencing at a point on the northern side of the St Heliers Bay Road distant 97 feet 8 inches from the junction of the southern and eastern boundaries of the land comprised in said deed of conveyance No 376) towards the east by other portion of said Farm Section No 27, 219 feet 10 inches; thence towards the north by other portion of said Farm Section No 27, 74 feet;

thence towards the west by other part of said Farm Section No 27, 61 feet 5 inches; thence towards the south by other part of said farm section, 11 feet 2 inches; thence towards the west by another part of said farm, 171 feet 7 inches; and thence again towards the south by St Heliers Bay Road, 66 feet, to the commencing-point.

- (2) The said General Trust Board of the Diocese of Auckland shall hold all those pieces of land containing together one care two roods thirteen perches, being Lot 3 on plan deposited in the Land Registry Office at Auckland as No. 36914 and Lot 2 on plan deposited as aforesaid as No 39214, being part of Allotment 27 of the District of Tamaki, and being parts of the land comprised in certificate of title, Volume 767, folio 41, Auckland Registry, being portions of the land contained in the said deed of conveyance registered as aforesaid as No 376, upon trust as a site for a church vicarage or other building for use for the purposes of the Church of the Province of New Zealand commonly called the Church of England.
- (3) The said General Trust Board of the Diocese of Auckland shall hold the residue of the land contained in the said deed of conveyance registered in the Deeds Registry Office at Auckland under No 376 upon the trusts expressed in the hereinbefore-mentioned deed of conveyance registered in the Deeds Registry Office at Auckland under No 323351.

Subsection (2) was substituted, as from 5 December 1962, by section 2 Reserves and Other Lands Disposal Act 1962 (1962 No 49).

45 Revoking trust constituted by Patumahoe Hall Site Act 1878, and as to the disposal of the hall and site

Whereas by the Patumahoe Hall Site Act 1878, certain persons and their successors were incorporated by the name and style of **The Trustees of the Patumahoe Hall**: And whereas the Governor was empowered by section five of that Act to grant, convey, transfer, and assure to the said Trustees the land described in subsection four hereof in trust for the use of Volunteer corps and the public generally, subject to the powers, provisions, and conditions expressed and declared in the said Act: And whereas the said Trustees continue to exercise the powers conferred on them by the said Act notwithstanding that the said land has not actually been granted to

them: And whereas it is desirable that the aforesaid trust should be revoked, that the said land should be declared to be Crown land subject to the Land Act 1948, and that authority should be given for the removal to another site of the hall erected on the said land: Be it therefore enacted as follows:—

- (1) The Trustees of the Patumahoe Hall are hereby authorized to dispose of the public hall hereinbefore mentioned without consideration to the Franklin County Council for removal to another site, but subject to the said Council paying all the expenses in connection therewith.
- (2) The Patumahoe Hall Site Act 1878, is hereby repealed as on the thirty-first day of December, nineteen hundred and twenty-four.
- (3) The trust constituted by the aforesaid Act is hereby revoked as on the thirty-first day of December, nineteen hundred and twenty-four, and the land hereinafter described shall thereupon be deemed to be Crown land subject to the Land Act 1948.
- (4) The land to which this section relates is particularly described as follows:—

All that parcel of land, situated in the North Auckland Land District, containing three acres one rood twenty perches, more or less, and being Lot No 36 of Suburban Section No 2 in the Settlement of Patumahoe, Parish of Pune.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

Auckland Land District.

46 Adding to Whatawhata Domain land comprised in a certain stopped road

Whereas the Waipa County Council, pursuant to section one hundred and thirty-one of the Public Works Act 1981, duty stopped the portion of road hereinafter described: And whereas it is desired that the land comprised in such stopped portion should be added to the Whatawhata Domain: Be it therefore enacted as follows:—

- (1) The parcel of land hereinafter described, being the stopped portion of road hereinbefore referred to, is hereby declared to be permanently reserved as a public recreation-ground, to be

subject to the provisions of Part 2 of the Public Reserves and Domains Act 1908, and to form part of the Whatawhata Domain, subject to the control of the Whatawhata Domain Board.

- (2) The parcel of land to which this section relates is particularly described as follows:—

All that area in the Auckland Land District, containing by admeasurement one acre one rood thirty-nine and one-half perches, more or less, adjoining the Whatawhata Domain, and Allotment 273, Pukete Parish: bounded towards the north-east by a road, 225.07 links; towards the south-east by the said Whatawhata Domain, 800 links; towards the south-west by a road, 200 links; and towards the north-west by the said Allotment 273, 697 links; and being the stopped road shown on the plan marked PWD 57812, deposited in the office of the Minister of Public Works, at Wellington, and thereon coloured green.

The Public Works Act 1908 (1908 No 160) was repealed, as from 6 October 1928, by section 346 Public Works Act 1928 (1928 No 21). That Act was in turn repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

47 Section 75 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, amended

Section seventy-five of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, is hereby amended as follows:—

- (a) By adding to subsection one the words “Wherever in the aforesaid leases the Commissioner of Crown Lands, the Land Board, or the Receiver of Land Revenue for the Auckland Land District is referred to, such references shall be deemed to be references to the Hamilton Domain Board”:
- (b) By inserting, after subsection one, the following subsection:—

“(1A) The First Schedule to the Hamilton Domains Act 1911, is hereby extended by incorporating therein, under the heading ‘Town of Hamilton East,’ a reference to the lands referred to in the last preceding subsection and described in subsection three hereof, and those lands may be dealt with accordingly in

the manner described in section two of the said Hamilton Domains Act 1911.”

48 Cancellling reservation as site for Town Board offices over Allotment 333, Section 1, Town of Opotiki, and vesting same in Opotiki Borough Corporation as a municipal endowment

Whereas by a notice published in the *Gazette* of the seventh day of December, eighteen hundred and eighty-two, Allotment 333 of Section 1 of the Town of Opotiki was permanently set aside as a reserve for Town Board offices: And whereas the said land is not required for the purpose for which it was set apart, and it is desired to vest it in the Corporation of the Borough of Opotiki as a municipal endowment: Be it therefore enacted as follows:—

The reservation over the said land for the purposes of Town Board offices is hereby cancelled, and the said land is hereby permanently reserved as a municipal endowment and vested in the Corporation of the Borough of Opotiki in trust for such purpose.

49 Adjusting boundaries of portion of national endowment and adjoining Crown land in Taurarangaia Block

Whereas by the National Endowment Act 1907, an area of two thousand one hundred and sixty-six acres, situated in Block III, Rangitaiki Lower Survey District, in the Auckland Land District, the boundaries whereof are delineated on a plan numbered General 401, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon coloured red, was set apart as portion of the national endowment: And whereas by Proclamation published in the *Gazette* of the twentieth day of July, nineteen hundred and eleven, further areas of two hundred and seven acres in Block III and eight hundred and eighty-one acres in Blocks III and IV of the said survey district, adjacent to the first-mentioned area, as shown on plan marked L 1911/117C, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red, were added to the said endowment: And whereas it is desirable for the convenient subdivision and disposal of the said area and other adjacent Crown

lands that the boundaries of the said portions of the national endowment should be altered: Be it therefore enacted as follows:—

- (1) The setting-apart of the lands hereinbefore mentioned as portions of the national endowment is hereby revoked, and the lands described in subsection two hereof are hereby set apart as portion of the national endowment in lieu of the lands over which the setting-apart is hereby revoked.
- (2) The lands hereby set apart as portion of the national endowment are particularly described as follows:—
All that area in the Auckland Land District, containing three thousand seven hundred and thirty-five acres, more or less, being Sections 1, 2, 3, 4, and 5, Block III, Rangitaiki Lower Survey District.

50 Closing river-bank road between Section 1, Kerepehi Township, and the Awaiti Stream

Whereas the river-bank road situated between Section 1, Block I, Kerepehi Township (Block VI, Waihou Survey District), and the Awaiti Stream, in the Auckland Land District, is not required for the purpose for which it was originally intended: And whereas it is desirable to close the said road and to dispose of the land comprised therein under the Land Act 1948: Be it therefore enacted as follows:—

- (1) Notwithstanding anything contained in section one hundred and thirty of the Public Works Act 1981, the river-bank road hereinafter described is hereby closed, and the land comprised therein is hereby declared to be Crown land available for disposal under the Land Act 1948.
- (2) The road hereby closed is particularly described as follows: All that area in the Auckland Land District, containing by admeasurement one acre and eight and one-half perches, more or less, being portion of road in Block I, Kerepehi Township, situate in Block VI, Waihou Survey District: bounded towards the north-west by part of Tiritiri Block No 8B No 3, 413.8 links; towards the north-east by Section 1, Block I, Kerepehi Township, 578.74 links; towards the east by a public road, 330.8 links; towards the west generally by the Awaiti Stream: be all the aforesaid linkages more or less: as the same

is delineated on the plan marked L and S 16/1087, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon bordered red.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

The Public Works Act 1908 (1908 No 160) was repealed, as from 6 October 1928, by section 346 Public Works Act 1928 (1928 No 21). That Act was in turn repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

51 Making special provision with respect to the antecedent liability of the Waitomo County Council

Whereas the Waitomo County Council is desirous of borrowing such sum as shall be sufficient to wholly or partially extinguish its antecedent liability as provided by section six of the Local Bodies' Finance Act 1921-22: And whereas, owing to certain unforeseen difficulties, the said Waitomo County Council has been unable to raise such loan as aforesaid by the end of the year nineteen hundred and twenty-three: And whereas the said Waitomo County Council is desirous of further time—namely, until the thirty-first day of March, nineteen hundred and twenty-five—in which to raise such loan as aforesaid: And whereas, having failed to exercise the power to borrow conferred by subsection one of the said section six, the said Council is required by subsection two of that section to extinguish its antecedent liability by seven equal payments out of its revenue, one such payment to be made in each year of the period of seven years commencing in the year nineteen hundred and twenty-three: And whereas it is desired to postpone the making of the said payments in view of the possibility of raising a loan for the extinction in whole or in part of the antecedent liability: Be it therefore enacted as follows:—

The requirements of subsection two of section six of the Local Bodies' Finance Act 1921-22, are, with respect to the antecedent liability of the Waitomo County Council, hereby varied, and shall be read as if the Council were required thereby to extinguish its antecedent liability, or part thereof outstanding, by seven equal payments out of its revenues, one such payment to be made in each year of the period of

seven years commencing in the year nineteen hundred and twenty-five.

52 Validating raising of loan of \$1000 for the erection of a public hall at Manawahe by Whakatane County Council

Whereas on the twenty-sixth day of September, nineteen hundred and twenty-three, the Whakatane County Council, purporting to act under and in accordance with the provisions of the Local Bodies' Loans Act 1913, caused to be taken a poll upon a proposal to borrow by way of special loan under that Act the sum of one thousand dollars upon the security of a special rate over a special-rating area for the purpose of erecting a public hall at Manawahe within the County of Whakatane: And whereas the said proposal was carried: And whereas doubts have arisen as to the power of the said Council to borrow moneys for such purpose, and it is expedient that the said Council should be so empowered and that the said loan should be validated as hereinafter appears: Be it therefore enacted as follows:—

The said poll shall for all purposes be deemed to have been lawfully taken and carried, and the said Council shall at all times be deemed to have been lawfully empowered to borrow as aforesaid the sum of one thousand dollars thereunder, and to apply such sum when borrowed in accordance with the purposes for which the borrowing of the same was authorized by the ratepayers of the special-rating area constituted for the said purpose, and called the Manawahe Hall Special-rating Area.

The references to "1000", and "one thousand dollars" were substituted, as from 10 July 1967, for references to "500", and "five hundred pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

53 Exempting from borough rates land reclaimed by Whakatane Harbour Board

[Repealed]

Section 53 was repealed, as from 1 April 1968, by section 177(1) Rating Act 1967 (1967 No 123).

54 Empowering Council of the University of Auckland to transfer certain land to Auckland Education Board

Whereas the land hereinafter described is vested in the Council of the University of Auckland for an estate in fee-simple: And whereas the said the Council of the University of Auckland is desirous of donating the said piece of land to the Education Board of the District of Auckland as a school-site: Be it therefore enacted as follows:—

- (1) The Council of the University of Auckland is hereby empowered to transfer to the Education Board of the District of Auckland without receiving any payment or consideration therefor the land hereinafter described, and the said land shall be held by the said Board in trust for the purposes of a school-site, subject to the provisions of the Education Lands Act 1949.
- (2) The land to which this section relates is particularly described as follows:—

All that area in the Auckland Land District, being portion of Run No 1 of Allotment 463, Parish of Taupiri, containing by admeasurement two acres, more or less, and bounded as follows: Towards the west and north by other portion of Run No 1 of Allotment 463 of the said parish, 400 and 500.6 links respectively; towards the east by a public road, 400 links; towards the south by Allotment 183 of the Parish of Taupiri, 500.6 links: be all the aforesaid measurements a little more or less: as the area is more particularly delineated on a plan marked L and S 6/6/414, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon bordered neutral tint.

“Council of the University of Auckland” was substituted, as from 16 October 1957, by section 5 University of Auckland Amendment Act 1957 (1957 No 25), for a reference to “Auckland University College Council”.

The Education Reserves Act 1908 was substituted, as from 4 August 1908, for a reference to the Education Reserves Act 1877 pursuant to section 1(2) Education Reserves Act 1908 (1908 No 53). That reference was in turn substituted, as from 1 January 1929, by a reference to the Education Reserves Act 1928 pursuant to section 41 Education Reserves Act 1928 (1928 No 33). That reference was further substituted, as from 1 January 1950, by a reference to the Education Lands Act 1949 pursuant to section 21 Education Lands Act 1949 (1949 No 24).

55 Validating issue of deferred-payment licenses issued in respect of certain sections in Laurenson Settlement not required for workers' dwellings

Whereas the Laurenson Settlement, in the Auckland Land District, was purchased by the Department of Labour for the purposes of the Workers' Dwellings Act 1910: And whereas certain sections in the said settlement which were not required for the purposes of the said Act or of the Housing Act 1955, were offered for sale for cash or on deferred payments by the Commissioner of Crown Lands for the said district on the fifth day of April, nineteen hundred and twenty-two, under arrangement with the Department of Labour: And whereas, pursuant to the purchase of certain of the said sections on deferred payments, the said Commissioner issued to the purchasers thereof occupation licenses in form similar to licenses in respect of the purchase of town lands by deferred payments under the Land Act 1948: And whereas there are doubts as to the validity of the licenses so issued, and it is desired to validate the same, and to provide for the future control thereof: Be it therefore enacted as follows:—

- (1) The licenses so issued with respect to the lands hereinafter described are hereby declared to be as valid and of as full force and effect, as from the respective dates of the issue thereof, as if they had been issued in connection with the disposal of the said lands by the Housing Board pursuant to statutory authority in that behalf, and such licenses shall henceforth be read as if the references therein to the Auckland Land Board were references to the State Advances Board (to which the powers, functions, duties, and obligations of the Housing Board were transferred by the State Advances Amendment Act 1922), and as if the references therein to the Commissioner of Crown Lands for the said land district were references to the State Advances Superintendent.
- (2) The lands to which this section relates are hereby described as follows:—

Lots 6, 7, 8, 16, 25, 26, 30, 31, 34, and 36 of part of Allotments 75 and 76, Pukete Parish, being part of the land comprised in certificate of title, Volume 213, folio 139: as shown on plan No 7943, deposited in the office of the District Land Registrar at Auckland.

The Housing Act 1919 was repealed, as from 21 October 1955, by section 42(1) Housing Act 1955 (1955 No 51).

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

56 Authorizing District Land Registrar, Auckland, to amend a certain plan and to give effect to a transfer of certain land in Ngongotaha Village

Whereas Ella Tryphena Morton, wife of Henry Bruce Morton, of Auckland, merchant, being the owner of Sections 5 and 6 of Block XVI, Ngongotaha Village, Rotorua Survey District, containing in all four acres and decimal point seven perches, desired to vest by way of gift in the Waiapu Board of Diocesan Trustees (Incorporated) a portion of the said land for religious purposes: And whereas with the object of carrying out such gift the said Ella Tryphena Morton caused the said land to be subdivided and a subdivisional plan of the same made and deposited in the Land Transfer Office at Auckland under No 16725: And whereas the said Ella Tryphena Morton in pursuance of the said gift transferred to the Waiapu Board of Diocesan Trustees (Incorporated) by memorandum of transfer bearing date the twentieth day of September, nineteen hundred and twenty-three, Lot 5 of such subdivision, containing two roods and decimal one perches: And whereas the said Lot 5 was upon such subdivisional plan marked as a **Reserve**: And whereas by virtue of section seventeen of the Land Laws Amendment Act 1920, and the depositing of the said plan No 16725 the said Lot 5 became vested in His Majesty the King for the purpose indicated upon the said plan, subject to the provisions of the Public Reserves and Domains Act 1908: And whereas the District Land Registrar of the Auckland Land Registration District rejected the said memorandum of transfer by reason of the provisions of the said section seventeen of the Land Laws Amendment Act 1920: And whereas it is desired to give effect to the gift of the said Ella Tryphena Morton, and to empower the District Land Registrar of the Auckland Land Registration District to issue a certificate of title in respect of the said Lot 5 in favour of the Waiapu Board of

Diocesan Trustees (Incorporated) as aforesaid: Be it therefore enacted as follows:—

The District Land Registrar for the Land Registration District of Auckland is hereby empowered and directed to amend the said plan No 16725 by cancelling the marking of the said Lot 5 as a reserve and thereupon to give effect to the said memorandum of transfer as if the said Lot 5 had not at any time been so marked.

57 Cancelling reservation over a certain quarry reserve, and empowering Raglan County Council to sell the same

Whereas the northern portion of Section 85, Parish of Whaingaroa, was on the twelfth day of December, eighteen hundred and ninety-eight, granted to the Chairman, Councillors, and Inhabitants of the County of Raglan to be held in trust as a quarry reserve: And whereas the said land is no longer required for the said purpose, and it is desired to dispose of the same and with the proceeds of such disposal to acquire other land in the said parish for road and other public purposes: Be it therefore enacted as follows:—

- (1) The reservation for the purposes of a quarry over the land hereinafter described is hereby cancelled, and the Raglan County Council is hereby empowered to sell the same either by public auction or by public tender.
- (2) The net proceeds of the sale of the said land shall be applied by the said Council in purchasing other land in the said Parish of Whaingaroa, to be held by the Corporation of the County of Raglan for the purpose of road deviation and other road purposes, and for a site for a surfaceman's cottage and paddock or other public purposes.
- (3) The land to which subsection one hereof relates is particularly described as follows:—

All that parcel of land, containing thirty-six acres and thirty-seven and one-half perches, more or less, and being parts of the northern portion of Allotment 85, Parish of Whaingaroa, originally acquired on the nineteenth day of March, eighteen hundred and ninety-eight, under the Reserves Act 1977, and the residue of the land comprised in certificate of title, Volume

90, folio 173, of the Register-book in the Land Transfer Office at Auckland.

The Public Reserves Act 1881 (1881 No 15) was substituted, as from 4 August 1908 pursuant to section 1(2) Public Reserves and Domains Act 1908 (1908 No 156). That reference was in turn substituted, as from 1 April 1929, by a reference to the Public Reserves, Domains, and National Parks Act 1928 pursuant to section 103 Public Reserves, Domains, and National Parks Act 1928 (1928 No 36). That reference was in turn substituted, as from 1 April 1954, by a reference to the Reserves and Domains Act 1953 pursuant to section 107(1) Reserves and Domains Act 1953 (1953 No 69). That reference was in turn substituted, as from 1 April 1978, by a reference to the Reserves Act 1977 pursuant to section 125(1) Reserves Act 1977 (1977 No 66).

58 Section 102 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, amended

Section one hundred and two of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, is hereby amended as follows:—

- (a) By omitting from paragraph (a) of subsection two the words “described in subsection four hereof,” and substituting the words “in the Borough of Hamilton now subject as domain lands to the provisions of Part II of the Reserves Act 1977”:
- (b)
- (c) By repealing subsection four thereof.

Subsection (b) was repealed, as from 1 October 1925, by section 18(2) Reserves and other Lands Disposal and Public Bodies Empowering Act 1925 (1925 No 46).

The Public Reserves and Domains Act 1908 (1908 No 156) was substituted, as from 1 April 1929, by a reference to the Public Reserves, Domains, and National Parks Act 1928 pursuant to section 103 Public Reserves, Domains, and National Parks Act 1928 (1928 No 36). That reference was in turn substituted, as from 1 April 1954, by a reference to the Reserves and Domains Act 1953 pursuant to section 107(1) Reserves and Domains Act 1953 (1953 No 69). That reference was in turn substituted, as from 1 April 1978, by a reference to the Reserves Act 1977 pursuant to section 125(1) Reserves Act 1977 (1977 No 66).

59 Adding certain land to pilot- and signal-station reserve vested in Corporation of Raglan County

[Repealed]

Section 59 was repealed, as from 16 September 1938, by section 5(5) Reserves and other Lands Disposal Act 1938 (1938 No 19).

60 Conferring right to purchase fee-simple on lessees of certain lands in Taumarunui Township Extension

Whereas by Proclamation published in the *Gazette* of the fifteenth day of June, nineteen hundred and sixteen, the blocks hereinafter described, having been purchased by the Crown from the Maori owners, were declared to be Crown land under section three hundred and sixty-eight of the Native Land Act 1909: And whereas, notwithstanding that the said land does not form part of the Taumarunui Maori Township, it is desired to confer on the holders of leases within the said blocks the right to purchase the fee-simple of the lands comprised in their leases on the same terms as if such lands formed part of the said Maori township: Be it therefore enacted as follows:—

- (1) The lessee of any allotment of the land hereinafter described shall have the right at any time during the currency of his lease to purchase the fee-simple of the land comprised in his lease in the same manner and subject to the same terms and conditions in all respects as if the said land were subject to the provisions of the Maori Townships Act 1910.
- (2) The land to which this section relates is particularly described as follows:—

All that area in the Auckland Land District, containing thirteen acres two roods six and five-tenths perches, more or less, being Blocks I, II (excluding landing reserve), III, IV, and V of the Taumarunui Township Extension No 1 (formerly part of Ohura South G No 3C Section 8).

Subsection (1) was amended, as from 9 December 1932, by section 18(1) Reserves and other Lands Disposal Act 1932 (1932 No 24), by substituting the words “during the currency of his lease” for the words “within a period of three years after the passing of this Act”.

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

61 Section 17 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1919, amended

Section seventeen of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1919, is hereby amended as follows:—

- (a) By omitting from subsection one the words “Wright, Stephenson, and Company (Limited), its successors and assigns (the said company and its successors and as-

signs being hereinafter referred to and included in the term the said company),” and substituting the words “any person”;

- (b) By omitting from subsection one the words “on the part of the said company and of the Corporation”; and
- (c) By omitting from subsection two the words “by the said company and the Council.”

62 Authorizing payment to certain Maori of proceeds of sale of timber removed from Allotment 393, Parish of Whangamarino

Whereas Allotment 393, in the Parish of Whangamarino, in the Auckland Land District, containing an area of six hundred and ninety-seven acres, more or less, is land vested in His Majesty which has been withheld from disposal with a view to its being used, with other lands, for the satisfaction of the claims of certain landless Maori: And whereas by a Proclamation published in the *Gazette* of the eighth day of July, nineteen hundred and twenty, the said land has been set apart as a provisional State forest: And whereas the State Forest Service has disposed of the millable kahikatea timber on the land for removal: And whereas inquiry is to be made by the Maori Land Court into Maori claims affecting the said land for the purpose of determining the persons entitled thereto: And whereas it is desirable that (when the said land ceases to be a provisional State forest) the moneys received from the disposal of the said timber shall be available for payment to the Maori found to be entitled to the land from which such timber has been removed: Be it therefore enacted as follows:—

Without any further appropriation than this section, all moneys received from the disposal of any timber upon the said land shall, after deduction therefrom of the reasonable expenses of administration incurred by the State Forest Service in connection with such timber, be transferred from the State Forest Account to the Consolidated Fund, and may be paid over to such persons as the Maori Land Court shall find to be entitled to the land from which such timber has been removed, in such proportions as the said Court shall determine.

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

The words “Maori Land Court” were substituted, as from 27 November 1947, for the words “Native Land Court” pursuant to section 9(2)(a) Maori Purposes Act 1947 (1947 No 59).

**63 Making provision as to repayment of certain loan
authorized to be raised by the Thames County Council**

Whereas on the second day of October, nineteen hundred and twenty-three, the Thames County Council caused a poll of ratepayers of the County of Thames to be taken on a proposal to borrow, by way of a special loan under the Local Bodies’ Loans Act 1913, a sum of twenty thousand dollars for the purchase of quarry machinery and plant and for other purposes incidental to quarrying operations, and such proposal was declared to be duly carried: And whereas, in pursuance of the authority conferred by such poll, the said Council borrowed by way of special loan the said sum of twenty thousand dollars, or some portion thereof, for a fixed term of thirty-six and a half years: And whereas doubts have now arisen as to the meaning of the notice setting forth the provision for the repayment of the aforesaid loan, published as required by section nine of the Local Bodies’ Loans Act 1913, and as to the meaning of the proposal as set forth on the voting-paper used at the poll in connection with the said loan, and it is not clear whether the arrangements already entered into by the said Council for the raising of the said loan for a fixed term may be lawfully entered into or are within the authority conferred on the said Council by the said poll: And whereas it is desirable to empower the said Council to enter into such arrangement and to validate the said arrangement already entered into by the said Council: Be it therefore enacted as follows:—

The Thames County Council is hereby authorized, and shall be deemed to have been so authorized by the determination of the ratepayers at the poll aforesaid, to raise the whole or any portion of the loan authorized to be raised by such poll on the terms as to repayment either that any sum so borrowed shall be repaid by annual instalments, or that any sum so borrowed shall be repaid at the end of a fixed term of not less than thirty-six and a half years, provision being made by the said

Council for a sinking fund as set out in the said loan proposal, and the action of the said Council in issuing debentures with a currency of thirty-six and a half years as security for such loan is hereby validated.

The reference to “twenty thousand dollars” was substituted, as from 10 July 1967, for a reference to “ten thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

64 Closing river-bank road along Rereatukahia River, and authorizing disposal thereof

Whereas the land hereinafter described comprises a road along the bank of the Rereatukahia River in Block II, Aongatete Survey District, in the Auckland Land District: And whereas the Minister of Public Works has agreed to vest in Fred Kendall, of Katikati, farmer, the said land in part-satisfaction of the compensation payable to the said Fred Kendall for portion of Section 15, Tahawai Parish, and portion of Section 48, Te Mania Parish, situated in the said county and land district, which are required for the purposes of the East Coast Main Trunk Railway (Aongatete Section): And whereas the stopping of the said road is prohibited by section one hundred and thirty of the Public Works Act 1981: Be it therefore enacted as follows:—

- (1) Notwithstanding anything contained in section one hundred and thirty of the Public Works Act 1981, or in any other Act, the river-bank road hereinafter described is hereby closed, and the land described therein is hereby declared to be Crown land and available for disposal in terms of section eighty-six of the Public Works Act 1981.
- (2) The land to which this section relates is more particularly described as follows:—

All that area in the Auckland Land District, situated in Block II, Aongatete Survey District, containing eight acres one rood twenty perches, being portion of road adjoining or passing through Sections 15 and 16, Tahawai Parish, and Section 48, Te Mania Parish; also all that area in the Auckland Land District, containing twenty-two perches, being portion of road adjoining or passing through Section 15, Tahawai Parish, and Section 48, Te Mania Parish: as the said areas are more particularly delineated on the plan marked PWD 57931, deposited

in the office of the Minister of Public Works, at Wellington, and thereon coloured green.

The Public Works Act 1908 (1908 No 160) was repealed, as from 6 October 1928, by section 346 Public Works Act 1928 (1928 No 21). That Act was in turn repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

**65 Vesting in Crown for post-office purposes certain land
in Te Aroha Borough**

Whereas by Order in Council dated the twenty-fourth day of October, nineteen hundred and ten, published in the *Gazette* of the twenty-seventh day of the same month, and registered in the Land and Deeds Registry Office at Auckland under No 2659, approval was given to a piece of land comprising twenty-one and three-tenths perches, formerly portion of Boundary Street, in the Borough of Te Aroha, being applied as a site for municipal buildings and offices in terms of section one hundred and eighty-two of the Municipal Corporations Act 1908: And whereas the Te Aroha Borough Council (hereinafter referred to as the Council) did not take the necessary further action to formally apply the land to the purposes mentioned: And whereas Section 16, Block I, Borough of Te Aroha, is vested in the Council under Business-site License No 3077 for a term of forty-two years from the twenty-eighth day of January, nineteen hundred and twenty-one: And whereas both parcels of land hereinbefore referred to are required for post-office purposes, and the Council has agreed to exchange with His Majesty the said land for Section 1, Block XVI (Government reserve), Te Aroha Borough (which section forms part of land acquired by His Majesty as a site for a Court of justice and other public buildings), together with the buildings thereon, and a grant, which has already been made, of nine hundred dollars towards the cost of culverting the Tutumangeo Creek between Whitaker and Rewi Streets in the said borough: And whereas by the said Order in Council approval was also given for a piece of land comprising thirty-two perches, formerly portion of Boundary Street, hereinbefore referred to, being applied as a site for a post-office in terms of the said section one hundred and eighty-two of the Municipal Corporations Act 1908: And whereas the Council did not take the necessary further action to formally apply the said land to the purposes mentioned: And whereas it is expedient that the exchange hereinbefore referred to should be given effect to, and that the piece of land

formerly intended as a site for a post-office should be vested in His Majesty: Be it therefore enacted as follows:—

- (1) The land hereinafter described in this subsection is hereby vested in His Majesty for post-office purposes. The land to which this subsection relates is more particularly described as follows:—

All that piece of land, situated in the Auckland Land District, Borough of Te Aroha, comprising one rood one and one-quarter perches, being Section 16, Block I, Te Aroha Borough, and portion of Boundary Street (closed); also all that piece of land, situated in the said land district and borough, comprising thirty-two perches, being portion of Boundary Street (closed): as the same are more particularly delineated on the plan marked PWD 59207, deposited in the office of the Minister of Public Works, at Wellington, in the Wellington Land District, and thereon coloured green and blue respectively (SO 23122).

- (2) The land hereinafter described in this subsection is hereby vested in the Mayor, Councillors, and Burgesses of the Borough of Te Aroha for municipal buildings and offices. The land to which this subsection relates is more particularly described as follows:—

All that piece of land, situated in the Auckland Land District, Borough of Te Aroha, comprising two roods sixteen and ninety-one-hundredths perches, being Section 1, Block XVI (Government reserve), Te Aroha Borough: as the same is more particularly delineated on the plan marked PWD 59207, deposited in the office of the Minister of Public Works, at Wellington, and thereon coloured red (SO 23122).

The reference to “nine hundred dollars” was substituted, as from 10 July 1967, for a reference to “four hundred and fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

66 Authorizing disposal of certain land to settlers in Hikuai Settlement on deferred payments

Whereas the settlers in the Hikuai Settlement, in the Auckland Land District, are desirous of purchasing the public-hall site hereinafter described and the building thereon, with the object of vesting the same in trustees for the use and enjoyment of the residents in that locality:

And whereas it is desired to dispose of the same under section seventy of the Land Act 1948, for such purpose, but the settlers above mentioned are not in a position to purchase for cash: Be it therefore enacted as follows:—

- (1) The Auckland Land Board is hereby authorized to sell the land hereinafter described and the buildings thereon to the aforesaid settlers on deferred payments, and the provisions of subsection one of section two of the Land Laws Amendment Act 1920, shall, notwithstanding anything to the contrary in the Land Act 1948, apply, with the necessary modifications, to such sale as if the said land was Crown land sold by auction on deferred payments.
- (2) The land to which this section relates is particularly described as follows:—

All that area in the Auckland Land District, containing by ad-measurement one rood sixteen perches, being Section 24S, Hikuai Settlement.

The Land for Settlements Act 1908 (1908 No 94) was repealed, as from 1 October 1925, by section 110(1) Land For Settlements Act 1925 (1925 No 15). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

67 Validating an agreement between the Crown and the Auckland Electric-power Board

- (1) The agreement set forth in Schedule 2 to this Act is hereby declared to be valid and binding in all respects, and shall have full force and effect according to the tenor thereof.
- (2) Without limiting the jurisdiction or authority of any Court, it is hereby expressly declared that the High Court shall have authority to enforce the said agreement and to ensure compliance with the terms and conditions expressed or implied therein by injunction, *mandamus*, or other appropriate process of the Court.

The words “High Court” were substituted, as from 1 April 1980, for the words the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

**68 Amalgamating Taupiri and Taupiri Mountain Domains
as the Taupiri Mountain Domain**

- (1) The Public Domains known as the Taupiri Domain and the Taupiri Mountain Domain, being the lands hereinafter respectively described, are hereby amalgamated, and shall henceforth be known as the Taupiri Mountain Domain.
- (2) The Taupiri Domain Board in office at the passing of this Act shall be the Domain Board of the Taupiri Mountain Domain hereby constituted as if it had been duly appointed as such pursuant to the provisions in that behalf of section forty of the Public Reserves and Domains Act 1908.
- (3) The land formerly known as the Taupiri Domain is more particularly described as follows:—

All that area in the Auckland Land District, containing by admeasurement four acres two roods thirty-eight perches, more or less, being Sections 78, 79, 80, 81, 82, 83, 84, 85, 86, and 87, Taupiri Town (Block IV, Newcastle Survey District): bounded towards the north-east by a public road, 790 links; towards the south-east by a public road, 600 links; towards the south-west by a public road, 790 links; and towards the north-west by a public road, 600 links: be all the aforesaid linkages more or less: as the same is delineated on the plan marked L 1279, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red: (Auckland, plan 3346, blue.)

- (4) The land formerly known as the Taupiri Mountain Domain is more particularly described as follows:—

All that area in the Auckland Land District, containing by admeasurement one hundred and sixty-two acres two roods, more or less, being Allotment No 481, Taupiri Parish: bounded towards the north-west by Allotment No 463, Taupiri Parish, 1654.3 links; towards the south-east by Allotments Nos 454 and 453 of the aforesaid parish, 2943.6 links; towards the north-east by Allotment No 453 aforesaid, 2475.7 links; again towards the south-east by a public road along the Mangawara Stream, 311, 401.3, 643.3, 330, 325.8, 297.9, 311, and 427.2 links; towards the south-west and south-east by Allotment No 457 of the aforesaid parish, 862.7 and 1505 links respectively; again towards the south-east by Allotment

No 456 of the aforesaid parish, 606 and 2385 links; again towards the north-west by Allotment No 445 of the aforesaid parish and the abutment of a public road, 4428.6 links; and towards the west generally by a public road, 141.7, 238, 221, 356.8, 239, 172.4, 187.7, and 282.5 links: be all the aforesaid linkages more or less: as the same is delineated on the plan marked L and S 1270/24A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red. (Auckland, plan 6644, blue.)

69 Authorizing Auckland Land Board to reclassify certain lands

The Land Board of the Auckland Land District may, with the approval of the Minister of Lands, reclassify as second- or third-class lands respectively any Crown lands situated in the Marakopa, Whareorino, Awakino, Awakino North, Awakino East, Otanake, and Maungamangero Survey Districts and held under lease or license under the Land Act 1948, which are at present classified as first- or second-class lands.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

70 Authorizing Governor-General to vest certain lands in Whakatane County Corporation for tree-planting purposes

Whereas the Whakatane County Council desires to acquire Sections 1, 2, 3, Block VI, Upper Rangitaiki Survey District, in the Auckland Land District, containing an aggregate area of seven hundred and twenty-seven acres three roods nineteen perches, for the purpose of tree-planting thereon: And whereas it is desirable that the said sections should be made available for this purpose, subject to such terms and conditions as the Governor-General deems fit to prescribe or impose. Be it therefore enacted as follows:—

- (1) The Governor-General may, by Order in Council, vest the said lands in the Corporation of the County of Whakatane for tree-planting purposes, subject to such terms and conditions as may be prescribed or imposed in such Order, and subject also to the

payment by the Whakatane County Council of such price (if any) as the Governor-General may determine.

- (2) If at any time the said Council fails to comply to the satisfaction of the Minister of Lands with any of the terms and conditions so imposed the Governor-General may, by Order in Council, revoke the vesting of the said land in the said Corporation, and thereupon the said land shall revert to His Majesty as Crown land available for disposal under the Land Act 1948.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

71 Empowering Ngaruawahia Borough Council to pay interest on certain accounts

Whereas the Ngaruawahia Borough Council incurred certain liabilities under a contract for the supply of necessary plant and material for the installation and completion of its waterworks scheme to an amount not exceeding in the aggregate the sum of seventeen thousand and twenty-nine dollars and fifty-seven and a half cents: And whereas it is desired to empower the said Council to pay interest as hereinafter provided on the amount of the several accounts comprised within the aforesaid sum: Be it therefore enacted as follows:—

The Ngaruawahia Borough Council is hereby empowered, out of its Waterworks Loan Account, to pay interest on the amount of the accounts comprised within the aforesaid sum of seventeen thousand and twenty-nine dollars and fifty-seven and a half cents for the period elapsing between the due date of payment and the date on which payment was actually made:

Provided that the total amount to be paid by way of interest under the authority conferred by this section shall not exceed the sum of one thousand three hundred and twenty-four dollars and twenty and five-sixths cents.

The references to “seventeen thousand and twenty-nine dollars and fifty-seven and a half cents”, and “one thousand three hundred and twenty-four dollars and twenty and five-sixths cents” were substituted, as from 10 July 1967, for references to “eight thousand five hundred and fourteen pounds fifteen shillings and sevenpence”, and “six hundred and sixty-two pounds two shillings and one penny” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**72 Section 74 of Reserves and other Lands Disposal and
Public Bodies Empowering Act 1922, amended***[Repealed]*

Section 72 was repealed, as from 25 October 1956, by section 20(1) Rangitaiki Land Drainage Act 1956 (1956 No 34).

**73 Effecting exchange of portion of Whakatane Domain for
private land, and vesting certain lands in certain public
bodies. Repeal.**

Whereas provision was made by section one hundred and forty-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, authorizing the sale of part of Whakatane Domain and the application of the proceeds thereof in the purchase of approximately ten acres of land, being part of Section 287 of the Parish of Waimana: And whereas the said Section 287 is vested in Charles Marshall Buckworth, William Parry Browne, and George Creeke as trustees (hereinafter called the Simpkins Trustees) under and by virtue of a certain memorandum of transfer, and subject to a certain deed of trust, both dated the nineteenth day of March, eighteen hundred and ninety-one, expressed to be made between the Simpkins Trustees of the one part and one George Simpkins, of Whakatane, gentleman, of the other part: And whereas it has not been possible to sell the part of the Whakatane Domain in order to provide the purchase-money: And whereas the Simpkins Trustees have agreed to exchange the said Section 287 for eighteen sections being part of the domain area set apart for sale, provided that the trustees are placed as nearly as possible in the same position as if they had sold the said Section 287 for cash: Be it therefore enacted as follows:—

- (1) The said section one hundred and forty-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, is hereby repealed.
- (2) All that piece of land, containing ten acres, more or less, being the southern portion of Allotment 287 of the Parish of Waimana, and also being the residue of the land comprised and described in certificate of title, Volume 30, folio 275, of the Register-book at Auckland, is hereby vested in the Education Board of the District of Auckland for an estate in fee-simple permanently reserved as a site for a public school, freed

and discharged from all trusts, encumbrances, rights of way, easements, or other rights or claims affecting the same.

- (3) The District Land Registrar at Auckland is hereby directed and empowered to issue a certificate of title under the Land Transfer Act 1952, to the said Education Board in respect of the said land.
- (4) Eighteen lots, being Nos 1 to 6 and 8 to 18 inclusive, and No 20, shown on plan lodged and to be deposited in the Auckland Land Registry Office under No 17587, being part of Allotment 286 of the Parish of Waimana, are hereby vested for an estate in fee-simple in possession, freed from the present reservation, in Charles Marshall Buckworth, William Parry Browne, and George Creeke, as the Simpkins Trustees, with power to sell or lease the same, together or in lots, by public auction or by private contract, subject to such conditions as the trustees may think fit, with power to vary any contract, and to buy in at any auction, and to rescind any contract, and to resell and relet, without being answerable for any loss occasioned thereby, and to hold the proceeds of any such sale or lease or sales or leases upon the same trusts as the said Allotment 287 of the Parish of Waimana is now held by the Simpkins Trustees under the said deed of trust dated the nineteenth day of March, eighteen hundred and ninety-one.
- (5) The District Land Registrar at Auckland is hereby directed and empowered to issue a certificate of title for the said eighteen lots to the Simpkins Trustees.
- (6) Lots Nos 7, 19, 21, and 22 shown on the said plan No 17587, are hereby vested for an estate in fee-simple in possession, freed from the present reservation, in the Corporation of the Borough of Whakatane, with the same power to lease and sell as is hereinbefore given to the Simpkins Trustees by subsection four hereof. The proceeds of any such sale or lease may, subject to the provisions of subsection nine hereof, be applied to any municipal purpose.
- (7) The District Land Registrar at Auckland is hereby directed and empowered to issue a certificate of title for the said Lots Nos 7, 19, 21, and 22 to the Whakatane Borough Council.

- (8) The rates now owing to the Whakatane Borough Council on the said southern portion of Allotment 287 shall be deemed to have been paid, and each lot vested in the Simpkins Trustees by subsection four hereof shall be freed from Whakatane Borough Council rates for a period of two years or until sold or leased, whichever period shall be the shorter.
- (9) The Whakatane Borough Council is hereby directed and empowered to pay and discharge all survey fees and legal costs and other incidental expenses necessary to give effect to the provisions of this section, and may apply the whole or part of the proceeds of the sale of the lots referred to in subsection six hereof towards the payment of such costs, fees, and expenses.
- (10) Upon the removal to the school-site set apart by subsection two hereof of the school now on Allotment 263 of the Parish of Waimana, or upon the erection of a new school on the aforesaid site, the said Allotment 263 shall be transferred to His Majesty by the Education Board of the District of Auckland, and thereupon the Governor-General may, by notice in the *Gazette*, declare the said Allotment 263 to be reserved for recreation purposes, and to form part of the Whakatane Domain.

The Land Transfer Acts Compilation Act 1915 (1915 No 35). Appendix B of the repealing Act replaced the 1908 Act with a compiled Act enacted under the title of "The Land Transfer Act 1915". That Act was in turn repealed, as from 1 January 1953, by section 245(1) Land Transfer Act 1952 (1952 No 52).

74 Validating constitution of Waitomo Electric-power District, and authorizing alteration of boundaries of Te Awamutu Electric-power District

Whereas the petition for the constitution of the Waitomo Electric-power District prayed that an area of land abutting on the southern boundary of the Te Awamutu Electric-power District be constituted an electric-power district: And whereas a petition was received from the ratepayers of portion of such area immediately adjacent to the Te Awamutu Electric-power District praying that the said portion of such area be included within the boundaries of the Te Awamutu Electric-power District: And whereas in constituting the Waitomo Electric-power District an area of land between the northern boundary of the Waitomo Electric-power District and the southern boundary of the Te Awamutu Electric-power District was omitted: And whereas

it is expedient that the Proclamation constituting the Waitomo Electric-power District be validated, and that the Governor-General be authorized to issue a Proclamation altering the boundaries of the Te Awamutu Electric-power District by including therein an area of land situated between the northern boundary of the Waitomo Electric-power District and the southern boundary of the Te Awamutu Electric-power District: Be it therefore enacted as follows:—

- (1) The Proclamation dated the third day of March, nineteen hundred and twenty-four, and published in the *Gazette* of the sixth day of March, nineteen hundred and twenty-four, constituting the Waitomo Electric-power District and outer area of such district is hereby validated, and shall for all purposes be deemed to have been a valid Proclamation as from the date of publication thereof in the *Gazette*.
- (2) The Governor-General is hereby authorized to issue a Proclamation altering the boundaries of the Te Awamutu Electric-power District by including therein that portion of the area of land (described in the petition hereinbefore referred to for alterations of the boundaries of that district) not already included in that district.
- (3) Such Proclamation shall be deemed to be a Proclamation issued under subsection three of section three of the Electric-power Boards Act 1918, and the Governor-General may alter the proposed boundaries of such area in accordance with the provisions of subsection two of the said section.

75 Authorizing issue to Thames Hospital Board of certificate of title in respect of certain lands in Paeroa Borough, and the closing of portions of certain streets in that borough

Whereas by Warrant published in the *Gazette* of the twelfth day of March, nineteen hundred and fourteen, Sections 11, 12, 13, and 14, Block II, Town of Paeroa, containing one rood twenty perches, were permanently reserved as a site for a public hospital: And whereas by Warrant published in the *Gazette* of the fifteenth day of October, nineteen hundred and fourteen, Sections 15, 16, 29, and 30 of the said Block II, Town of Paeroa, containing one rood thirty-two perches, were appropriated as an addition to the aforesaid hospital-site: And whereas it is desirable that provision should be made for the vesting of the sections mentioned in the Thames Hospital Board, and to au-

thorize the closing of portions of Johnson, Fraser, and Russell Streets, in the Borough of Paeroa, as hereinafter described, in order that portion of the land comprised therein may be set apart as an extension to the said hospital-site and a further portion exchanged for private land required in connection with such site: Be it therefore enacted as follows:—

- (1) The Governor-General may, by Warrant under his hand, authorize the District Land Registrar for the Auckland Land Registration District to issue to the Thames Hospital Board a certificate of title in respect of Sections 11, 12, 13, 14, 15, 16, 29, and 30, Block II, Town of Paeroa, and such land shall thereafter be held by such Board in trust as a site for a public hospital.
- (2) Notwithstanding anything to the contrary in the Municipal Corporations Act 1920, the Governor-General may, with the consent of the Paeroa Borough Council, by Proclamation, close those portions of Johnson, Fraser, and Russell Streets within the said borough and described in subsection three hereof, and upon the issue of such Proclamation the land comprised therein shall be deemed to be Crown land subject to the provisions of the Land Act 1948.
- (3) The portions of Johnson, Fraser, and Russell Streets referred to in subsection two hereof are more particularly described as follows:—

All that area in the Auckland Land District, being parts of Johnson, Fraser, and Russell Streets, in the Borough of Paeroa, containing by admeasurement two acres one rood twenty-two perches, more or less: bounded by a line commencing at the northernmost corner of Section 3, Block II, Town of Paeroa, and proceeding thence south-easterly generally along the south-western boundaries of Sections 3, 2, 1, 65, 40, 39, 38, 37, 36, 35, 34, and 33 of said Block II; thence north-westerly along the north-eastern boundaries of said Sections 33 and 34 to the northernmost corner of the last-named section, along a right line crossing Fraser Street at right angles to the westernmost corner of Section 29 of said Block II; thence south-easterly along the south-western boundaries of Sections 29, 30, 31, 32, and 9 of said Block II, north-easterly along the south-eastern boundaries of Sections

9, 10, 11, and 12 of said Block II to Normanby Road, along a right line crossing Russell Street to the northernmost corner of Section 5, Block C, Town of Paeroa, and south-westerly along the north-western boundaries of Sections 5, 6, 7, and 8 of said Block C to its intersection with a line drawn parallel to and 60 links distant from the right bank of the Ohinemuri River; thence westerly and northerly generally along that line to a point bearing $267^{\circ} 4'$ from the northernmost corner of Section 3, Block II, Town of Paeroa, and distant therefrom 86.5 links, more or less; thence along a right line to the northernmost corner of said Section 3, the point of commencement: as the same is delineated on plan marked L and S 6/8/29, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon coloured green.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

76 Vesting portion and empowering Auckland Land Board to sell to Te Kuiti Borough Council another portion of Mangaokewa Domain

Whereas by a Proclamation published in the *Gazette* of the twenty-fifth day of April, nineteen hundred and twelve, the Mangaokewa Gorge Scenic Reserve was taken for scenic purposes under the provisions of the Reserves Act 1977, and the Public Works Act 1981: And whereas it is desirable that the portion of the said scenic reserve described in subsection four hereof should be vested in the Corporation of the Borough of Te Kuiti as a site for a reservoir for the supply of the Town of Te Kuiti with water, and for intake and other purposes in connection therewith: And whereas it is desired to sell to the said Corporation for limestone-quarry purposes that part of the said scenic reserve described in subsection five hereof: Be it therefore enacted as follows:—

- (1) The reservation for scenic purposes over the land described in subsection four hereof is hereby cancelled, and the said land is hereby reserved for reservoir and water-supply purposes, and vested in the Corporation of the Borough of Te Kuiti in trust for such purposes.

- (2) The reservation for scenic purposes over the land described in subsection five hereof is hereby cancelled, and the Auckland Land Board is hereby empowered to sell the said land to the aforesaid Corporation for the sum of one thousand dollars, payable to the Receiver of Land Revenue, Auckland, in such instalments, spread over a period of ten years, and at such times as the Minister of Lands may prescribe. On completion of the payment of the aforesaid amount at any time within the said period of ten years the Governor-General may, by Warrant under his hand, authorize the issue of a certificate of title to the said Corporation in respect of the said land.
- (3) In lieu of paying the aforesaid sum of one thousand dollars by instalments the Te Kuiti Borough Council may pay the amount in one sum, and for that purpose is hereby authorized to raise a special loan of one thousand dollars under the Local Bodies' Loans Act 1913, by special order and without taking the steps prescribed in sections eight to twelve thereof.
- (4) The land to which subsection one hereof relates is particularly described as follows:—

All that area in the Auckland Land District, containing by admeasurement thirty-eight acres, more or less, situate in Block IV, Otanake Survey District, commencing at a point on the North Island Main Trunk Railway: bounded towards the north by part Pukenui 2M, 1100 links; part of Pukenui 2M (railway metal reserve), 976.6 links; thence by a right line across the Mangaokewa River to its eastern bank; towards the east by the eastern bank of the said Mangaokewa River to a point in line between pegs LX and VI; towards the south by a right line across the said Mangaokewa River to the said peg VI, 105 links; thence along the northern boundary of part Pukenui 2U, Section 1, 1625.1 and 960.7 links; towards the west by the North Island Main Trunk Railway and the abutment of a road, 699.1 links, and the boundary produced across the Waiteti Stream; towards the south-east by the said stream; again towards the west by the North Island Main Trunk Railway, 297.4, 343.3, 183.1 links, to the point of commencement: be all the aforesaid linkages a little more or less: as the same is delineated on the plan marked L and S 4/302, deposited in the

Head Office, Department of Lands and Survey, at Wellington, and thereon coloured green and edged red.

- (5) The land to which subsection two hereof relates is particularly described as follows:—

All that area in the Auckland Land District, containing by admeasurement thirty-seven acres, more or less, situated in Block IV, Otanake Survey District, commencing at a point on the eastern bank of the Mangaokewa River: bounded towards the north by Rangitoto-Tuhua No 64, part Section J (quarry reserve), 908.3 links; towards the east by Rangitoto-Tuhua No 64, 446.8, 382.5, 772.4, 657.9, 1267.4 links; towards the south-east by Rangitoto-Tuhua No 64, part Section J, 1056.3 links; towards the west by the eastern bank of the Mangaokewa River to the point of commencement: be all the aforesaid linkages a little more or less: as the same is delineated on the plan marked L and S 4/302, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured yellow and edged red.

The reference to “one thousand dollars” was substituted, as from 10 July 1967, for a reference to “five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

The Scenery Preservation Act 1908 was repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953 (1953 No 69). That Act was in turn repealed, as from 1 April 1978, by section 125(1) Reserves Act 1977 (1977 No 66).

The Public Works Act 1908 (1908 No 160) was repealed, as from 6 October 1928, by section 346 Public Works Act 1928 (1928 No 21). That Act was in turn repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

77 Special provision with respect to the cost of reconstruction of the Mangapiko Stream, County of Waipa and Borough of Te Awamutu

Whereas by a Proclamation under the Land Drainage Act 1908, dated the nineteenth day of December, nineteen hundred and twenty-one, and published in the *Gazette* of the twenty-second day of December, nineteen hundred and twenty-one, the estimated cost (not exceeding in all the sum of six thousand six hundred dollars) of reconstructing portion of the Mangapiko Stream, in the Waipa County, was apportioned between the Lower Mangapiko Drainage Board, the Upper Mangapiko Drainage Board, the Tuatamoana Drainage Board, the

Mangahoe Drainage Board, and the Te Awamutu Borough Council as hereinafter appears, and ordered to be paid to the said Lower Mangapiko Drainage Board by the said other local authorities out of the funds under their control: And whereas the said Lower Mangapiko Drainage Board having raised a special loan of four thousand dollars towards the cost of so reconstructing the said portion of the Mangapiko Stream, and having expended portion of the said special loan upon the said reconstruction, has called upon the said other local authorities to contribute to the said loan: And whereas doubts have arisen as to the true interpretation of the said Proclamation and as to the statutory powers of the said several other local authorities to contribute to the said special loan of four thousand dollars or to any other loans of the said Lower Mangapiko Drainage Board: And whereas in order to remove all such doubts the said several local authorities have agreed that the said Upper Mangapiko Drainage Board, the Tuatuaamoana Drainage Board, the Mangahoe Drainage Board, and the Te Awamutu Borough Council shall be liable to the said Lower Mangapiko Drainage Board for their respective proportions of the cost of such reconstruction as hereinafter mentioned, to be discharged by the said local authorities paying to the said Lower Mangapiko Drainage Board the said respective proportions of the interest and sinking fund of the said special loan of four thousand dollars already raised by the said Lower Mangapiko Drainage Board and of such further special loan or loans (not exceeding in all the sum of two thousand six hundred dollars inclusive of any ten per centum additional which may be available in respect thereof) as shall hereafter be raised by the said Lower Mangapiko Drainage Board for the purpose aforesaid: And whereas further doubts have arisen as to the validity of such agreement, and it is expedient that such agreement should be given legal force and effect and be substituted for the Proclamation hereinbefore recited: Be it therefore enacted as follows:—

- (1) The hereinbefore-recited Proclamation of the nineteenth day of December, nineteen hundred and twenty-one, is hereby revoked.
- (2) That portion of the Mangapiko Stream situated in the Lower Mangapiko Drainage District and the Borough of Te Awamutu shall from and after the coming into force of this Act be and be deemed to be under the exclusive care, control, and management of the Lower Mangapiko Drainage Board, and the whole

cost of maintaining the said portion of the said stream shall be provided and paid by the said Board alone.

- (3) The Upper Mangapiko Drainage Board, the Tuatuaomoana Drainage Board, the Mangahoe Drainage Board, and the Te Awamutu Borough Council shall pay to the Lower Mangapiko Drainage Board the following proportions of the interest and sinking fund of the said special loan of four thousand dollars already raised by the Lower Mangapiko Drainage Board and of every other special loan or loans (not exceeding two thousand six hundred dollars and at an annual charge or charges for interest and sinking fund of not exceeding seven per centum on such loan or loans) which shall hereafter be raised by the said Lower Mangapiko Drainage Board for reconstructing the aforesaid portion of the Mangapiko Stream, that is to say,—
- (a) The Upper Mangapiko Drainage Board shall pay nine-fortieths of such interest and sinking fund:
 - (b) The Tuatuaomoana Drainage Board shall pay seven-fortieths of such interest and sinking fund:
 - (c) The Mangahoe Drainage Board shall pay three thirty-fifths of such interest and sinking fund:
 - (d) The Te Awamutu Borough Council shall pay three thirty-fifths of such interest and sinking fund.

The remainder of such interest and sinking fund—namely, three-sevenths thereof—shall be provided and paid by the said Lower Mangapiko Drainage Board out of its own money: Provided, however, that the whole of the balance still unexpended of the said loan of four thousand dollars and the proceeds of any other special loans raised as aforesaid, and any subsidies thereon, shall (as and when received) be expended on reconstructing the said stream between the points commencing one-half mile below the railway-bridge on the Paterangi Road and ending at Storey's Bridge until the total sum of six thousand six hundred dollars (including loan-moneys and subsidy) shall have been expended; and any further loans or subsidies that may hereafter be raised or become available hereunder shall be expended on such parts of the said stream within the limits aforesaid as the said several Boards voting in proportion to their respective contributions hereunder shall decide.

- (4) The whole of the maintenance charges in connection with all work now or hereafter to be done in connection with the said stream between the points hereinbefore mentioned shall fall upon and be borne and paid for by the Lower Mangapiko Drainage Board alone, and none of the moneys hereby agreed to be contributed by the said several local authorities shall be utilized by the Lower Mangapiko Drainage Board or applied in any manner whatsoever towards the maintenance of the said stream.
- (5) Any payment hereby required to be made to the Lower Mangapiko Drainage Board by the several other local authorities as aforesaid shall be paid from time to time to the Clerk of the said Lower Mangapiko Drainage Board on behalf of the said Board within a period of thirty days after demand in writing made by him.
- (6) The said Upper Mangapiko Drainage Board, the Tuatuaamoana Drainage Board, the Mangahoe Drainage Board, and the Te Awamutu Borough Council are hereby severally empowered and authorized to pay to the said Lower Mangapiko Drainage Board their respective contributions towards interest and sinking fund of the said Lower Mangapiko Drainage Board's loan or loans in the proportions aforesaid out of their respective general-account funds, and the agreement of the said several local authorities relative to the raising of and contribution towards the aforesaid loan or loans (not exceeding in all the sum of six thousand six hundred dollars) is hereby ratified and validated.

The references to "six thousand six hundred dollars", "four thousand dollars", and "two thousand six hundred dollars" were substituted, as from 10 July 1967, for references to "three thousand three hundred pounds", "two thousand pounds", and "one thousand three hundred pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

78 Authorizing granting of a lease of Ngahina Wharf to Paeroa Borough Council

Whereas it is provided by section 186 of the Harbours Act 1923, that the Governor-General may from time to time, by Order in Council, vest the management of any wharf the property of His Majesty in any local authority upon such terms and conditions as he thinks fit: And whereas in pursuance of the

powers conferred by section ten of the Waihou and Ohinemuri Rivers Improvement Act 1910, the Minister of Public Works constructed a wharf the property of His Majesty on Lot 1, Thorp's Grant, Block XII, Waihou Survey District, Auckland Land District, in the river district defined in such Act, known as the Ngahina Wharf (hereinafter referred to as the said wharf): And whereas no provision has been made in such last-mentioned Act whereby the said wharf may be leased to or vested in any local authority prior to constitution of the Waihou and Ohinemuri River District: And whereas it is expedient to lease the said wharf to the Paeroa Borough Council for a limited period: Be it therefore enacted as follows:—

His Majesty the King is hereby authorized to lease the said wharf to the Paeroa Borough Council for a period of not more than five years, commencing not later than the first day of January, nineteen hundred and twenty-five, at a rental of four hundred dollars per annum, and subject to such terms and conditions as may be agreed upon between the Minister of Public Works and the Paeroa Borough Council, and such lease when completed shall be valid and binding in all respects.

The reference to "four hundred dollars" was substituted, as from 10 July 1967, for a reference to "two hundred pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**79 Validating agreement as to exchange of lands between
Thames Harbour Board and Thames Borough Council**

Whereas by agreement in writing bearing date the fourteenth day of October, nineteen hundred and twenty-four, made between the Thames Borough Council of the one part and the Thames Harbour Board of the other part, it was mutually agreed to exchange the estate and interest in the land owned by the Thames Borough Corporation, being all that piece or parcel of land, situated at Thames, in the Provincial District of Auckland, containing three roods twelve perches, more or less, being part of the land shown on the plan deposited in the Land Registry Office at Auckland under No 11851, which said parcel of land is portion of the block situated in the Thames Survey District called Kauaeranga No 28A, and being the whole of the land comprised and described in certificate of title, Volume 281, folio 32, of the Register-book at Auckland, excepting nevertheless and reserving unto His Majesty the King, his heirs and

successors, all gold and other minerals of what nature or kind soever within and under the said parcel of land or any part thereof, together with full liberty for His Majesty the King, his heirs and successors, and all others by his and their authority, at all times and from time to time to enter upon the said land or any part thereof with or without horses, carts, and carriages, and all necessary implements, tools, and materials, to search for, dig, get, and remove all or any such minerals aforesaid, and to sink or make all pits, shafts, holes, tunnels, or other conveniences for getting, digging, or extracting the same in the fullest and amplest manner, together also with liberty to His Majesty the King, his heirs and successors, from time to time to grant licenses to any person or persons or any company or association for all or any of the purposes aforesaid, but so nevertheless that the holder of any such license as aforesaid shall make compensation to the said Thames Borough Council, its successors or assigns, for all damage done to the surface of the said land and to any buildings, erections, or other improvements thereon, for the estate and interest in the land owned by the Thames Harbour Board, being all that piece or parcel of land being part of the Thames foreshore situated in the Borough of Thames, in the said provincial district, containing thirty-five perches, more or less, being part of Kauaeranga B No 13 Block, situated in the Township of Grahamstown: bounded on the north-east by Allotment No 519 and part of Allotment No 520 on the plan of the Township of Grahamstown 165.9 links; towards the south-east by part of Thames foreshore comprised in plan No 3024 (green), 172.8 links; towards the south-west by other part of Thames foreshore comprised in said plan No 3024 (green), 153.5 links; and towards the north-west by Albert Street on the plan of the Township of Grahamstown, 108.1 links; and being part of the land comprised and described in certificate of title, Volume 275, folio 175, of the Register-book at Auckland, subject to the same reservation respecting gold and other minerals as the land firstly above described: And whereas it is desirable to validate such agreement: Be it therefore enacted as follows:—

- (1) The said agreement and exchange is hereby authorized, confirmed, and validated, and the parcel of land firstly above described is hereby absolutely vested in the Thames Harbour Board, subject to the reservations and restrictions under which the same is held by the Thames Borough Council; and the

parcel of land secondly above described is hereby absolutely vested in the Thames Borough Corporation, subject to the reservations and restrictions under which the same is held by the Thames Harbour Board.

- (2) The District Land Registrar of the Auckland Lands Registry is hereby authorized to issue appropriate certificates of title to give effect to the said exchange.

Gisborne Land District.

80 Making special provision as to annual rent payable in respect of leases of Small Grazing-runs Nos 70 and 71

Whereas the leases of the small grazing-runs hereinafter described, issued under Part 5 of the Land Act 1892, expired on the twenty-eighth day of February, nineteen hundred and twenty-one: And whereas the owners of the said leases accepted renewals thereof for a period of twenty-one years from the first day of March, nineteen hundred and twenty-one, and renewed leases have been issued to them accordingly: And whereas the owners of the said leases have made application to have the provisions of section eighteen of the Land Laws Amendment Act 1921-22, applied to their original leases, but owing to the said leases having been renewed there was and is no power to do so: And whereas the circumstances are such as to render it equitable that benefits similar to those conferred by the said section eighteen should be conferred on the owners of the leases aforesaid: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary contained in the renewed leases aforesaid, the annual rent reserved by each of the said renewed leases during the period from the first day of March, nineteen hundred and twenty-one, to the twenty-eighth day of February, nineteen hundred and twenty-six, shall be deemed to be the annual rent reserved by the original lease respectively as at the date of expiration of such original lease.
- (2) The small grazing-runs herein referred to are Small Grazing-runs 70 and 71, in the Land District of Gisborne, comprising respectively one thousand five hundred and ninety-eight acres and six thousand eight hundred and thirty-eight acres one rood.

81 Section 31 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1915, amended

Section thirty-one of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1915, is hereby amended as follows:—

- (a) By omitting from the preamble thereto the words “under the Land Act”:
- (b) By inserting, after the words “the Land Act 1908,” in subsection one thereof, the following words: “or under the Discharged Soldiers Settlement Act 1915.”

82 Authorizing Governor-General to cancel reservation over portion of hot-springs reserve, Te Puia Township

Whereas Section 118, Suburbs of Te Puia Township, containing thirteen acres three roods twenty-one perches, became vested in the Crown for a hot-springs reserve upon the deposit of the plan of the Maori Township of Te Puia in terms of the Maori Townships Act 1895: And whereas by an Order in Council dated the twenty-third day of June, nineteen hundred and eight, and published in *Gazette* of the second day of July, nineteen hundred and eight, the said Section 118 was brought under the operation of and declared to be subject to the provisions of the Tourist and Health Resorts Control Act 1906: And whereas by a further Order in Council dated the nineteenth day of August, nineteen hundred and eight, and published in *Gazette* of the twenty-seventh day of that month, the control of the reserve hereinbefore mentioned was vested in the Minister of the Crown for the time being having the administration of the Tourist and Health Resorts Control Act 1908: And whereas Section 12, Block II, Te Puia Township, containing one rood, was set apart as a hot-springs reserve by section thirty of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1919: And whereas Section 11, Block II, of the said township, containing one rood, was permanently reserved as an addition to the hot-springs reserve by Warrant dated the sixth day of April, nineteen hundred and twenty, and published in *Gazette* of the eighth day of that month: And whereas the said Section 11, Block II, was by Order in Council dated the twenty-fifth day of

May, nineteen hundred and twenty, and published in *Gazette* of the twenty-seventh day of that month, brought under the operation of and declared to be subject to the provisions of the Tourist and Health Resorts Control Act 1908: And whereas it is desired to cancel the reservation over a portion of the sections hereinbefore referred to in order that the same may be made available for disposal under the provisions of the Land Act 1908: Be it therefore enacted as follows:—

The Governor-General may, by Warrant under his hand, cancel the reservation for hot springs over such part or parts of the said Section 118, Suburbs of Te Puia Township, and Sections 11 and 12, Block II, Te Puia Township, not exceeding in the aggregate a total area of two acres, as he thinks fit, and thereupon such area or areas so far as they are covered by the Orders in Council hereinbefore referred to shall cease to be subject to the provisions of the Tourist and Health Resorts Control Act 1908, and shall thereafter be Crown land subject to the provisions of the Land Act 1981, and available for disposal under that Act.

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

83 Authorizing Governor-General to expend portion of Ormond Domain funds for purchase of other lands for recreation purposes

- (1) Notwithstanding anything to the contrary in the Reserves Act 1977, or any other Act, the Governor-General is hereby authorized and empowered to expend out of the funds standing to the credit of that portion of the Ormond Domain hereinafter referred to any sum or sums for or towards the purchase of any other area or areas to be used for the purposes of public recreation. Any lands so acquired shall thereupon become vested in His Majesty as recreation reserves subject to the provisions of the Reserves Act 1977.
- (2) The portion of the Ormond Domain hereinbefore referred to is more particularly described as follows:—

All that area in the Gisborne Land District, containing by admeasurement one hundred and seven acres one rood five perches, more or less, being the section marked **Bush Reserve**, in Block I, Waimata Survey District, and being the land referred to in Order in Council dated the first day of August, nineteen hundred and ten, revoking the appointment of the Ormond Domain Board in respect thereto.

The Public Reserves and Domains Act 1908 (1908 No 156) was substituted, as from 1 April 1929, by a reference to the Public Reserves, Domains, and National Parks Act 1928 pursuant to section 103 Public Reserves, Domains, and National Parks Act 1928 (1928 No 36). That reference was in turn substituted, as from 1 April 1954, by a reference to the Reserves and Domains Act 1953 pursuant to section 107(1) Reserves and Domains Act 1953 (1953 No 69). That reference was in turn substituted, as from 1 April 1978, by a reference to the Reserves Act 1977 pursuant to section 125(1) Reserves Act 1977 (1977 No 66).

84 Authorizing Gisborne Land Board to consent to certain improvements on Block 28, and Section 1, Block XII, Taramarama Survey District

Whereas the land described in Register 6L, folio 88, and in certificate of title, Volume 13, folio 80, of the Poverty Bay Registration District, being Block 28, and Section 1, Block XII, Taramarama Survey District, is an education endowment held under a lease granted to Tom Davey, of Frasertown, farmer, under the Education Reserves Amendment Act 1910, and the Public Bodies' Leases Act 1969: And whereas covenant eight of the said lease provides that if and as often as the lessee shall desire to make any improvements upon, in, or about the land comprised in the said lease he shall give notice in writing to the Land Board of the district describing the improvements intended to be made, and requesting the said Board to give its written consent to the making of the same, and in case the lessee shall make any improvements on the said land without giving the said notice and receiving the said consent, then he shall not be entitled to any payment for such unauthorized improvements under the provisions for payment of the value of improvements by an incoming tenant contained in the said lease: And whereas the said lessee has inadvertently effected improvements of considerable value upon the said land without obtaining the prior consent thereto of the Land Board: And whereas it is considered equitable that the said lessee should

not be penalized for his inadvertent failure to obtain such consent: Be it therefore enacted as follows:—

The Gisborne Land Board is hereby empowered to give its consent to the improvements effected by the lessee on the aforesaid land, and such consent shall be deemed to have been given under covenant eight of the hereinbefore-mentioned lease prior to such improvements having been effected.

The Public Bodies' Leases Act 1908 (1908 No 240) was repealed, as from 1 January 1970, by section 28(a) Public Bodies Leases Act 1969 (1969 No 141).

85 Conferring certain powers on Turanganui Public Library (Incorporated)

Whereas the incorporated society known as the Turanganui Public Library (Incorporated) (hereinafter referred to as the said society) is registered as the proprietor of Section 50 on the public map of the Town of Gisborne, containing one rood: And whereas the said land is not available for the purpose of a public library, for the reason that it has been leased for a term of twenty-one years from the first day of October, nineteen hundred and five, with right of renewal for a further term of twenty-one years, and it is desirable that the said society should be permitted to sell or mortgage the said land and apply the proceeds of such sale or mortgage for library purposes: Be it therefore enacted as follows:—

- (1) The said society, in addition to all powers already lawfully conferred upon it, may sell, exchange, or mortgage the said land and apply the proceeds thereof to the acquisition of land and the erection of buildings thereon for the purpose of a public library and the maintenance of a public library, or any of such purposes, or may exchange the said land for other land to be applied to such purpose, and may give or receive any money by way of equality of exchange.
- (2) The said society may, in lieu of acquiring land or erecting buildings on its own account, enter into any arrangement with the Gisborne Borough Council or, subject to the consent of the Minister of Lands, with any other person or corporation for the acquisition of land or the erection of buildings jointly or in common with such other person or corporation, and may provide such sum of money and acquire such share in any land or buildings and enter in such arrangement for the management

of such land and buildings as may be agreed upon between it and such person or corporation.

- (3) No purchaser (whether by exchange or otherwise) or mortgagee shall be concerned to see or inquire into the disposition of any moneys paid by him to the said society, or into the user of any land acquired by the said society.

Hawke's Bay Land District.

86 Section 45 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1923, amended

- (1) Section forty-five of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1923, is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraphs:—
- “(b) Each of the aforesaid under-leases in existence on the said thirty-first day of July, nineteen hundred and thirty-seven, shall be deemed to be extended for a period of six months from that date, and throughout that period shall have full force and effect as if it were part of the agreed term of the under-lease.
- “(c) In the event of the lease granted by the said deed of lease being surrendered or otherwise determined at any date earlier than the said thirty-first day of July, nineteen hundred and thirty-seven, each of the said under-leases in existence at such earlier date shall, notwithstanding such determination, continue to subsist until the said thirty-first day of July, nineteen hundred and thirty-seven, and thereafter shall be deemed to be extended for a period of six months from that date, and throughout such periods shall have force and effect as if the said lease was still in existence.
- “(d) The owner of any under-lease so extended shall, at any time during its currency, subsequent to the surrender or other determination or expiration of the lease granted by the said deed of lease, as the case may be, have all the rights conferred on tenants by section one hundred and ten of the Native Land Amendment Act 1913, as modified by section eight of the Native Land Amendment Act 1914.”
- (2) The rights of tenants conferred on the under-lessees by the said section forty-five of the Reserves and other Lands Disposal

and Public Bodies Empowering Act 1923, as amended by the last preceding subsection, shall be deemed to be the rights of tenants who hold under a lease containing a provision for payment of compensation for improvements.

87 Section 46 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1923, amended

- (1) Section forty-six of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1923, is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraphs:—
 - “(b) Each of the aforesaid subleases in existence on the said thirty-first day of July, nineteen hundred and thirty-seven, shall be deemed to be extended for a period of six months from that date, and throughout that period shall have full force and effect as if it were part of the agreed term of the sublease.
 - “(c) In the event of the lease granted by the said deed of lease being surrendered or otherwise determined at any date earlier than the said thirty-first day of July, nineteen hundred and thirty-seven, each of the said subleases in existence at such earlier date shall, notwithstanding such determination, continue to subsist until the said thirty-first day of July, nineteen hundred and thirty-seven, and thereafter shall be deemed to be extended for a period of six months from that date, and throughout such periods shall have force and effect as if the said lease was still in existence.
 - “(d) The owner of any sublease so extended shall, at any time during its currency, subsequent to the surrender or other determination or expiration of the lease granted by the said deed of lease, as the case may be, have all the rights conferred on tenants by section one hundred and ten of the Maori Land Amendment Act 1913, as modified by section eight of the Maori Land Amendment Act 1914.”
- (2) The rights of tenants conferred on the sublessees by the said section forty-six of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1923, as amended by the last preceding subsection, shall be deemed to be the rights of tenants who hold under a lease containing a provision for payment of compensation for improvements.

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

88 Empowering Weber County Corporation to exercise right of purchase contained in lease of certain land originally granted to Weber-Waione Co-operative Dairy Company (Limited)

Whereas by section twenty of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1906, the Hawke’s Bay Land Board was empowered to sell, lease, or otherwise dispose of the land hereinafter described under the provisions of the Land Act 1948, to the Weber-Waione Co-operative Dairy Company (Limited) as a site for a dairy factory: And whereas pursuant to the above-mentioned enactment a lease of the said land was granted to the said company for a period of twenty years from the first day of January, nineteen hundred and six, with a right of purchasing the fee-simple of the said land at the price of one hundred and sixty dollars: And whereas the Corporation of the County of Weber is now the owner of the said lease and desires to exercise the right of purchase conferred thereby: And whereas it is desired to remove doubts that exist as to the right of the said Corporation to exercise the right of purchase conferred by the said lease: Be it therefore enacted as follows:—

- (1) Notwithstanding anything contained in section twenty of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1906, the Corporation of the County of Weber may exercise the right of purchase conferred by the aforesaid lease in respect of the land hereinafter described, and the Hawke’s Bay Land Board may sell the said land to the said Council free from any restriction imposed by the said section twenty in respect of the use of the said land as a site for a dairy factory.
- (2) The land to which this section relates is particularly described as follows:—

All that area in the Hawke’s Bay Land District, containing four acres, more or less, being Section 71, Block V, Weber Survey District.

The reference to “one hundred and sixty dollars” was substituted, as from 10 July 1967, for a reference to “eighty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

The Land Act 1892 (1892 No 37) was consolidated, as from 4 August 1908, by section 1(2) Land Act 1908 (1908 No 94). That Act was in turn repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

89 Authorizing Napier Borough Council to transfer certain pieces of land to the Napier Harbour Board

Whereas by the Napier Harbour Board Act 1876 (hereinafter called the said Act), various parcels of land were reserved and set aside for the use, benefit, and endowment of the Harbour of Napier, including the parcel of land lastly described in the Schedule to the said Act, being an area of two hundred and sixty acres, more or less, one of the boundaries in such description being as follows: **thence along Hardinge Road to the Pilot Reserve**: And whereas in pursuance of the said Act certificate of title, Volume 36, folio 18, of the Hawke's Bay Lands Registry Office was issued under the Land Transfer Act 1952, in the name of the Napier Harbour Board for, *inter alia*, the said parcel of land, in which certificate of title the parcels thereby affected are expressed to be shown in plan deposited in the said Registry under No 1066: And whereas the said deposited plan shows the frontage to the sea as being the Hardinge Road frontage of the said land: And whereas Hardinge Road, being a public street under the jurisdiction of the Napier Borough Council (hereinafter referred to as the Council), is formed and metalled to the full width of one hundred links, but there intervenes between the street so formed and metalled and the Hardinge Road frontage of the said land of the Napier Harbour Board as shown in the said deposited plan a narrow strip of land which is not formed and metalled as a road and cuts off the area contained in the said certificate of title from a frontage to Hardinge Road as formed and metalled as aforesaid, which strip of land is claimed by the Council to be technically part of Hardinge Road: And whereas the Napier Harbour Board contends that the Hardinge Road mentioned in the description of parcels in the said Act might have been intended to mean Hardinge Road as formed and metalled as aforesaid: And whereas the said strip of land in so far as this Act applies to the same is of no value to the Council for road or other purposes, and the said Council has agreed to transfer the same to the Napier Harbour Board without consideration other than payment by that Board of the costs and expenses of the said Council of and incidental to the carrying-out of the

proposed transaction and the passing of this section: Be it therefore enacted as follows:—

- (1) The Council shall transfer to the Napier Harbour Board and the Napier Harbour Board shall acquire from the Council without consideration other than as aforesaid and without any further authority than this Act the pieces of land hereinafter described (being portions of the said strip of land).
- (2) The land to which this section relates is more particularly described as follows:—

All those pieces of land being, firstly, that piece of land containing seven perches and three-quarters of a perch, more or less, and bounded as follows: commencing at a point being the westernmost end of that boundary-line shown on a plan deposited in the office of the District Land Registrar at Napier under No 1066 to have a bearing of $257^{\circ} 15' 10''$; thence north-easterly by that line, 220.33 links: thence southerly by a line bearing $179^{\circ} 03'$, 45.05 links; thence westerly by a line bearing $269^{\circ} 03'$, 215.67 links, to the commencing-point. Secondly, that piece of land containing twenty-one perches, more or less, and bounded as follows: commencing at a point in the line before described as bearing $257^{\circ} 15' 10''$ and 77.38 links north-eastwards from the north-eastern corner of the land firstly described; thence north-easterly by that line, 250.67 links; thence south-easterly by a line bearing $167^{\circ} 22' 20''$, 52.23 links; thence south-westerly by a line bearing $257^{\circ} 22' 27''$, 261.36 links; and thence northerly by a line bearing $359^{\circ} 03'$, 52.82 links, to the commencing-point.

The Land Transfer Act 1915 (1915 No 35). Appendix B of the repealing Act replaced the 1908 Act with a compiled Act enacted under the title of "The Land Transfer Act 1915". That Act was in turn repealed, as from 1 January 1953, by section 245(1) Land Transfer Act 1952 (1952 No 52).

90 Section 35 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1919, amended

Section thirty-five of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1919, is hereby amended as follows:—

- (a) By omitting from subsection one thereof the words "the lands hereinafter described," and substituting the

words “the whole or any part of the lands hereinafter described”:

(b) By adding the following subsection:—

“(3.) The Governor-General may accept from the said Trustees the surrender of any portion of the land comprised in any lease granted under this section upon such terms and conditions as may be agreed upon with the said Trustees.”

Taranaki Land District.

91 Reviving deferred-payment licenses over Section 1, Block XIII, Kapara Survey District, and Section 5, Block XVI, Opaku Survey District

Whereas the Land Board of the Taranaki Land District by resolution dated the sixteenth day of May, nineteen hundred and twenty-three, forfeited the interest of Edward James Turner in the deferred-payment licenses registered in Volume 89, folio 21, and Volume 89, folio 22, respectively, Taranaki Land Registry Office, over Section 1, Block XIII, Kapara Survey District, and Section 5, Block XVI, Opaku Survey District, in the said land district, for failure to comply with the conditions of the said licenses; and notices of such forfeiture were duly published in the *Gazette* of the twenty-third day of August, nineteen hundred and twenty-three: And whereas it is deemed expedient to revoke the said forfeiture, and to revive the said licenses: Be it therefore enacted as follows:—

- (1) The said notices of forfeiture are hereby revoked.
- (2) The said deferred-payment licenses are hereby revived, and shall be deemed to have continued to operate as if the said licenses had not been forfeited.
- (3) The District Land Registrar for the Land Registration District of Taranaki, on being requested so to do by the Commissioner of Crown Lands for the Taranaki Land District, is hereby empowered and directed to make such entries in the Register as may be necessary to give effect to the provisions of this section.

92 Closing portion of Mangatoro Road, and incorporating same in Education Reserve 3, Block V, Mimi Survey District

Whereas the river-bank road fronting Section 3, Block V, Mimi Survey District, an endowment for primary education, is in excess of one chain in width: And whereas the portion of the said road hereinafter described is not required for the purpose for which it was originally intended, and it is desirable that the said portion should be closed and added to the aforesaid endowment: And whereas the Clifton County Council has given its consent thereto: Be it therefore enacted as follows:—

- (1) Notwithstanding anything in section 130 of the Public Works Act 1908, the hereinafter-described portion of the aforesaid river-bank road is hereby closed, and the land comprised therein is hereby set apart as an endowment for primary education, and shall be deemed to be included in and to form part of Section 3, Block V, Mimi Survey District, and to be incorporated in the existing lease of that section.
- (2) Upon receipt of a certificate signed by the Commissioner of Crown Lands having endorsed thereon a plan of the land hereinafter described, and setting forth such particulars as may be required with respect to the alteration of area and capital value, and alteration (if any) of rent, of the lands comprised in the lease, the District Land Registrar for the Land Registration District of Taranaki shall endorse on the lease thereof a memorial of such certificate, and shall make all necessary amendments of the certificate of title in respect of the said Section 3.
- (3) The provisions of subsections 3 and 4 of section 105 of the Land Act 1924, shall apply in respect of the incorporation in the lease aforesaid of the land hereinafter described.
- (4) The portion of the aforesaid road hereby closed is more particularly described as follows:—

All that area in the Taranaki Land District, containing by admeasurement twenty-seven acres three roods thirty perches, being portion of the Mangatoro Road: bounded on the north generally by Section 3, Block V, Mimi Survey District; and on the east, south, and west generally by the remaining portion of the Mangatoro Road: as the same is more particularly delineated on the plan marked L and S 50534, deposited in the

Head Office, Department of Lands and Survey, at Wellington,
and thereon coloured green.

**93 Exempting from operation of Part 13 of Land Act 1908,
certain land in Tainui and Mokau Survey Districts**

Whereas the late Robert McNab, whose estate is now vested in the Public Trustee as administrator, guaranteed the payment of the principal and interest-moneys owing by the Mokau Coal and Estates Company (Limited) to the Mutual Life and Citizens' Assurance Company (Limited) upon the security of memorandum of mortgage registered No 35611 affecting the whole of the land, having an area of forty-six thousand two hundred and eighty-five acres, then comprised in certificate of title, Volume 78, folio 242 (Taranaki Registry): And whereas the said principal and interest-moneys were also guaranteed by William Nelson, Robert Donald Douglas McLean, Bernard Chambers, Mason Chambers, and Paul Hunter: And whereas the said Mokau Coal and Estates Company (Limited) is now in liquidation, and has lost all its capital of two hundred thousand dollars, and has exhausted the sum of one hundred thousand dollars borrowed upon the security of the said memorandum of mortgage: And whereas the said Robert McNab and other shareholders of the last-mentioned company have lost large additional sums of money in endeavouring to develop part of the said lands: And whereas the mortgagee has called upon the Public Trustee and the co-sureties of the said Robert McNab to pay the moneys secured by the said memorandum of mortgage: And whereas the Public Trustee and the said co-sureties to recoup part of their loss may have to take a transfer of the said memorandum of mortgage and exercise the power of sale thereunder: And whereas the land affected by the said memorandum of mortgage is subject to Part 13 of the Land Act 1908: And whereas the power of sale contained in the said mortgage is subject to the proviso that every sale made thereunder shall be made only in areas not exceeding the limits prescribed by Part 13 of the Land Act 1908, to purchasers who are not prohibited under the said Part 13 or otherwise from acquiring such area: And whereas the said land is not suitable for development in small areas, and great hardship will be imposed upon the next-of-kin of the said Robert McNab and upon the said co-sureties, and the improvement and bringing into profitable occupation of the

said land will be prevented, if the sale of the said land in large areas remains precluded by law: Be it therefore enacted as follows:—

- (1) Part 13 of the Land Act 1908, shall not apply to the land comprised in certificate of title, Volume 108, folio 144 (Taranaki Registry), being the balance of the land now comprised in the said memorandum of mortgage registered No 35611.
- (2) Notwithstanding the hereinbefore-recited proviso to the power of sale contained in the hereinbefore-recited memorandum of mortgage, sales under the said power may be made without limitations as to area, and notwithstanding that the purchasers may be disqualified from acquiring land to which Part 13 of the Land Act 1908, applies.

The references to “two hundred thousand dollars”, and “one hundred thousand dollars” were substituted, as from 10 July 1967, for references to “one hundred thousand pounds”, and “fifty thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

94 Reviving lease in perpetuity of Section 18, Block V, Ngatimaru Survey District

Whereas the Land Board of the Taranaki Land District, by resolution dated the twentieth day of June, nineteen hundred and twenty-three, forfeited the interest of Hector Leveson Gower in a lease in perpetuity registered in Volume 28, folio 3, Taranaki Land Registry Office, over Section 18, Block V, Ngatimaru Survey District, in the said land district, for failure to comply with the conditions of the said lease: And whereas notice of such forfeiture was duly published in the *Gazette* of the twenty-third day of August, nineteen hundred and twenty-three: And whereas it is deemed expedient to revoke the said forfeiture and to revive the said lease: Be it therefore enacted as follows:—

- (1) The said notice of forfeiture is hereby revoked.
- (2) The said lease in perpetuity is hereby revived, and shall be deemed to have continued to operate as if the said forfeiture had not taken place.
- (3) The District Land Registrar for the Land Registration District of Taranaki, on being requested so to do by the Commissioner of Crown Lands for the Taranaki Land District, is hereby empowered and directed to make such entries in the Register as may be necessary to give effect to the provisions of this section.

95 Cancelling setting-apart as sites for workers' dwellings for purposes of Housing Act 1955, of certain subdivisions of Section 37, Town of Hawera

Whereas by subsection two of section one hundred and one of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1920, the lands hereinafter described and enumerated were set apart as sites for workers' dwellings subject to the provisions of the Housing Act 1955: And whereas the said lands are no longer required for such purpose: Be it therefore enacted as follows:—

- (1) The setting-part as sites for workers' dwellings of the lands hereinafter described and enumerated is hereby cancelled, and the said lands are hereby declared to be Crown land available for disposal under the Land Act 1948.
- (2) The lands to which this section relates are particularly described as follows:—

All that area in the Taranaki Land District, containing by ad-measurement one acre two roods six and two-tenths perches, being Allotments 35, 37, 39, 41, 43, 47, 49, and 138 of Section 37, Town of Hawera: as delineated on plan marked L and S 30/16, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered green.

The Housing Act 1919 was repealed, as from 21 October 1955, by section 42(1) Housing Act 1955 (1955 No 51).

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

96 Authorizing Opunake Electric-power Board to utilize for erection of buildings unexpended balance of loan raised for generating and distributing electric energy

Whereas the Opunake Electric-power Board, constituted under the Electric-power Boards Act 1918 (hereinafter referred to as the Board), has been duly authorized to raise a loan of one hundred and forty thousand dollars for the purpose of generating and distributing electric energy throughout the Opunake Electric-power District and outer area: And whereas in the notice published by the Board pursuant to section nine of the Local Bodies' Loans Act 1913, it was stated that the loan-moneys were to be applied in the manner set out in such

notice, and the raising of the said loan was authorized on that understanding: And whereas the Board in carrying out the undertaking for which the authority to raise the said loan was given has not expended the whole of such sum of one hundred and forty thousand dollars, and desires to utilize the sum of four thousand six hundred dollars, being portion of the unexpended balance, in purchasing a site and erecting a building thereon comprising offices, conveniences, and showroom for the Board's business: And whereas it is deemed advisable to authorize the said expenditure: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1913, or any other Act, the Board is hereby authorized to expend the said sum of four thousand six hundred dollars for the purposes of acquiring a site and erecting a building thereon comprising offices, conveniences, and showroom for the Board's business.

The reference to "one hundred and forty thousand dollars", and "four thousand six hundred dollars" were substituted, as from 10 July 1967, for references to "seventy thousand pounds", and "two thousand three hundred pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

97 Vesting portion of New Plymouth Botanic Garden and Public Recreation-ground in New Plymouth Borough Corporation for a public street

Whereas by section two of the Taranaki Botanic Garden Act 1876, Section 1048, Town of New Plymouth, is vested in the Board of Trustees for Public Recreation constituted by that Act in trust for a botanic garden and public recreation-ground: And whereas the portion of such section hereinafter described is required for the purposes of a public street: Be it therefore enacted as follows:—

- (1) The vesting as aforesaid in the Board of Trustees for Public Recreation of the land hereinafter described is hereby cancelled, and the said land is hereby vested in the Corporation of the Borough of New Plymouth for the purposes of a public street discharged from all trusts, charges, estates, and interests of any kind whatsoever.
- (2) Compensation for the land so vested shall be recoverable by the said Board from the said Corporation, and the amount

thereof shall be determined in the manner set out in Part 3 of the Public Works Act 1908, with respect to compensation for land taken under that Act, and all the provisions of that Part of that Act shall, so far as applicable, but subject to the provisions of this section, extend and apply accordingly.

- (3) The land vested as aforesaid in the said Corporation is particularly described as follows:—

All that piece of land, containing four-tenths of a perch, being part of Section 1048 on the public maps of the Town of New Plymouth as shown on the plan numbered 678 (Rds), deposited in the office of the Department of Lands and Survey, at New Plymouth, and thereon bordered pink.

98 Conferring on Eltham Drainage Board special powers as to making and levying of certain special rates

- (1) Notwithstanding anything to the contrary in the Land Drainage Act 1908, or any other Act, the Eltham Drainage Board, in making and levying any special rate as security for a special loan under the Local Bodies' Loans Act 1913, over any special-rating area of its district, not being a legal subdivision thereof, may make and levy such rate on a graduated scale according to a special classification of the lands within that area instead of according to any classification of such lands in force within that area as part of the district or of any legal subdivision thereof. Such classification shall be made in manner provided in the Land Drainage Act 1908, for the classification of lands within the district or any subdivision thereof, and the provisions of that Act shall apply accordingly.
- (2) Where pursuant to paragraph (e) of section sixteen of the Local Bodies' Loans Act 1913, the Board raises a special loan with the consent of the ratepayers in a defined part of its district, and all the ratepayers in that part consent to the raising of such loan, and, at the time of giving their consent in accordance with the aforesaid paragraph, also consent to the proportion of the special rate made and levied in connection with such loan to be paid by each of them, the Board may levy the rate in accordance with such consent instead of in accordance with the graduated scale based on the classification of land in force

in the Board's district or in any subdivision thereof in which the defined part aforesaid is included.

99 Authorizing Governor-General to lease certain land to Opunake Electric-power Board

Whereas by a notice published in the *Gazette* of the thirteenth day of May, eighteen hundred and seventy-one, Suburban Section 47, Town of Opunake, containing an area of seven acres two roods (comprising part of Original Section 31, Suburbs of Opunake), was permanently reserved for General Government purposes: And whereas it is deemed expedient to lease to the Opunake Electric-power Board as a site for a dam that portion of the said Section 47 which is hereinafter described: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in the Reserves Act 1977, the Governor-General may grant a lease to the Opunake Electric-power Board of the land hereinafter described for any term that will expire at a date not later than the twenty-seventh day of May, nineteen hundred and sixty-one, at such rent and subject to such conditions as he thinks fit.
- (2) The land to which subsection one hereof relates is particularly described as follows:—

All that area in the Taranaki Land District, containing two acres three roods twenty perches, more or less, being Lot 2 of Suburban Section 47, Town of Opunake: as the same is delineated on a plan marked L and S 6/1/81, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered green.

The Public Reserves and Domains Act 1908 (1908 No 156) was substituted, as from 1 April 1929, by a reference to the Public Reserves, Domains, and National Parks Act 1928 pursuant to section 103 Public Reserves, Domains, and National Parks Act 1928 (1928 No 36). That reference was in turn substituted, as from 1 April 1954, by a reference to the Reserves and Domains Act 1953 pursuant to section 107(1) Reserves and Domains Act 1953 (1953 No 69). That reference was in turn substituted, as from 1 April 1978, by a reference to the Reserves Act 1977 pursuant to section 125(1) Reserves Act 1977 (1977 No 66).

100 Section 88 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1921-22, amended

Section eighty-eight of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1921-22, is hereby

amended by omitting from paragraph (b) of subsection one thereof the words “not exceeding forty-two years from the twenty-seventh day of May, nineteen hundred and nineteen,” and substituting the words “which will expire at a date not later than the twenty-seventh day of May, nineteen hundred and sixty-one.”

101 Authorizing the Taranaki Agricultural and Pastoral Society (Incorporated) to grant a lease of certain land

- (1) The Taranaki Agricultural Society, a society incorporated under the Agricultural and Pastoral Societies Act 1908, is hereby empowered, notwithstanding anything contained in the Agricultural and Pastoral Societies Act 1908, the Taranaki Agricultural Society Empowering Act 1909, and the Public Bodies' Leases Act 1908, and without complying with the provisions of section eight of the Public Bodies' Leases Act 1908, to grant a lease of the lands hereinafter described, or any part or parts thereof, on the tenure and subject to the terms and conditions prescribed by paragraph (e) of section five of the Public Bodies' Leases Act 1908: Provided, however, that, notwithstanding anything contained in the said paragraph (e) or in section ten of that Act, the rent for the first term of twenty-one years may be such rent as the society thinks fit.
- (2) The lands to which this section relates are particularly described as follows:—
- All those pieces of land situate in the Land District of Taranaki, containing one rood twenty-seven and six-tenths perches, more or less, being Allotments Nos 2 and 3 on deposited plan No 2879, and being part of St Germain's Square shown on the public maps of the Town of New Plymouth, and being part of the land comprised in certificate of title registered in Register-book, Volume 85, folio 180 (Taranaki Registry).

102 Vesting certain land in the Taranaki Education Board, and authorizing the granting of a lease thereof to the New Plymouth Lawn-tennis Club (Incorporated)

Whereas by a deed of lease dated the twelfth day of November, nineteen hundred and two, the Education Board of the District of Taranaki

(hereinafter referred to as the Board) leased the lands hereinafter described to the New Plymouth Lawn-tennis and Croquet Club (Registered) for a term of twenty-one years from the first day of November, nineteen hundred and two: And whereas by the said deed of lease a right of renewal for a further term of twenty-one years from the expiration of the said term was granted to the lessee on the terms and conditions contained in the said deed of lease: And whereas doubts have arisen as to whether the said lands are vested in the Board, and also as to whether the Board had the power to grant the said lease and the said right of renewal: Be it therefore enacted as follows:—

- (1) The lands hereinafter described are hereby vested in the Board in fee-simple to be held by the Board for educational purposes, and the District Land Registrar is hereby empowered and directed to issue to the Board a certificate of title in respect of the said lands.
- (2) The Board is hereby declared in respect of the lands hereinafter described to be a leasing authority within the meaning of the Public Bodies' Leases Act 1908.
- (3) Notwithstanding anything to the contrary in any Act, the Board may grant to the New Plymouth Lawn-tennis Club (Incorporated), being the successor to the New Plymouth Lawn-tennis and Croquet Club (Registered), a lease of the said lands from the first day of November, nineteen hundred and twenty-three, for a term of twenty-one years, on such terms and conditions and at such rental as the Board may decide, with a perpetual right of renewal for the said term of twenty-one years at a rent, after the expiration of the first term of twenty-one years, to be determined by valuation in accordance with the provisions of Schedule 1 to the Public Bodies' Leases Act 1908.
- (4) The lands to which this section relates are all those parcels of land, containing by admeasurement three roods three perches, be the same a little more or less, being the sections numbered 322, 323, and 324 on the plan of the Town of New Plymouth: bounded towards the north by sections numbered 296, 297, and 298, 376 links; towards the east by section numbered 325, 205 links; towards the south by Vivian Street, 376 links; and towards the west by section numbered 321, 205 links.

103 Diminishing width of King Street, New Plymouth, and authorizing sale of closed portion

Whereas by deed dated the tenth day of January, nineteen hundred and two, and registered in the Deeds Registry Office at New Plymouth under No 27932, Henry Waring Saxton purported to dedicate the land therein comprised for the purpose of widening King Street, in the Borough of New Plymouth: And whereas those parts hereinafter described of the said land have never been used and are not required for street purposes: And whereas it is desirable to close the said parts and to empower the Corporation of the Borough of New Plymouth to dispose of the same pursuant to section one hundred and ninety-one of the Municipal Corporations Act 1920: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in the Municipal Corporations Act 1920, or any other Act, the hereinafter-described portions of the land comprised in the said deed registered under No 27932 are hereby declared no longer to form part of King Street, in the Borough of New Plymouth, and the width of that street is hereby diminished accordingly.
- (2) The New Plymouth Borough Council may sell such hereinafter-described land pursuant to section one hundred and ninety-one of the Municipal Corporations Act 1920.
- (3) The portions of land to which subsection one hereof relates are particularly described as follows:—

Those portions of King Street, New Plymouth, coloured green and pink respectively on the plan deposited in the Survey Office at New Plymouth under No 6442, and containing 0.35 perch and 0.008 perch respectively: bounded on the north by other part of King Street, 34.64 and 6.27 links respectively; towards the south by parts of Section 643, 33.45 and 6.06 links respectively; and towards the west by part of the Original Section 643, New Plymouth, 11.61 links.

104 Validating a special rate made by Kaponga Town Board as security for a loan of \$20,000

Whereas by a poll of the ratepayers of the Kaponga Town District taken on the seventeenth day of October, nineteen hundred and twenty-three, the Kaponga Town Board was authorized to borrow by way of special loan under the Local Bodies'

Loans Act 1913, a sum of twenty thousand dollars for electric light and power works upon the security of a special rate of one and two forty-eighths of a cent in the dollar on the capital value of all rateable property in the said town district: And whereas it was found that such a rate of such amount would be insufficient for the purpose for which it was so authorized, and the said Board, purporting to act under section twenty-two of the said Act by resolution passed on the nineteenth day of February, nineteen hundred and twenty-four, increased the amount of such rate to one and one tenth of a cent in the dollar: And whereas doubts have arisen as to the power of the said Board to make such increase: And whereas the said Board on or about the twenty-ninth day of February, nineteen hundred and twenty-four, borrowed as part of the said loan of twenty thousand dollars an amount of five thousand dollars on the security of such special rate increased as aforesaid: And whereas it is desired to validate such actions of the said Board: Be it therefore enacted as follows:—

The said special rate of one and two forty-eighths of a cent in the dollar shall be deemed to have been lawfully increased to one and one tenth of a cent in the dollar as is hereinbefore recited; and the rate of one and one tenth of a cent in the dollar on the rateable value on the basis of the capital value of all rateable property in the Town District of Kaponga is hereby declared to have been validly made and levied by the said Board; and the said sum of five thousand dollars, part of the said loan as aforesaid, shall be deemed to have been validly secured on the said special rate of one and one tenth of a cent in the dollar; and such further or other part of the said loan of twenty thousand dollars as the said Board may at any time hereafter determine to raise may be validly secured on the said rate of one and one tenth of a cent in the dollar as if such rate had been originally duly and lawfully made and levied by the said Board for that purpose.

The references to “\$20,000”, “twenty thousand dollars”, “one and two forty-eighths of a cent in the dollar”, “one and one tenth of a cent in the dollar”, and “five thousand dollars” were substituted, as from 10 July 1967, for references to “£10,000”, “ten thousand pounds”, “twopence and one farthing in the pound”, “two and sixteen twenty-fifths of a penny in the pound”, and “two thousand five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

105 Authorizing closing of portion of road along Waiongona River in Lepperton Township

Whereas that portion of the unformed and unused road along the Waiongona River in Lepperton Township hereinafter described is not likely to be required for the purpose for which it was intended: And whereas it is desirable that the said portion of the said road should be closed in order that the land comprised therein may be utilized for the purposes of an exchange for other land required as an extension to the Lepperton School site: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary contained in section 130 of the Public Works Act 1908, the Governor-General may with the consents of the owners of the land abutting on the said road and of the local authority of the district, by Proclamation, close the portion of the river-bank road hereinafter described, and thereupon the land comprised therein shall be deemed to be Crown land subject to the provisions of the Land Act 1948.
- (2) The portion of the aforesaid road to which this section relates is particularly described as follows:—

All that area in the Taranaki Land District, containing by ad-measurement one acre one rood twenty perches, more or less, situated in the Township of Lepperton, and being portion of a road known as Sisson Terrace: bounded towards the north by Barton Street; towards the south-east by Section 1, the abutment of Cross Street, and Sections 14 and 13; towards the north-west by other part of Sisson Terrace, Section 96, and the Waiongona Stream: as the same is delineated on the plan marked L and S 1/729A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured sienna and bordered red.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

Wellington Land District.

106 Cancelling the reservation for purposes of a domain over Suburban Section 2, Town of Kaitieke, and the vesting of control thereof in Kaitieke Domain Board

Whereas by a notice published in the *Gazette* of the second day of February, nineteen hundred and eleven, Suburban Sec-

tion 2, Town of Kaitieke, containing ten acres one rood eight perches, was permanently reserved for recreation purposes: And whereas by Orders in Council published in the *Gazette* of the ninth day of March, nineteen hundred and eleven, and the eleventh day of August, nineteen hundred and twenty-one, respectively, the said recreation reserve became subject to the provisions of Part 2 of the Public Reserves and Domains Act 1908, and the control thereof was vested in the Domain Board called the Kaitieke Domain Board: And whereas the said reserve is unsuitable for the purpose for which it was set apart: Be it therefore enacted as follows:—

The reservation for recreation purposes over Suburban Section 2, Town of Kaitieke, now known as the Kaitieke Domain, and the vesting in the Kaitieke Domain Board of the control of the said domain are hereby cancelled, and the said land is hereby declared to be Crown land available for disposal under the Land Act 1948.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

107 Authorizing Governor-General to cancel existing reservation over portion of Ohakune Lakes Domain, and to set the same apart for cemetery purposes

Whereas Section 24C, Block VIII, Makotuku Survey District, known as the Ohakune Lakes Domain, is permanently reserved as a public recreation-ground, and is subject to the provisions of Part 2 of the Public Reserves and Domains Act 1908, under the control of the Ohakune Borough Council acting as the Ohakune Lakes Domain Board: And whereas it is desirable that the portion of the said domain hereinafter described should be added to the adjoining public cemetery, which is now found to be inadequate in area: And whereas the Ohakune Borough Council, in its capacity as the Ohakune Lakes Domain Board, has consented to such proposal: Be it therefore enacted as follows:—

- (1) The Governor-General may, by Order in Council, cancel the reservation over that portion of the aforesaid domain hereinafter described, revoke the vesting of the control of such portion in the Ohakune Borough Council, declare such portion to

be permanently reserved as a site for a public cemetery, and may vest the same in Trustees for such purpose.

- (2) The land to which this section relates is particularly described as follows:—

All that area in the Wellington Land District, containing by admeasurement four acres two roods fourteen and seven-tenth perches, more or less, being part Section 24C, Block VIII, Makotuku Survey District, and bounded as follows: Towards the north-east by the Rangataua Road, 21.2 links and 184.8 links; towards the south-east and south-west by other part of the said Section 24C, 1776.5 links and 705.1 links respectively; towards the north-west by Section 24B, 200 links; and again towards the north-east and north-west by Section 24A, 505.1 links and 1592.3 links respectively: as the same is delineated on plan numbered L and S 1/169, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

**108 Vesting in trustees in trust for members of B Squadron,
6th Manawatu Mounted Rifles Regiment, certain land in
the Borough of Palmerston North**

Whereas by section seventy-five of the Defence Amendment Act 1912, all drill-sheds, rifle ranges, lands, and other property, whether real or personal, which at the passing of the said Act were held by or in trust for any body of Volunteers under the Defence Act 1908, or for Volunteer purposes under that Act (or which would have been so held if the Defence Act 1908, was then in full force and effect unaffected by the Defence Act 1909), were vested in His Majesty the King: And whereas by virtue of the said section the land hereinafter described and the buildings thereon (being an orderly-room erected for the Manawatu Mounted Rifles, a Volunteer corps duly enrolled under the Defence Act 1908) were so vested: And whereas no moneys have at any time been expended by the Government in connection with the acquisition of the said land or the erection of buildings thereon, and it is therefore deemed equitable that the said land and buildings should be vested in Trustees, subject to the terms and conditions hereinafter appearing: And whereas the Trustees in whom the said land was vested immediately before its becoming

vested in the Crown as aforesaid are dead: Be it therefore enacted as follows:—

- (1) The Governor-General may, by Warrant under his hand, vest the land hereinafter described in two Trustees, of whom one shall be the officer for the time being commanding that part of the Territorial Forces under the Defence Act 1909, now known as B Squadron of the 6th Manawatu Mounted Rifles Regiment (hereinafter referred to as the said squadron), and one shall be Charles William Peach, of Palmerston North, medical practitioner, as representing those persons who were members of the Manawatu Mounted Rifles prior to the merging of that Volunteer corps in the Territorial Forces of New Zealand.
- (2) The Trustees shall hold the said land in trust for the members of the said squadron, but subject to the charge created by a memorandum of mortgage dated the fifth day of December, nineteen hundred and ten, registered in the Land Transfer Office at Wellington as No 80094, and now held by Charles Albert Loughnan and Harold Riddiford Cooper, of Palmerston North, solicitors.
- (3) If the said squadron shall be disbanded or cease to exist the said land shall revert to the Crown.
- (4) The Trustees shall not sell, mortgage, or otherwise charge or deal with the said land save upon resolution of the members of the said squadron and with the consent in writing of the Minister of Defence.
- (5) The Trustees shall execute a deed of trust in such form and containing such provisions as may be agreed to by the Trustees and approved by the Minister of Defence.
- (6) If the said Charles William Peach, or any successor of his, vacates his office of Trustee, a Trustee shall be appointed in his stead in accordance with the provisions of the above-mentioned deed of trust, or, if no such provisions are made therein or there is a failure to exercise any power of appointment, a Trustee shall be appointed by the Minister of Defence.
- (7) The District Land Registrar for the Land Registration District of Wellington, on production to him of the Warrant aforesaid, shall make such alterations in the certificate of title in respect

of the land to which this section relates as may be necessary to give effect to the provisions of this section.

- (8) The land to which this section relates is particularly described as follows:—

All that piece or parcel of land, containing twelve perches, more or less, being part of Section 16 on the plan of the Town of Palmerston North, and being all the land in certificate of title, Volume 202, folio 23, Wellington Registry.

109 Closing portion of river-bank road along Kawatau River, and setting same apart as a scenic reserve

[Repealed]

Section 109 was repealed, as from 11 September 1926, by section 18(3) Reserves and other Lands Disposal Act 1926 (1926 No 62).

110 Authorizing Taihape Borough Council to use for certain purposes portions of unexpended balance of Water-supply Loan of \$56,000

Whereas the Taihape Borough Council, pursuant to authority in that behalf conferred by a poll of ratepayers of the Borough of Taihape taken under the Local Bodies' Loans Act 1913, on the seventeenth day of February, nineteen hundred and twenty-one, duly borrowed by way of special loan under that Act the sum of fifty-six thousand dollars for the purposes of water-supply and the reticulation of the said borough in connection therewith: And whereas the works so undertaken have been completed, and an amount of four thousand nine hundred and eighty-eight dollars of the moneys borrowed as aforesaid has not been expended: And whereas one of such works as aforesaid, being a water-gravitation pipe-line, requires to be reconstructed to remedy faults and defects disclosed by the use of such main: And whereas such additional work is in the nature of maintenance and repair of an existing work, and there is no authority at law for the expenditure thereon of loan-moneys: And whereas it is expedient to authorize portion of the unexpended balance of loan-moneys as aforesaid to be used for such purpose: And whereas pursuant to authority in that behalf conferred by section sixty-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act

1923, and a poll of ratepayers of the said borough taken under the Local Bodies' Loans Act 1913, on the twenty-sixth day of October, nineteen hundred and twenty-three, the said Council duly borrowed by way of special loan under such last-mentioned Act a sum of eight thousand dollars for the purpose of equipping and improving the Taihape Oval Domain: And whereas the amount so borrowed was insufficient for such purpose: And whereas it is expedient to authorize portion of the unexpended balance of loan-moneys as aforesaid to be used for such purpose: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1913, or any other Act, the Taihape Borough Council may out of the unexpended balance of loan-moneys aforesaid expend an amount not exceeding the sum of one thousand five hundred dollars for the purpose of reconstructing the water-gravitation pipe-line aforesaid, and an amount not exceeding the sum of one thousand two hundred dollars for the purpose of completing the work of equipping and improving the Taihape Oval Domain.

The references to "\$56,000", "fifty-six thousand dollars", "four thousand nine hundred and eighty-eight dollars", "eight thousand dollars", "one thousand five hundred dollars", and "one thousand two hundred dollars" were substituted, as from 10 July 1967, for a references to "£28,000", "twenty-eight thousand pounds", "two thousand four hundred and ninety-four pounds", "four thousand pounds", "seven hundred and fifty pounds", and "six hundred pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

111 Authorizing Governor-General to proclaim as a road portion of Section 135, Block XIII, Mangahao Survey District, being a State forest

Whereas by Warrant published in the *Gazette* of the twenty-ninth day of April, eighteen hundred and ninety-seven, Section 135, Block XIII, Mangahao Survey District, containing twenty-seven acres one rood eight perches, was permanently reserved for the growth and preservation of timber: And whereas the said land is now a State forest within the meaning of the Forests Act 1949, and the portion of the said land hereinafter described is required for the purposes of a road: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in the Forests Act 1949, the Governor-General may, by Proclamation, proclaim as a road the land hereinafter described.
- (2) The land so authorized to be proclaimed as a road is more particularly described as follows:—

All that area of land, comprising two acres and fourteen perches, being portion of Section 135, Block XIII, Mangahao Survey District, Wellington Land District: as the same is more particularly delineated on the plan marked PWD 59259, deposited in the office of the Minister of Public Works, at Wellington, and thereon bordered red.

The Forests Act 1921-22 was repealed, as from 1 January 1950, by section 73(1) Forests Act 1949 (1949 No 19).

112 Making provision as to reconstruction of Vinegar Hill Bridge, and as to apportionment of cost thereof between Rangitikei and Kiwitea County Councils

Whereas by Warrant dated the eighteenth day of June, eighteen hundred and ninety-four, and published in the *Gazette* of the twenty-first day of the same month, the Rangitikei County Council was, in terms of the Public Works Acts Amendment Act 1889, authorized to construct a bridge over the Rangitikei River, now known as the Vinegar Hill Bridge, situated on the Vinegar Hill Road near the Hunterville-Turangarere Road, partly in Rangitikei County and partly in Kiwitea County, and the cost of the same was apportioned equally between the Councils of the said counties: And whereas parts of the said bridge require reconstruction or repair, and the Councils of the said counties have agreed that the necessary work should be carried out by the Rangitikei County Council, and that the cost of such work should be apportioned equally between the two Councils: And whereas it is considered expedient to give effect to the said agreement: Be it therefore enacted as follows:—

- (1) The Rangitikei County Council is hereby authorized to carry out the work of reconstruction or repair of portions of the said bridge in accordance with such plans, specifications, and estimates of the work as may be agreed upon between it and the Kiwitea County Council.
- (2) The cost of the work shall be borne in equal shares by the said two Councils, and the Kiwitea County Council shall, within

one month after demand being made to it in that behalf, pay the amount of its share to the Rangitikei County Council.

- (3) Any moneys payable to it pursuant to the last preceding subsection, together with interest thereon at the rate of five per centum per annum from the date at which the same became payable, may be recovered as a debt by the Rangitikei County Council in any Court of competent jurisdiction.
- (4) Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1913, or any other Act, each of the said Councils is hereby authorized to borrow by way of special loan under the Local Bodies' Loans Act 1913, and without taking the steps prescribed by sections eight to twelve of that Act, an amount sufficient to provide its share of the estimated cost of the said work.

113 Authorizing making of claim for compensation by JJ

Boyd in respect of land taken by Wellington City Council

Whereas by Proclamation dated the twenty-ninth day of September, nineteen hundred and seventeen, published in the *Gazette* of the fourth day of October, nineteen hundred and seventeen, and registered in the Land Registry Office at Wellington on the twenty-first day of November, nineteen hundred and seventeen, that piece of land, containing six and thirty-eight hundredth perches, being part of Lot 23 on deposited plan 1109, being part of Original Section 7, Evans Bay Registration District, City of Wellington, Block VII, Port Nicholson Survey District, being part of the land comprised in certificate of title, Volume 140, folio 257, Wellington Registry, as the same is delineated on the plan marked PWD 42872, deposited in the office of the Minister of Public Works, at Wellington, and thereon coloured red, was vested in the Mayor, Councillors, and Citizens of the City of Wellington (hereinafter termed the Corporation) on and after the twentieth day of October, nineteen hundred and seventeen, for an estate in fee-simple for the purposes of a tramway: And whereas the owner of the fee-simple of the said land, John James Boyd, of the City of Wellington, builder, has failed to make a claim for compensation within the period prescribed in that behalf by the Public Works Act 1981, and all his right and title to any compensation in respect of such land has absolutely ceased by virtue of the provisions of the said Act: And whereas the Wellington City Council is desirous of

permitting the said John James Boyd to claim compensation, subject as hereinafter provided: Be it therefore enacted as follows:—

- (1) Notwithstanding anything contained in the Public Works Act 1981, John James Boyd, of Wellington, builder, his executors or administrators, shall be entitled to make a claim for compensation in accordance with the provisions of that Act in respect of the loss suffered by him through the taking of the land above described for tramway purposes if he shall make a claim within three calendar months of the passing of this Act.
- (2) The Compensation Court in determining the amount of compensation payable to the said John James Boyd shall assess the value of the said land as at the said twentieth day of October, nineteen hundred and seventeen, but shall not allow any interest or any amount in respect of interest for the period between the said twentieth day of October, nineteen hundred and seventeen, and the date of its award: Provided that in the event of the Corporation taking possession of the said land prior to the date of such award, then the said John James Boyd shall be entitled to interest on the amount of compensation awarded as from the date on which possession is taken by the Corporation.

The Public Works Act 1908 (1908 No 160) was repealed, as from 6 October 1928, by section 346 Public Works Act 1928 (1928 No 21). That Act was in turn repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

114 Validating certain expenditure of loan-moneys by Eastbourne Borough Council, and conferring power to borrow for certain purposes

Whereas by a poll of the ratepayers of the Borough of Eastbourne, taken under the Local Bodies' Loans Act 1913, on the second day of November, nineteen hundred and twenty-one, the Council of the said borough was authorized to raise a loan of one hundred thousand dollars for the purchase of a ferry steamer and for reconditioning the ferry steamers already the property of the borough: And whereas the said loan has been duly raised and part thereof applied in terms of the proposal submitted to the ratepayers: And whereas the underwriter of the said loan failed to account to the Council of the said borough for a sum of nine thousand two hundred dollars: And whereas there is no statutory authority for raising a loan under the said Act for reconditioning or maintenance, and it is expedient that the said loan and the

payment thereof of so much as relates to reconditioning should be validated: And whereas it has been found that the sum of one hundred thousand dollars so authorized as aforesaid is insufficient for the purposes for which it was borrowed: And whereas the sum of one thousand dollars has been expended out of the District Fund of the said borough for protective works against erosion by the sea, and the further sum of one thousand dollars is urgently required for the same purpose, and it is desired to borrow a sufficient sum to recoup the District Fund and to carry out the additional work required: Be it therefore enacted as follows:—

- (1) The payment out of the said loan-moneys of the sum of twelve thousand five hundred and sixty-eight dollars for reconditioning of steamers as aforesaid is hereby validated, and the loan, so far as it relates to reconditioning, is hereby declared to have been lawfully raised.
- (2) The Eastbourne Borough Council is hereby authorized to borrow, by way of special loan under the Local Bodies' Loans Act 1913, and without taking the steps described in sections eight to twelve of that Act, a sum not exceeding twenty thousand dollars for the purpose of completing the undertakings for which the said loan of one hundred thousand dollars was authorized.
- (3) Any moneys at any time received from or on behalf of the aforesaid underwriter of the said loan in respect of the said sum of nine thousand two hundred dollars still owing to the Council shall, when and as received by the Council, be paid into the sinking fund established in connection with, or otherwise applied towards the repayment of, the said loan of one hundred thousand dollars.
- (4) The Council is hereby further authorized to borrow, by way of special loan under the Local Bodies' Loans Act 1913, and without taking the steps described in sections eight to twelve of that Act, a sum not exceeding two thousand dollars, and to expend the proceeds of such loan as follows:—
 - (a) In recouping the District Fund to an amount not exceeding one thousand dollars in respect of expenditure thereout for providing protective works against erosion by the sea; and
 - (b) In providing further such protective works.

The references to “one hundred thousand dollars”, “nine thousand two hundred dollars”, “one thousand dollars”, “twelve thousand five hundred and sixty-eight dollars”, “twenty thousand dollars”, “two thousand dollars”, and “one thousand dollars” were substituted, as from 10 July 1967, for references to “fifty thousand pounds”, “four thousand six hundred pounds”, “five hundred pounds”, “six thousand two hundred and eighty-four pounds”, “ten thousand pounds”, “one thousand pounds”, and “five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

115 Authorizing Wanganui River Trust to publish a guide-book

- (1) The Wanganui River Trust, in its capacity as the Wanganui River Trust Domain, is hereby authorized and empowered to prepare, publish, and circulate by way of sale or free distribution, or both, a guide-book describing the Wanganui River and places of interest and beauty contiguous or adjacent to the said river, and to pay for the cost of the preparation, publishing, and circulation of the said guide-book out of the funds standing to the credit of the Wanganui River Trust Domain.
- (2) Any payment that may have been made by the Wanganui River Trust prior to the passing of this Act in connection with the preparation, publication, and circulation of the said guide-book are hereby validated and declared to have been lawfully made.

116 Authorizing payment to Kaitieke County Council of moneys in Oio Special Roding District Account

Whereas in the Local Bodies Deposit Account of the Receiver of Land Revenue at Wellington the sum of three thousand four hundred and eighty-one dollars and forty and five-sixth cents now stands to the credit of the Oio Special Roding District Account: And whereas the roadworks upon which this money could have been spent under Part 2 of the Land Laws Amendment Act 1913, were paid for out of moneys amounting in the aggregate to four thousand one hundred and eighty dollars borrowed by the Kaitieke County Council by way of special loans under the Local Bodies’ Loans Act 1913: And whereas it is considered equitable in the circumstances to apply towards the repayment of the said loans the moneys standing to the credit of the said Oio Special Roding District Account: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in Part 2 of the Land Laws Amendment Act 1913, the Receiver of Land Revenue for the Land District of Wellington is hereby authorized to pay to the Kaitieke County Council such sum as shall stand to the credit of the Oio Special Roding District Account on the thirty-first day of December, nineteen hundred and twenty-four, and such sum shall be applied by the said Council towards the repayment of the aforesaid loans.

The references to “three thousand four hundred and eighty-one dollars and forty and five-sixth cents”, and “four thousand one hundred and eighty dollars” were substituted, as from 10 July 1967, for references to “one thousand seven hundred and forty pounds fourteen shillings and one penny”, and “two thousand and ninety pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

117 Modifying application of section 3 of Government Railways Amendment Act 1910 (No 2), to leasing of portion of a railway reserve in City of Wellington

The provisions of subsection two of section three of the Government Railways Amendment Act 1910 (No 2), shall not apply in respect of the leasing of that portion of the railway reserve in the City of Wellington fronting Wakefield Street and lying between Taranaki Street and Clyde Quay.

118 Empowering Lower Hutt Borough Council to expend moneys on designs for scheme of town-planning for Lower Hutt Borough or portion thereof

It shall be lawful for the Lower Hutt Borough Council to call for competitive design for a scheme of town-planning for the development of the Lower Hutt Borough, or any portion thereof, and the Council may accept such design as may be approved by it, and expend out of its general fund a sum not exceeding six hundred dollars in connection with such scheme and in payment of any portion thereof to any person or persons whose design may be approved by the Council.

The reference to “six hundred dollars” was substituted, as from 10 July 1967, for a reference to “three hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**119 Section 67 of Reserves and other Lands Disposal and
Public Bodies Empowering Act 1923, amended**

Section sixty-seven of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1923, is hereby amended as follows:—

- (a) By omitting from the preamble thereto the reference to certificate of title, Volume 78, folio 105 (Wellington Registry), and substituting a reference to certificate of title, Volume 63, folio 273 (Wellington Registry):
- (b) By adding to subsection two thereof the words “in so far as such right of way affects the railway land and the lands comprised in certificate of title, Volume 147, folio 203.”

**120 Effecting an exchange of lands between the Crown and
Foxton Harbour Board**

[Repealed]

Section 120 was repealed, as from 25 October 1956, by section 21(11)(e) Reserves and Other Lands Disposal Act 1956 (1956 No 53).

**121 Empowering Hutt County Council to provide facilities for
recreation purposes**

Whereas it is expedient to empower the Hutt County Council to provide facilities for recreation purposes as hereinafter appearing: Be it therefore enacted as follows:—

- (1) In order to provide for the health and amusement of the public in any part or parts of the county the Hutt County Council may purchase, acquire, or otherwise provide or administer lands and buildings within the county to be used as pleasure-grounds for the purpose of enjoyment or recreation of the public.
- (2) The acquisition of land and the erection of suitable buildings for the purposes of this section shall be deemed a public work within the meaning of the Public Works Act 1981.

The Public Works Act 1908 (1908 No 160) was repealed, as from 6 October 1928, by section 346 Public Works Act 1928 (1928 No 21). That Act was in turn repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

122 Empowering Wellington Harbour Board to sell certain lands

Whereas by section fifty-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1907, the Wellington Harbour Board was authorized, with the previous consent of the Minister of Marine and the Wellington City Council, and also with the consent of the Minister of Public Works, to purchase, acquire, or take certain lands under the provisions of the Public Works Act 1981, for the purposes therein mentioned: And whereas in accordance with such authority, and after first obtaining the said consents, the Wellington Harbour Board purchased, *inter alia*, Lots 2 and 3 of Block I on deposited plan No 1335 of a subdivision of part of Section 9, Watts Peninsula District, and being part of the land comprised in certificate of title, Volume 216, folio 3 (Wellington Registry): And whereas the lands comprised in the said lots are not now required for the purposes for which the same were acquired: Be it therefore enacted as follows:—

The Wellington Harbour Board may at any time sell or exchange for other lands all or any of the lands comprised in Lots 2 and 3 of Block I on deposited plan No 1335 of a subdivision of part of Section 9, Watts Peninsula District, and being part of the land comprised in certificate of title, Volume 216, folio 3 (Wellington Registry), or may lease the same under the provisions of the Public Bodies' Leases Act 1969.

Section 122 was amended, as from 5 December 1927, by section 50 Local Legislation Act 1927 (1927 No 58), by inserting the words “or exchange for other lands”.

The Public Works Compilation Act 1905 (1905 No 53). Appendix B of the repealing Act replaced the 1894 Act with a compiled Act enacted under the title of “The Public Works Act 1905”. That Act was in turn consolidated, as from 4 August 1908, by section 1(2) Public Works Act 1908 (1908 No 160). That Act was in turn repealed, as from 6 October 1928, by section 346 Public Works Act 1928 (1928 No 21). That Act was in turn repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

The Public Bodies Leases Act 1908 (1908 No 240) was repealed, as from 1 January 1970, by section 28(a) Public Bodies Leases Act 1969 (1969 No 141).

123 Authorizing Wellington Land Board to sell to Palmerston North Borough Corporation as a site

**for a recreation-ground a certain primary education
endowment**

Whereas the land hereinafter described is vested in the Crown in trust as an endowment for primary education: And whereas it is desired to sell, for the sum and in the manner as hereinafter provided, the said land to the Corporation of the Borough of Palmerston North as a site for a recreation-ground: Be it therefore enacted as follows:—

- (1) The Wellington Land Board is hereby authorized to sell the land hereinafter described to the Corporation of the Borough of Palmerston North on deferred payments for the sum of four thousand dollars, payable by equal annual instalments extending over a period of five years, with a right to the Corporation to pay off at any time within that period the whole or any part of the purchase-money remaining unpaid.
- (2) The first of such instalments shall be payable on the first day of December, nineteen hundred and twenty-four.
- (3) No interest shall be payable on any unpaid balance of such purchase-money.
- (4) The said Corporation shall be entitled to receive a certificate of title in respect of the said land at any time on completion of the purchase within the period hereinbefore mentioned.
- (5) The land to which this section relates is particularly described as follows:—

All that area in the Wellington Land District, situated in the Borough of Palmerston North, containing by admeasurement one acre three roods eight perches, more or less, being part of Lot 10 on deposited plan 495, and being part of Suburban Section 299, Town of Palmerston North, Block X, Kairanga Survey District: as the same is delineated on plan marked L and S 6/1/80, deposited in the Head Office, Department of Lands and Survey, Wellington, and thereon bordered red.

The reference to “four thousand dollars” was substituted, as from 10 July 1967, for a reference to “two thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**124 Authorizing Hutt Valley Electric-power Board to use
unexpended balance of loan-moneys for certain purposes**

Whereas the Hutt Valley Electric-power Board has borrowed or contracted to borrow moneys for the reticulation of its district: And

whereas the moneys so borrowed or contracted to be borrowed are likely to prove more than adequate for the said purpose: And whereas an additional area or additional areas may hereafter be included within the said Board's district by Proclamation under subsection three of section three of the Electric-power Boards Act 1918: And whereas it will be necessary for the said Board to take a loan poll and raise a loan for the reticulation of any such added area or areas: Be it therefore enacted as follows:—

- (1) The Board may utilize any loan-moneys raised by it for the purposes of its present district and, in the opinion of the Board, not required for such purposes in taking up the debentures of any loan raised by the Board for the reticulation of any area or areas hereafter to be included in the Board's district.
- (2) Any debentures so taken up by the said Board shall not be deemed thereby to be extinguished, but shall be enforceable for the benefit of the ratepayers of the said Board's district as at present defined, and the interest and principal moneys payable thereunder shall be applied by the said Board towards payment of the principal and interest moneys of the loan out of which the said surplus loan-moneys arise.

125 Authorizing cancellation of reservation over a certain scenic reserve, and setting-apart of same for benefit of certain Maori

Whereas by a Proclamation published in the *Gazette* of the second day of November, nineteen hundred and eleven, pursuant to the Public Works Act 1981, and the Reserves Act 1977, the land described in subsection two hereof was taken for the preservation of scenery: And whereas a Commission appointed under the Commissions of Inquiry Act 1908, on the twenty-seventh day of November, nineteen hundred and sixteen, has recommended that the reservation for the preservation of scenery over the said land be cancelled, and that the said land be revested in the original Maori owners thereof: And whereas it is desired to give effect to the said recommendation: Be it therefore enacted as follows:—

- (1) On payment to the Crown of such amount in respect of the cost of acquisition by the Crown of the said land as may be fixed by the Minister charged with the administration of the Reserves Act 1977, the Governor-General may, by Proclam-

ation, cancel the reservation for the preservation of scenery over the said land, and declare the said land to be set aside for the use and benefit of the original Maori owners thereof, or their successors, and thereupon the provisions of section eleven of the Maori Land Amendment Act 1912, as amended by section thirteen of the Maori Land Amendment Act 1914, shall apply to the said land, and the Maori Land Court shall have jurisdiction accordingly.

- (2) The land to which this section relates is particularly described as follows:—

All that area in the Wellington Land District, containing by ad-measurement twenty-seven acres one rood eighteen perches, more or less, and being Section 3, Block II, Taumatamahoe Survey District, situated in the Waitotara County: as the same is delineated on the plan marked 148/1T, deposited in the Wellington District Office, Department of Lands and Survey, and thereon bordered red.

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

The words “Maori Land Court” were substituted, as from 27 November 1947, for the words “Native Land Court” pursuant to section 9(2)(a) Maori Purposes Act 1947 (1947 No 59).

The Public Works Act 1908 (1908 No 160) was repealed, as from 6 October 1928, by section 346 Public Works Act 1928 (1928 No 21). That Act was in turn repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

The Scenery Preservation Act 1908 was repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953 (1953 No 69). That Act was in turn repealed, as from 1 April 1978, by section 125(1) Reserves Act 1977 (1977 No 66).

126 Making special provisions with respect to operations under the Sand-drift Act 1908, proposed to be carried out at Lyall Bay, in the City of Wellington

Whereas a petition under section three of the Sand-drift Act 1908, has been presented to the Governor-General by the Mayor, Councillors, and Citizens of the City of Wellington in respect of certain lands situate at Lyall Bay, in the City of Wellington: And whereas a Proclamation under section three of the said Act declaring such lands to be a proclaimed area under the said Act was published in the *Gazette* of the first day of May, nineteen hundred and twenty-four: And whereas

it is expedient to extend the time within which the scheme to be filed pursuant to the said Act may be filed by the Minister of Lands: And whereas the Minister of Lands, pursuant to the powers vested in him by section eight of the said Act, proposes to delegate to the Wellington City Council (hereinafter referred to as the Council) power to carry out the operations authorized by the said scheme filed by the Minister: And whereas it is expedient that the provisions of the said Act should be modified as hereinafter set out, and that the Council should be empowered to make agreements with the owners of premises within the proclaimed area as to payment of the amounts apportioned to each of them under the provisions of the said Act: Be it therefore enacted as follows:—

- (1) The scheme to be filed by the Minister pursuant to section four of the Sand-drift Act 1908, following the issue of the aforesaid Proclamation may, notwithstanding anything to the contrary in that section, be so filed at any time before the first day of March, nineteen hundred and twenty-five.
- (2) Notwithstanding anything to the contrary in the Sand-drift Act 1908, the owners of land within the proclaimed area aforesaid shall be deemed to be those persons for the time being entitled to the rack-rent of any land therein or who would be so entitled if the same were let to a tenant at a rack-rent.
- (3) On the delegation to the Council of power to carry out the operations authorized by the scheme the following provisions shall apply:—
 - (a) The Council and the owner of any land within the proclaimed area may agree in writing that any moneys payable by the owner under the said Act for or in respect of the amount payable by such owner according to the apportionment of the expenses of and incidental to operations under the scheme filed by the Minister of Lands shall be payable in one amount at a fixed time with interest at the rate of seven per centum per annum, or by instalments extending over a number of years with interest at the rate aforesaid on the amount from time to time outstanding.
 - (b) Such agreement may contain any incidental provisions, and may provide for the earlier payment of the remain-

- ing instalments, or any of them, on terms to be mentioned in the agreement.
- (c) Such agreement may, where the moneys are repayable in one amount, contain provisions for securing the payment thereof; and where the moneys are repayable by instalments, each such instalment shall be recoverable as a rate, subject nevertheless to the following conditions:—
- (i) The owner for the time being of the land in question shall in all cases be deemed the person primarily liable for payment:
- (ii) A separate book shall be kept by the Collector of Rates to the Council in which particulars of such instalments (distinguishing capital from interest), and of the works in respect whereof they are payable, and of the dates for payment thereof, and of the names of persons paying the same, shall be entered, and such book shall be *prima facie* evidence of the correctness of its contents.
- (cc) The moneys due by each owner of land comprised in the proclaimed area, and all interest payable on such moneys, shall until payment thereof, be a charge on the land in respect of which payment is due.
- (d) For the purpose of providing funds for carrying out the said scheme as aforesaid the Council may borrow moneys by way of bank overdraft, and such moneys shall, to the extent of the amount of contributions unpaid by the owners of land as aforesaid, be excluded from the general overdraft of the Council in determining the amount of overdraft permitted under the provisions of the Local Bodies' Finance Act 1921-22.
- (4) Section one hundred and twenty-seven of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, is hereby repealed.

Subsection (3)(cc) was inserted, as from 1 October 1925, by section 110 Reserves and other Lands Disposal and Public Bodies Empowering Act 1925 (1925 No 46).

127 Closing portion of McFarlane Street, in City of Wellington, and vesting closed portion in Sarah Ann Graham

Whereas by resolution of the Wellington City Council passed on the fourteenth day of August, nineteen hundred and twenty-four, it was resolved that legislation be obtained authorizing the closing of that portion which is hereinafter described of the street known as McFarlane Street, in the City of Wellington, and that the same should be vested in Sarah Ann Graham, the registered proprietor of the adjoining land: Be it therefore enacted as follows:—

- (1) The portion of the said street hereinafter described is hereby closed.
- (2) The said portion of the said street is hereby granted to and vested in Sarah Ann Graham, of the City of Wellington, nurse, in fee-simple.
- (3) The District Land Registrar for the Land Registration District of Wellington is hereby empowered and directed to issue to the said Sarah Ann Graham a certificate of title accordingly in respect of the said and.
- (4) The said portion of the said street hereinbefore closed and vested in Sarah Ann Graham is more particularly described as follows:—

All that piece or parcel of land, situate in the Wellington Land District, containing forty-five-hundredths of a perch, more or less, being part of McFarlane Street, in the City of Wellington, shown on a plan deposited in the office of the Chief Surveyor at Wellington as No 51/8, being that part of the said street which is bounded on the north-east by part of Section 373, City of Wellington, comprised in certificate of title, Volume 182, folio 125, Wellington Registry, 75 links; on the north-west by other part of the said Section 373, 3.79 links; on the south-west by other portion of the said street, 75 links; and on the south-east by other portion of the said street, 3.79 links.

**128 Making moneys of Wellington City Water-supply
Loan Act 1920, applicable to construction of a certain
water-main**

Whereas pursuant to the provisions of the Local Bodies' Loans Act 1913, and all other powers and authorities enabling it in that behalf, the Wellington City Council, being thereto authorized by a poll of the ratepayers taken on the fifteenth day of September, nineteen hundred and twenty, the result whereof was advertised in the *Gazette* of the thirtieth day of the same month, has borrowed the sum of three hundred and forty-eight thousand dollars, and is about to borrow a further sum of seven hundred and seventy-five thousand eight hundred dollars, making in all a total of one million one hundred and twenty-three thousand eight hundred dollars, being the amount of the loan authorized as aforesaid and known as the Wellington City Water-supply Loan, 1920: And whereas the Council is authorized to expend the said moneys for the following purposes, namely: Orongorongo Tunnel; cast-iron main, Orongorongo Tunnel to Karori Reservoir; new tunnel to Waiwetu: And whereas it has now been ascertained that in order to make the water-supply of the said works available for purposes in the City of Wellington it is necessary to construct a fifteen-inch cast-iron water-main from the Karori Reservoir to the junction of Willis and Aro Streets in the said city, the estimated cost of which is twenty-one thousand eight hundred and sixty dollars: And whereas the said moneys raised and to be raised will, it is estimated, be sufficient to cover the works originally authorized by the said loan and the construction of the said fifteen-inch main: Be it therefore enacted as follows:—

Notwithstanding anything contained in the Local Bodies' Loans Act 1913, or any other Act, the Wellington City Council may apply part of the loan-moneys of the Wellington City Water-supply Loan, 1920, not exceeding in the whole an amount of twenty one thousand eight hundred and sixty dollars, for the purposes of the provision and construction of a fifteen-inch cast-iron water-main from Karori Reservoir to the junction of Willis and Aro Streets, in the City of Wellington.

The references to “three hundred and forty-eight thousand dollars”, “seven hundred and seventy-five thousand eight hundred dollars”, “one million one hundred and twenty-three thousand eight hundred dollars”, and “twenty-one thousand eight hundred and sixty dollars” were substituted, as from 10 July 1967, for references to “one hundred and seventy four thousand pounds”, “three hundred and eighty-seven thousand nine hundred pounds”, “five hundred and sixty-one thousand nine hundred pounds”, and “ten thousand nine hundred and thirty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

129 Section 58 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1919, amended

Section fifty-eight of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1919, is hereby amended by adding to subsection four thereof the following provisions:—

“Provided that the owner of any such lease may at any time, with the consent of the Wellington Land Board, surrender his lease and obtain in lieu thereof a renewable lease under Part III of the Land Act 1908, at such rental, being not less than the rental reserved by the surrendered lease, as the said Board may think fit:

“Provided further that the provisions of the Land Act 1908, with respect to the payment of ‘thirds’ or ‘fourths’ to local authorities shall not apply to lands comprised in any renewable lease granted in pursuance hereof.”

130 Setting apart certain land as endowment for agricultural instruction in certain districts of Wellington and Taranaki Provinces

[Repealed]

Subsection (3) was repealed, as from 16 September 1938, by section 12(3) Reserves and other Lands Disposal Act 1938 (1938 No 19).

Sections 130 and 131 were repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

131 Cancelling reservation over portion of domain set apart under Wanganui River Trust Act 1891

[Repealed]

Subsection (3) was amended, as from 1 October 1925, by section 141 Reserves and other Lands Disposal and Public Bodies Empowering Act 1925 (1925 No 46), by substituting the words “into the Wanganui River Trust Domain Account,

and the said revenues shall be applied” for the words “to the Wanganui River Trust, who shall apply the said revenues,”.

Sections 130 and 131 were repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

132 Authorizing the making of an agreement between the Minister of Public Works and the Wellington City Council as to supply of electrical energy

Whereas His Majesty the King, acting by and through the Minister of Public Works, proposes to enter into an agreement with the Wellington City Council for the sale to it of electrical energy: And whereas it is proposed to insert in such agreement a provision that neither His Majesty nor the Minister of Public Works shall during the currency of such agreement supply electrical energy to any person other than the Council within the area within which the Council is authorized to supply electrical energy: And whereas it is expedient to authorize the making of such an agreement including such a provision: Be it therefore enacted as follows:—

The Minister of Public Works, acting in the name and on behalf of His Majesty the King, is hereby authorized to enter into an agreement with the Wellington City Council for the sale of electrical energy to such Council, and to include in such agreement, in addition to all usual provisions, a provision that so long as such agreement is in force neither His Majesty nor the Minister shall supply within the Council’s area of supply as defined in any license issued to the Council under section two of the Public Works Amendment Act 1911, any person other than the Council with electrical energy.

133 Authorizing conditions as to the change-over from present system of electric supply being inserted in a license proposed to be issued to Wellington City Council under section 2 of Public Works Amendment Act 1911

Whereas it is proposed to issue to the Wellington City Council a license under the provisions of section two of the Public Works Amendment Act 1911, relating to the use of electric lines the conditions of which will necessitate a change from the Council’s present system of supplying electrical energy at a pressure of one hundred

and five volts and at a periodicity of eighty cycles per second: And whereas it is expedient that the conditions subject to which such change-over shall be effected should be set forth in such license: Be it therefore enacted as follows:—

- (1) In the conditions of the license to be issued to the Wellington City Council under section two of the Public Works Amendment Act 1911, there may be inserted provisions governing the change-over hereinbefore referred to, and the allocation between the licensee and consumers of the cost of adjusting, altering, or replacing installations consequent on such change-over. Provision may be made—
 - (a) For the classification of consumers' installations into the following classes:—
 - (i) Class A: Installations in which the wiring is found to be in accordance with the licensee's rules and regulations adopted on the seventeenth day of December, nineteen hundred and eight, and only require alterations necessitated by the change of system.
 - (ii) Class B: Installations in which the wiring is found to be defective under the licensee's rules and regulations adopted on the seventeenth day of December, nineteen hundred and eight.
 - (iii) Class C: Installations in which the wiring is worn out and under any conditions of supply would require to be rewired within a short period.
 - (b) For the allocation between licensee and consumers of the cost consequent on the change-over in the following manner according to the class of the installation:—
 - (i) Class A: The whole of the cost shall be paid by the licensee:
Provided always that in the case of extensions and alterations which have not been authorized by the licensee the cost of alterations thereto shall be borne by the consumer.
 - (ii) Class B: The cost of removing all defects shall be paid by the consumer, and the cost of alteration due to change in system shall be paid by the licensee.

- (iii) Class C: The whole cost shall be paid by the consumer.
- (2) The following conditions may also be inserted in such license:—
 - (a) In cases where the consumers do not desire to pay in full at the time of the alterations the cost for which they are liable the whole of such work shall be carried out by the licensee, through contractors or its own servants, and the whole of such cost or any portion of same shall, unless the licensee and the consumer shall agree otherwise, be carried out under the provisions of the Municipal Corporations Act 1920, or any statutory modification thereof as to payment. Provision may be made for consumers to pay the instalments due with their regular accounts for the supply of electricity.
 - (b) All work required to be done pursuant to the change-over in connection with installations of Classes A and B shall, unless otherwise agreed between the licensee and the consumer, be carried out by the licensee.
 - (c) All money expended by the licensee for these purposes shall be a charge on the premises of the consumer and recoverable accordingly.
 - (d) In case of any dispute arising in respect of matters affected by this clause between the licensee and a consumer, a Board of Appeal (whose decision shall be final) shall be set up to decide such dispute, which Board of Appeal shall consist of the following:—
 - (i) One representative appointed by the licensee:
 - (ii) One representative appointed by the consumer on whose premises the alterations are necessary:
 - (iii) The Senior Stipendiary District Court Judge for the City of Wellington, who shall be Chairman.
- (3) All the provisions and conditions of such license when issued shall be valid and binding on the licensee and every consumer.

The words “District Court” and “District Court Judge” were substituted, as from 1 April 1980, for the words “Magistrates Court” and “Magistrate” pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

134 Additional members of Tongariro National Park Board*[Repealed]*

Section 134 was repealed, as from 12 November 1948, by section 2(3) Tongariro National Park Amendment Act 1948 (1948 No 33).

Marlborough Land District.**135 Area formerly comprised in Picton Road District to continue to form part of Picton Hospital District**

Whereas the Picton Hospital District as constituted by the Hospitals Act 1957, comprised, *inter alia*, that portion of the County of Marlborough being the Picton Road District: And whereas, the County of Marlborough being a county within which the Local Government Act 1974, was suspended, the Picton Road District was a contributory district of the Picton Hospital District, and the Road Board thereof a contributory local authority: And whereas by a Proclamation under the Local Government Act 1974, made on the seventeenth day of October, nineteen hundred and twenty-three, and published in the *Gazette* of the eighteenth day of the same month, the said Counties Act was brought into force in the County of Marlborough: And whereas the Picton Road District was by special order made by the Marlborough County Council under the Local Government Act 1974, and published in the *Gazette* of the twenty-seventh day of March, nineteen hundred and twenty-four, merged in the said county: And whereas doubts have arisen as to whether the area comprised in the merged road district continues to be part of the Picton Hospital District: And whereas it is desirable that the said area should continue to be part of the said hospital district, and that special provision should be made with respect to the representation of that area on, and the levying over the same of contributions to the expenditure of, the Picton Hospital Board: Be it therefore enacted as follows:—

- (1) The area comprised in the Picton Road District immediately before the merging of that district in the County of Marlborough shall not form part of the Wairau Hospital District, but shall continue to form part of the Picton Hospital District, and shall be deemed never to have ceased to form part thereof, and shall be a contributory district of that hospital district by the name of the Picton Rural District.
- (2) The Marlborough County Council shall be the contributory local authority in respect of the Picton Rural District.

- (3) The Marlborough County Council shall forthwith prepare from the county electors roll of the said county a separate electors roll of the county electors whose names have been placed on such county electors roll by virtue of a qualification within the area comprised in the Picton Rural District, and shall from time to time, as necessitated by amendments made in the county electors roll, amend such separate roll.
- (4) The separate electors roll prepared pursuant to the last preceding subsection shall be the roll of persons entitled to vote at any election of representatives of the Picton Rural District on the Picton Hospital Board.
- (5) All contributions payable to the Picton Hospital Board by the Marlborough County Council as the contributory local authority of the Picton Rural District shall be raised by a separate rate made and levied over all rateable property within that district.
- (6) The Valuer-General shall from time to time prepare and supply to the Marlborough County Council a valuation roll under the Valuation of Land Act 1951, for the Picton Rural District. Such roll shall be the valuation roll of the district for the purposes of the Rating Powers Act 1988, and the provisions of that Act with respect to the making of rates and the preparation of a rate-book shall apply with respect to separate rates made pursuant to this section.
- (7) For the purposes of the apportionment of the estimated expenditure of the Wairau Hospital Board and the payment of contributions to that Board by the Marlborough County Council the Picton Rural District shall be deemed not to form part of the County of Marlborough.

The Hospitals and Charitable Institutions Act 1908 (1908 No 77) was repealed, as from 1 April 1910, by section 131 Hospitals and Charitable Institutions Act 1909 (1909 No 11). That Act was in turn repealed, as from 1 January 1927, by section 156 Hospitals and Charitable Institutions Act 1926 (1926 No 18). That Act was in turn repealed, as from 1 April 1958, by section 158(1) Hospitals Act 1957 (1957 No 40).

The Counties Act 1908 (1908 No 31) was substituted, as from 1 April 1921, by a reference to the Counties Act 1920 pursuant to section 220 Counties Act 1920 (1920 No 47). That reference was in turn substituted, as from 1 April 1957, by a reference to the Counties Act 1956 pursuant to section 453(1) Counties Act 1956 (1956 No 41). That reference was in turn substituted, as from 1 April 1980, by a reference to the Local Government Act 1974 pursuant to section 9(1) Local Government Amendment Act 1979 (1979 No 59).

The Valuation of Land Act 1908 was substituted, as from 1 April 1926, for a reference to the Valuation of Land Act 1908 by section 60 Valuation of Land Act 1925 (1925 No 31). This reference was in turn substituted, as from 1 January 1952, by a reference to the Valuation of Land Act 1951 by section 50(1) Valuation of Land Act 1951 (1951 No 19).

The Rating Act 1908 (1908 No 163) was substituted, as from 1 October 1925, by a reference to the Rating Act 1925, pursuant to section 120 Rating Act 1925 (1925 No 30). That reference was in turn substituted, as from 1 April 1968, by a reference to the Rating Act 1967 pursuant to section 177(1) Rating Act 1967 (1967 No 123). That reference was in turn substituted, as from 28 June 1988, by a reference to the Rating Powers Act 1988 pursuant to section 209(1) Rating Powers Act 1988 (1988 No 97).

136 Authorizing Kaikoura County Council to borrow moneys over Peninsula Riding to recoup County Fund Account in respect of certain expenditure

[Repealed]

The references to “fifteen thousand eight hundred dollars”, “two thousand five hundred and seventeen dollars”, “five thousand three hundred and forty dollars”, and “two thousand six hundred dollars” were substituted, as from 10 July 1967, for references to “seven thousand nine hundred pounds”, “one thousand two hundred and fifty-eight pounds ten shillings”, “two thousand six hundred and seventy pounds”, and “one thousand three hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Section 136 was repealed, as from 1 July 2003, by section 138(1) Local Government (Rating) Act 2002 (2002 No 6). See section 138(2) of that Act for the savings provision that provides that the changes apply for the purpose of rating in a financial year that begins on or after 1 July 2003.

137 Closing portions of Rai Valley Road, and declaring the same to be scenic reserves

Whereas the Rai Valley Road in the localities hereinafter mentioned is in excess of one chain in width, and it is desirable to close the hereinafter-described portions of the said road and to set apart the same as scenic reserves: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in section 130 of the Public Works Act 1908, the hereinafter-described portions of the aforesaid road are hereby closed, and the lands comprised therein are hereby declared to be scenic reserves subject to the provisions of the Scenery Preservation Act 1908.
- (2) The portions of the said road hereby closed are particularly described as follows:—

All that area in the Marlborough Land District, situated in Block V, Heringa Survey District, and containing by admeasurement eight acres: bounded towards the west by the Rai Valley Road, 2287 links; and towards the north, east, and south generally by a public road one chain wide along the bank of the Rai River.

Also all that area in the Marlborough Land District, situated in Block V, Heringa Survey District, and containing by admeasurement three acres two roods: bounded towards the west by the Rai Valley Road, 2127.5 links; and towards the east generally by a public road along the bank of the Rai River.

As the same are delineated on the plan marked L and S 4/408, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured green.

The Scenery Preservation Act 1908 was repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953 (1953 No 69). That Act was in turn repealed, as from 1 April 1978, by section 125(1) Reserves Act 1977 (1977 No 66).

138 Lease of Section 1, Block XIII, Town of Ward, to be deemed to contain a provision conferring on lessee right to compensation for improvements

Whereas on the nineteenth day of September, nineteen hundred and ten, a lease of Section I, Block XIII, Town of Ward, in the Marlborough Land District, containing an area of three acres, reserved for the purposes of public utility, was granted under Part 1 of the Public Reserves and Domains Act 1908, for a term of fourteen years commencing on the first day of July, nineteen hundred and ten: And whereas the public notification of the terms and conditions of the said lease make it apparent that it was intended to include in the said lease a provision giving the lessee a right to compensation for any substantial improvements he might effect on the said reserve: And whereas the said lease, which expired on the thirtieth day of June, nineteen hundred and twenty-four, contained no such provision, and it is deemed equitable in the circumstances to recognize the right of the lessee to compensation for his improvements: Be it therefore enacted as follows:—

The hereinbefore-mentioned lease shall be deemed to have contained a provision giving to the lessee a right to compensation for improvements effected on the land comprised therein, and the Receiver of Land Revenue is hereby authorized to pay to the outgoing lessee such amount as may be received in respect of improvements from a purchaser of a new lease of the said land, less moneys due (if any) in respect of the said land by the outgoing lessee.

139 Changing purpose of reservation over parts of a landing-place reserve, and cancelling reservation over other part thereof

Whereas by Proclamation in the Nelson Provincial Gazette of the twenty-second day of May, eighteen hundred and fifty-seven, the land known as Section 114, Queen Charlotte Sound, situated in Block VII, Arapawa Survey District, was reserved for a landing-place: And whereas by Crown grant dated the twenty-seventh day of January, eighteen hundred and sixty-six, the said land was granted to the Superintendent of Marlborough to hold the same for a like purpose: And whereas by the Abolition of Provinces Act 1875, the said land became vested in the Crown for the same purpose, and it is deemed expedient to change the purpose of the reservation over the parts thereof hereinafter described in subsections five and six hereof and to cancel the reservation over the part thereof described in subsection seven hereof: Be it therefore enacted as follows:—

- (1) The reservation for the purposes of a landing-place over the said Section 114, Queen Charlotte Sound, is hereby cancelled.
- (2) That part of the said Section 114 described in subsection five hereof is hereby reserved for the purposes of a road.
- (3) That part of the said Section 114 described in subsection six hereof is hereby reserved for the purpose of a site for a public school.
- (4) That part of the said Section 114 described in subsection seven hereof is hereby declared to be Crown land available for disposal under the provisions of the Land Act 1948.
- (5) The land to which subsection two hereof relates is more particularly described as follows:—

All that land in the Marlborough Land District, containing by admeasurement one acre one rood twenty-eight perches, being portion of Section 114, Queen Charlotte Sound, situated in Block VII, Arapawa Survey District: bounded towards the north generally by Waikawa Bay; towards the east by a public road, 192.5 links; towards the south by the remaining portion of Section 114, 159.4 links, 385.9 links, and 604.3 links; and towards the west by a public road 85.6 links: be all the aforesaid linkages more or less: as the same is delineated on the plan marked L and S 6/6/397, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered green.

- (6) The land to which subsection three hereof relates is more particularly described as follows:—

All that portion of aforementioned Section 114, containing by admeasurement four acres and seven perches: bounded towards the north by portion of Section 114, 604.3 links; towards the east by portion of Section 114, 695.8 links; towards the south by Section 1B, Waikawa Maori Block, 385.7 links; and towards the west generally by section 11, Waikawa Village Maori Block, 540.4 links and 345.3 links: be all the aforesaid linkages more or less: as the same is delineated on the plan marked L and S 6/6/397, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

- (7) The land to which subsection four hereof relates is more particularly described as follows:—

All that portion of aforementioned Section 114, containing by admeasurement three acres two roods thirty-six perches: bounded towards the north by part of Section 114, 385.9 links and 159.4 links; towards the east and south by Section 1B, Waikawa Maori Block, 913 links and 449 links respectively; and towards the west by part of Section 114, 695.8 links: be all the aforesaid linkages more or less: as the same is delineated on the plan marked L and S 6/6/397, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered blue.

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

Nelson Land District.

140 Closing road along One Speck Creek, and vesting same in owner of adjoining land in exchange for land dedicated as a road

Whereas Iti Rameka, of Takaka, farmer, being the registered proprietor of an estate in fee-simple in Section 36 of Takaka Original District, Block IX, Waitapu Survey District, in the Nelson Land District, has by memorandum of dedication dated the eighteenth day of May, nineteen hundred and twenty-three, dedicated an area of three acres and thirty-five perches through the before-mentioned section for the purposes of a road: And whereas by reason of such dedication the road along One Speck Creek is no longer required for the purpose for which it was intended, and it is desirable to close the same and dispose of the land comprised therein to Iti Rameka aforesaid by way of exchange for the before-mentioned area dedicated as a public road: Be it therefore enacted as follows:—

- (1) Notwithstanding anything contained in section 130 of the Public Works Act 1908, the hereinafter-described river-bank road is hereby closed, and the land comprised therein is hereby vested in Iti Rameka, of Takaka, farmer, for an estate in fee-simple.
- (2) The road hereby closed is particularly described as follows:—
All that area in the Nelson Land District, containing by ad-measurement three acres two roods thirty perches, more or less: bounded towards the north-west by Section 36 of Takaka Original District, Block IX, Waitapu Survey District; towards the north-east by Section 28 of the aforesaid block and survey district; on the south-east formerly by the Anatoki River, but now by One Speck Creek; and on the south-west by a public road: as the same is more particularly delineated on a plan marked L and S 16/1151, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon coloured green.

**141 Section 108 of Reserves and other Lands Disposal and
Public Bodies Empowering Act 1922, amended**

Subsection one of section one hundred and eight of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, is hereby amended by omitting the words “ending not later than the thirty-first day of March, nineteen hundred and twenty-five.”

**142 Revoking vesting in Westport Borough Corporation of
portion of Beach Reserve, and vesting same in Nelson
Education Board as a technical-school site**

Whereas by the Westport Public Parks Vesting Act 1913, the land described in subsection two hereof is vested in the Mayor, Councillors, and Burgesses of the Borough of Westport as a pleasure-ground: And whereas it is desired to vest the said land in the Education Board of the District of Nelson as an addition to an adjoining site for a technical school: Be it therefore enacted as follows:—

- (1) The vesting in the Mayor, Councillors, and Burgesses of the Borough of Westport for the purposes aforesaid of the land described in subsection two hereof is hereby revoked, and the said land is hereby vested in the Education Board of the District of Nelson as a site for a technical school, and it and the land described in the Schedule to the Westport Technical School Site Act 1919, shall together be deemed to be one such site.
- (2) The land to which subsection one hereof relates is particularly described as follows:—

All that parcel of land, containing by admeasurement one acre three roods thirty-three perches, more or less, being part of Section 1002 of the Town of Westport: bounded towards the north by Section 12 of Block III, Kawatiri Survey District, 320.38 links; towards the east generally by a part of the said Section 1002, 127.47 links, 76.05 links, and 481.57 links; towards the south by Orowaiti Road, 279.57 links; and towards the westward by a part of the said Section 1002, 622.8 links: be all the aforesaid linkages a little more or less: as the same is delineated on the plan marked L and S 1/5, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon bordered red.

- (3) As from the passing of this Act the Beach Reserve mentioned in section two of the Westport Public Parks Vesting Act 1913, shall consist of the land described in subsection four hereof instead of the land described in Schedule 2 to the said Westport Public Parks Vesting Act 1913, as set out in section three of the Westport Technical School Site Act 1919, and the said Schedule 2 and the said section three are hereby consequentially repealed.
- (4) The land to which subsection three hereof relates is particularly described as follows:—
All that parcel of land, containing by admeasurement four acres two roods four perches, more or less, being part of Section 1002 of the Town of Westport: bounded towards the north by Section 12 of Block III, Kawatiri Survey District, 744.02 links; towards the eastward by Domett Street, 625 links; towards the southward by Orowaiti Road, 785.63 links; and towards the westward generally by a part of the said Section 1002 described in subsection two hereof, 481.57 links, 76.05 links, and 127.47 links: be all the aforesaid linkages a little more or less: as the same is delineated on plan marked L and S 1/5, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered blue.

**143 Authorizing Murchison County Council to recoup its
County Fund Account out of loan-moneys in respect of
certain expenditure**

Whereas the Murchison County Council has expended out of its County Fund Account certain moneys in connection with the extension of an hydro-electric scheme within the County of Murchison, and in providing and setting up electrical connections to and in buildings situate in the said county: And whereas such moneys were so expended in anticipation of the Council's borrowing from the Public Trustee by way of special loan under the Local Bodies' Loans Act 1913, the sum of four thousand dollars for such purposes as aforesaid and for further developing the said hydro-electric scheme: And whereas the Public Trustee has agreed to lend such sum to the said Council for those purposes: And whereas it is desirable to authorize the said Council to repay to the County Fund Account, out

of moneys that may be so borrowed, the amount already expended out of that account as aforesaid: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1913, or in any other Act, the Murchison County Council may, out of the proceeds of such loan as aforesaid, pay to its County Fund Account by way of refund in respect of moneys expended thereout as aforesaid an amount not exceeding three thousand dollars.

The references to “four thousand dollars”, and “three thousand dollars” were substituted, as from 10 July 1967, for references to “two thousand pounds”, and “one thousand five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

144 Authorizing granting to lessees of certain lands in Maruia and Burnett Survey Districts exemption from payment of rent for a period of ten years

Whereas the lessees of certain lands held on lease in perpetuity and renewable lease, and situated in Blocks III, IV, VII, VIII, XI, XII, XV, and XVI, Maruia Survey District, and Block III, Burnett Survey District, in the Nelson Land District, have been granted exemption from payment of rent for a period of four years under section one hundred and twenty-seven of the Land Act 1908: And whereas it is deemed expedient that the said lessees should be afforded further relief owing to exceptional circumstances over which they have no control preventing the profitable occupation of their holdings: Be it therefore enacted as follows:—

On the application of any holder of a lease in perpetuity or of a renewable lease of any land in the blocks hereinbefore referred to, made not later than the thirtieth day of June, nineteen hundred and twenty-five, the Minister of Lands, on the recommendation of the Nelson Land Board, may grant to such lessee exemption from payment of rent for any period not exceeding ten years, commencing from the date up to which the rent reserved by his lease has last been paid.

145 Reviving certain leases granted to Ronald Peacock

Whereas the Land Board of the Nelson Land District by resolution dated the fourteenth day of December, nineteen hundred and twenty-two, declared the interests of Ronald Gavin Peacock in his leases registered in Volumes 34 and 36, and folios 7 and 197, respectively, Nelson Land Registry Office, over Sections 2 and 7, Block III, Burnett Survey District, in the said land district, to be forfeited for failure to comply with the conditions of the said leases, and notice of such forfeiture was duly published in the *Gazette* on the eighth day of March, nineteen hundred and twenty-three: And whereas it is deemed expedient to revoke the said forfeiture and to revive the said leases: Be it therefore enacted as follows:—

- (1) The said notice of forfeiture is hereby revoked.
- (2) The said leases are hereby revived, and shall be deemed to have continued to operate as if the said resolution of forfeiture had not been passed.
- (3) The District Land Registrar for the Nelson Land Registration District is hereby empowered and directed to make such entries in the Register as may be necessary to give effect to the provisions of this section.

146 Authorizing Nelson City Council to expend for certain purposes unexpended balance of a loan of \$40,000

Whereas by a poll of ratepayers of the City of Nelson taken under the Local Bodies' Loans Act 1913, on the twenty-seventh day of April, nineteen hundred and twenty-one, the Nelson City Council (hereinafter referred to as the Council) was authorized to borrow by way of special loan under the said Act the sum of forty thousand dollars for the purpose of improving the water-reticulation of the said city: And whereas the Council has borrowed the said sum of forty thousand dollars: And whereas the works for the purpose of which it was so borrowed have been completed, and there remains in the hands of the Council an unexpended balance of the said sum, being an amount of eleven thousand eight hundred and twenty-four dollars, and it is deemed expedient to authorize the Council to expend such amount in manner hereinafter appearing: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1913, or any other Act, the Council is hereby authorized and empowered to expend the aforesaid amount of eleven thousand eight hundred and twenty-four dollars in further improving and extending the water-mains of the city, and in making alterations and additions to the waterworks weir and dam, and otherwise for improving the conservation of the water-supply for the said city, and any other work which may be necessary or incident to either of such purposes.

The references to “£40,000”, “forty thousand dollars”, and “eleven thousand eight hundred and twenty-four dollars” were substituted, as from 10 July 1967, for references to “£20,000”, “twenty thousand pounds”, and “five thousand nine hundred and twelve pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

147 Empowering Wakarewa School Trust Board to grant leases containing provisions as to compensation for improvements

Whereas certain lands in the Borough of Motueka and the County of Waimea are vested in the Wakarewa School Trust Board, a body incorporated under the Charitable Trusts Act 1957: And whereas the said Board desires to grant leases of the said lands which shall contain therein provision for compensation to be paid to lessees for improvements placed on the said lands by the lessees: And whereas doubts have arisen as to the power of the Board to make such provision: Be it therefore enacted as follows:—

- (1) The Wakarewa School Trust Board in granting any lease shall have power to include therein provision for compensation to be paid to lessees at the expiration of the lease, or any renewal thereof, for the value of the improvements placed on the land by the lessees, subject to such limitations as may be contained in such lease.
- (2) The value of such improvements shall be ascertained in such manner as the said Board may determine.
- (3) The outgoing lessee shall be paid for the value of his improvements as at the expiration of his lease, or any renewal thereof, by the purchaser or subsequent lessee of the said land, and the Board shall not be under any liability to pay for such improvements except upon receipt of the amount thereof from the purchaser or subsequent lessee, as the case may be.

The Religious, Charitable, and Educational Trusts Act 1908 was repealed, as from 1 January 1958, by section 63(1) Charitable Trusts Act 1957 (1957 No 18).

148 Vesting certain land in Nelson Church of Christ Trust Board

Whereas the land in the City of Nelson hereinafter described was by deed of conveyance dated the twenty-sixth day of October, eighteen hundred and eighty-one, conveyed by the then owners, being the executors and devisee under the will of one William Cullen, late of Mahakipawa, deceased, to certain persons therein described, upon trust to permit the same and any buildings thereafter erected thereon to be used and appropriated as and for a place of worship for the use of the members of the religious body styling itself **The Church of God**: And whereas the said land is now vested in the Nelson Church of Christ Trust Board: And whereas there was not at the date of the said deed of conveyance nor at any time prior or subsequent thereto a religious body styled or known as **The Church of God** in or about the said City of Nelson, but there was and still is a religious body in the said City of Nelson known as the **Church of Christ**, of which all the trustees named in the said deed of conveyance or subsequently appointed in lieu thereof have been members: And whereas the said land and buildings thereon have been continuously used as a place of worship by the members of the said Church of Christ since the year eighteen hundred and eighty-two: And whereas it is expedient to set all doubts at rest with regard to the religious body for which the said land is held: Be it therefore enacted as follows:—

- (1) The said land is hereby vested in the said Nelson Church of Christ Trust Board upon the trusts declared in the said deed of conveyance dated the twenty-sixth day of October, eighteen hundred and eighty-one, for and as a place of worship for the use of the members of the religious body in the City of Nelson known as the Church of Christ affiliated to the Associated Churches of Christ in New Zealand.
- (2) The land to which this section relates is particularly described as follows:—

All that parcel of land, situate in the City of Nelson, being part of Section 458 on the plan of the said city, having a frontage of ninety feet to Waimea Street: commencing at a point one

hundred and ten feet distant from the corner of Waimea and Examiner Streets and extending back at right angles to the said frontage to the whole depth of the said section, being the whole of the land described in the aforesaid deed of conveyance.

**149 Vesting certain land in Denniston Hall Company
(Limited) discharged from certain trusts**

Whereas pursuant to the powers conferred on them in that behalf by subsection two of section sixty-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1913, the Trustees in whom Lot 2, Section No 81, Town of Denniston, was vested by that section have sold that land to the Denniston Hall Company (Limited): And whereas the said land and the hall thereon continue subject to the trusts defined in the said section sixty-four: And whereas an agreement dated the first day of October, nineteen hundred and twenty-four, having been entered into between His Majesty the King and the said company whereby the rights of the Defence Department with respect to the use of such hall are conserved, it is considered expedient to free the said land and the hall thereon from the said trusts: Be it therefore enacted as follows:—

- (1) The said land, being the land comprised in certificate of title, Volume 16, folio 69, in the Nelson Land Registry Office, is hereby declared to be vested in the said Denniston Hall Company (Limited) for an estate in fee-simple and, with the hall thereon, to be discharged from and to be free of the trusts defined in paragraphs (a), (b), and (c) of the said section sixty-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1913.
- (2) The District Land Registrar for the Land Registration District of Nelson is hereby empowered and directed to amend the said certificate of title in such manner as may be necessary to give effect to the provisions of this section.
- (3) Section sixty-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1913, is hereby repealed.

**150 Cancelling reservation over a cemetery reserve in City
of Nelson**

Whereas the lands hereinafter described were set apart by the New Zealand Land Company in the year eighteen hundred and forty-two

for the purpose of a cemetery: And whereas, with the exception of that part whereon four graves are situated, the said land has not been and is not likely to be required for such purpose: Be it therefore enacted as follows:—

- (1) The reservation for the purpose of a cemetery over the lands described in subsection two hereof is hereby cancelled, and the said lands are hereby declared to be available for disposal under the Land Act 1948, subject to a right of access at all reasonable times by the relatives of the persons buried therein to the graves situated in Lot 3 of the Cemetery Reserve F.

- (2) The lands to which subsection one hereof relates are particularly described as follows:—

All that area in the Nelson Land District, being Lot 1 of Cemetery Reserve F, in the City of Nelson, containing by admeasurement two roods twelve and six-tenths perches, more or less: bounded towards the north-east by Section 1 of the City of Nelson; towards the eastward by Section 1188 (a closed road) of the said city; and towards the south-west and north-west by Section 1187 of the said city: excepting from the land included within the above-described boundaries Lot 3 of the above-mentioned Cemetery Reserve F, containing an area of one and a half perches.

Also all that area in the Nelson Land District, being Lot 2 of Cemetery Reserve F, in the City of Nelson, containing by admeasurement two roods thirteen and six-tenths perches, more or less: bounded towards the north-east by Section 1 of the City of Nelson; towards the south-east and south-west by Section 1187, and towards the westward by Section 1188 (a closed road), both of the said City of Nelson.

As the same are delineated on the plan numbered 80T N, deposited in the District Office of the Lands and Survey Department, at Nelson, and thereon bordered red.

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

**151 Vesting in Roman Catholic Archbishop of Wellington
certain land at Waimea East, in Nelson Land District**

Whereas by deed of conveyance dated the fourth day of June, eighteen hundred and fifty-six, registered in the office of the Registrar of Deeds at Nelson in Volume 2D, No 629, one Richard Oldfield Cautley, therein described, conveyed and assured the lands hereinafter described unto John O'Sullivan, Daniel O'Sullivan, William O'Dwyer, Matthew O'Loughlan, Richard Hyland, and Thomas Murphy, all therein described, to hold with all the appurtenances thereunto belonging unto the survivor of them, and the heirs and assigns of such survivor, to, for, and upon such trusts, and for such uses, intents, and purposes, as three-fourths in number of the male heads of families of the body of Catholics now or thereafter residing in the District of Waimea East professing the Roman Catholic religion and intending to worship God in the Roman Catholic Church in the settlement of Nelson shall by some deed in writing under their respective hands from time to time appoint, and to, for, and upon no other trust, intent, or purpose whatsoever: And whereas no such appointment has ever been made, and there are now no male heads of families of the Roman Catholic religion residing in the said District of Waimea East: And whereas the said Richard Hyland was the last surviving trustee named under the said deed of conveyance, and died at Nelson on or about the fifth day of August, nineteen hundred and fifteen, and no administration of his estate has ever been granted: And whereas it is expedient to define the trusts upon which the said land shall be held: Be it therefore enacted as follows:—

- (1) The said lands are hereby vested in and shall be held by the Roman Catholic Archbishop of the Archdiocese of Wellington for the time being under the provisions of the Roman Catholic Lands Act 1876, and the Roman Catholic Lands Act Extension Act 1890, subject to any encumbrances thereon and any contracts hereinbefore made in respect thereto, in trust for the benefit of the Roman Catholic Church in the Provincial District of Nelson.
- (2) The lands to which this section relates are particularly described as follows:—

All that parcel of land, situate in the District of Waimea East, containing one acre, more or less, being Lot 3 of Part 11 of section numbered 26 on the plan of the said district: bounded

on the north-east and north-west by public roads, and on the south-east by lot numbered 4 of the said Part 11.

152 Authorizing Nelson Institute to give a certain security for a loan of \$600

Whereas the Nelson Institute (incorporated under the Nelson Institute Act 1907, hereinafter referred to as the said Act) is desirous of borrowing a sum of six hundred dollars from the Public Trustee for the purpose of the improvement of a building on the land specified in Schedule 2 to the said Act: Be it therefore enacted as follows:—

- (1) The said institute, as security for such loan, may mortgage to the Public Trustee the lands specified in Schedules 1, 2, and 3 to the said Act.
- (2) Such mortgage may contain full power of sale, anything in section seven of the said Act or in any other enactment to the contrary notwithstanding.
- (3) Such mortgage may be for such term of years, at such rate of interest, and subject to such terms and conditions in all respects as may be agreed upon between the Public Trustee and the said institute.
- (4) For all the purposes of the said mortgage the consent required under section nine of the said Act shall be deemed to have been duly given.

The references to “\$600”, and “six hundred dollars” were substituted, as from 10 July 1967, for references to “£300”, and “three hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

153 Power for the Trustees of certain land in Motueka to lease parts thereof

Whereas by section fifty-two of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1918, the Trustees of a certain deed of trust dated the twentieth day of December, eighteen hundred and fifty-three, and registered in the Deeds Registration Office at Nelson under Volume 8D, No 8310, were empowered to transfer the land hereinafter described to the Nelson Diocesan Trust Board upon the trusts and for the objects and purposes set out in the said deed, and subject to the powers and provisions therein set forth, and to pay and transfer to the said Board all moneys and other assets in their hands pertaining to the said trust: And whereas the

said land has been transferred to and is now vested in the said Board, and all moneys and other assets in the hands of the said Trustees have been paid or transferred to the said Board pursuant to the said section: And whereas the said Board is desirous of leasing such parts of the said land as are not required for the purposes of the trust to the persons now occupying the same, but doubts have arisen as to the powers of the said Board to grant leases thereover, and it is expedient to determine such doubts and to empower the said Board to exercise in relation to the said parts of land the powers hereinafter contained: Be it therefore enacted as follows:—

- (1) The Nelson Diocesan Trust Board is hereby declared to be a leasing authority within the meaning of the Public Bodies' Leases Act 1908, as regards such parts of the said land as are, in the opinion of the said Board, not required for the purposes of the trust.
- (2) The said Board may grant the first leases of the said lands to the persons now occupying the same respectively at rentals, for terms, and subject to covenants and conditions to be agreed upon between them respectively and the Board without offering such leases by public auction or public tender, and the terms of such first leases may be made to commence as from the first day of September, nineteen hundred and twenty-one, and the rentals thereunder reserved as from the same date.
- (3) No lease under this section shall be granted in perpetuity.
- (4) Where the Board grants under this section a lease under paragraph (e), paragraph (f), or paragraph (g) of section five of the Public Bodies' Leases Act 1908, the tenancy shall be for a term of twenty-one years, with right of renewal for the same term, or a provision for offering for sale by auction a new lease for the same term, or an option either of renewal or of having a new lease offered by auction as aforesaid as described in the said paragraphs respectively, but so that the aggregate duration of the original and subsequent terms shall not exceed sixty-three years.
- (5) Notwithstanding anything to the contrary contained in the Public Bodies' Leases Act 1908, or any other Act, the Board may enter into such covenant as it thinks fit with the lessee under any lease granted under any of the said paragraphs (e), (f), and (g) for payment by the Board to him, or his executors,

administrators, or assigns, of compensation for his or their buildings and improvements as existing at the end of the said aggregate term of sixty-three years.

- (6) The land to which this section relates is particularly described as follows:—

All that area in the Nelson Land District, containing three roods twenty-five and four-tenths perches, more or less, being portion of Section 154 of the Motueka Original District, situate in the Borough of Motueka: bounded towards the north and east by other part of the said Section 154, towards the south by Greenwood Street, and towards the west by High Street.

Westland Land District.

154 Authorizing exchange of portion of provisional State forest in Mahinapua Survey District for private land

Whereas by a Proclamation in the *Gazette* of the fifteenth day of December, nineteen hundred and twenty-one, the land described in subsection three hereof was set apart as a portion of a provisional State forest: And whereas the said land is no longer required for this purpose, and it is desired to exchange it for the land described in subsection four hereof, which is more suitable for forestry purposes: Be it therefore enacted as follows:—

- (1) The Governor-General may, by Proclamation, revoke the setting-apart as a provisional State forest of the land described in subsection three hereof, and upon the conveyance or transfer to His Majesty of the private land described in subsection four hereof may, by Warrant under his hand, authorize the issue of a certificate of title to the owner of such private land in respect of the land the setting-apart of which as a provisional State forest has been revoked in pursuance of this section.
- (2) The land transferred or conveyed to His Majesty under the authority of this section shall thereupon be deemed to be set apart as a provisional State forest, and to be subject to the provisions of the Forests Act 1949.
- (3) The land forming part of the provisional State forest to which subsection one hereof relates is particularly described as follows:—

All that area in the Westland Land District, containing by ad-measurement forty-six acres two roods, more or less, being Section 3564, Block XII, Mahinapua Survey District.

- (4) The land to which subsection two hereof relates is particularly described as follows:—

All that area in the Westland Land District, containing by ad-measurement forty-four acres two roods ten perches, more or less, being part of Section 2088, Block VIII, Mahinapua Survey District: as the same is delineated on plan marked L and S X/98/15, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured green.

The Forests Act 1921-22 was repealed, as from 1 January 1950, by section 73(1) Forests Act 1949 (1949 No 19).

155 Changing from a public common to a recreation reserve the purpose for which Reserve 92, Town of Greymouth, is vested in Greymouth Borough Corporation

Whereas by a notice published in the *Gazette* of the seventeenth day of October, eighteen hundred and seventy-two, Reserve 92, Town of Greymouth, containing an area of three acres three roods thirty-two perches, was permanently set apart as a public common: And whereas by a notice published in the *Gazette* of the twenty-second day of May, eighteen hundred and seventy-three, the said reserve was vested in the Corporation of the Borough of Greymouth in trust for a public common: And whereas it is desired to change the purpose of the reservation over the said land, and the Greymouth Borough Council has consented thereto: Be it therefore enacted as follows:—

The reservation for the purpose of a public common over the said Reserve 92 is hereby cancelled, and the land comprised therein is hereby declared to be permanently reserved for purposes of public recreation.

156 Authorizing issue of certificate of title in respect of Section 19, Waiho Gorge Township, to Robert Williams on surrender of a certain residence-site license

Whereas a residence-site license was granted under section one hundred and thirty-seven of the Mining Act 1908, by the

Warden of the Westland Mining District to Robert Williams, of Waiho Gorge, alpine guide, for a period of one year from the twelfth day of April, nineteen hundred and twenty-three, with a right of renewal for any term not exceeding forty-two years, over an area of one acre situated in Block XI, Waiho Survey District: And whereas the said Robert Williams has agreed with the Minister of Lands to surrender the said license in exchange for a freehold title in respect of Section 19, Town of Waiho Gorge, containing one rood: And whereas the surrender of the aforesaid residence-site license has been duly effected and is registered in the office of the Mining Warden in Hokitika: Be it therefore enacted as follows:—

The Governor-General may, by Warrant under his hand, authorize the issue to the said Robert Williams of a certificate of title in respect of Section 19, Town of Waiho Gorge, free of all restrictions or encumbrances whatsoever.

157 Authorizing granting of lease over portion of Franz Josef Glacier Reserve

- (1) Notwithstanding anything to the contrary in the Scenery Preservation Act 1908, or the Public Reserves and Domains Act 1908, the Governor-General may, in the name and on behalf of His Majesty, grant to any person or persons a lease of that portion of the Franz Josef Glacier Reserve hereinafter described.
- (2) Section two of the Public Reserves and Domains Amendment Act 1911, shall apply with respect to the granting of such lease in all respects as if the land hereinafter described were a public reserve to which that section applied.
- (3) In addition to the powers conferred on him by the said section two as applied by the last preceding subsection the Governor-General may in any such lease include a condition that the lessee may cut and remove for his domestic use exclusively such timber on the land comprised in the lease as may be defined for that purpose by the Minister charged with the administration of the Scenery Preservation Act 1908.
- (4) The land to which this section relates is particularly described as follows:—

All that area in the Westland Land District, containing by ad-measurement nineteen acres three roods thirty-eight perches, more or less, to be known as Section 3604, being part of Scenic Reserve No 1461, and situated in Block XI, Waiho Survey District. Bounded in two separate portions as follows: commencing at roadside peg, 171587.6 links south and 35877.5 links west of Initial Trig Station H1; thence running south-east a distance of 1060.7 links; thence south-west a distance of 1840.1 links; thence north-west a distance of 477.2 links to a public road; thence generally north-west and north-east along that road for distances of 502.3, 321.6, 183.1, 313.4, and 877.3 links to the point of commencement: again, commencing at the most westerly corner peg, 172822.6 links south and 37245.3 links west of aforesaid Initial Trig H1; thence running north-east a distance of 567.5 links to a public road; thence generally south about that road for distances of 169.5, 304.4, and 407.5 links; thence north-west a distance of 568.8 links to the point of commencement: be all the aforesaid linkages a little more or less: as the same is delineated on plan marked L and S 4/26, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

158 Excluding certain land from Nelson-Grey Coalfields Reserve, and validating a certain lease thereof granted by Public Trustee

Whereas the land firstly described in subsection three hereof is included in the Nelson-Grey Coalfields Reserve, which reserve was set apart by the Westland and Nelson Coalfields Act 1877, to be administered in accordance with the provisions of that Act: And whereas the said land was included in such reserve in error: And whereas a lease over the said land and the land secondly described in subsection three hereof was granted by the Public Trustee under the provisions of the Westland and Nelson Native Reserves Act 1887, and doubts have arisen as to the validity of such lease: And whereas it is desirable to make provision as hereinafter appearing with respect to such lands and to validate such lease: Be it therefore enacted as follows:—

- (1) The reservation as aforesaid over the land firstly described in subsection three hereof is hereby cancelled, and that land together with the land secondly described in that subsection is

hereby declared to be a Maori reserve subject to the provisions of the Maori Reserves Act 1882, and the Westland and Nelson Maori Reserves Act 1887.

- (2) The lease granted by the Public Trustee in respect of the lands mentioned in the last preceding subsection dated the sixteenth day of January, nineteen hundred and twelve, under the provisions of the Westland and Nelson Maori Reserves Act 1887, is hereby validated.
- (3) The lands to which this section relates are more particularly described as follows:—

Firstly, all that area in the Westland Land District, containing by admeasurement nineteen acres three roods twenty-three perches, more or less, being part of Maori Reserve No 35, situated in Block II, Te Miko Survey District: as the same is more particularly delineated on a plan marked 2369, deposited in the District Office, Lands and Survey Department, at Hokitika, and thereon coloured yellow.

Secondly, all that area in the Westland Land District, containing by admeasurement six acres and twenty-two and eight-tenths perches, more or less, being balance of Maori Reserve No 35, situated in Block II, Te Miko Survey District: as the same is more particularly delineated on a plan marked 2369, deposited in the District Office, Lands and Survey Department, at Hokitika, as aforesaid.

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

159 Cancelling reservation for railway and road purposes over portions of a certain reserve, and vesting same in Greymouth Borough Corporation as public streets

Whereas by Proclamation dated the seventeenth day of July, eighteen hundred and sixty-eight, and published in the *Gazette* of the twentieth day of July, eighteen hundred and sixty-eight, nineteen acres, more or less, of land situate in the Town of Greymouth—commencing on the southern boundary of the said town at its junction with Reserve No 6, and from thence north-easterly to the southern boundary of Maori Reserve No 31, a distance of ninety-six chains, and being a width of two chains—were reserved for a railway and road: And whereas by Proclamation dated the twenty-ninth day of January, eighteen hun-

dred and ninety-seven, and published in the *Gazette* of the fourth day of February, eighteen hundred and ninety-seven, part of the land so reserved for a railway and road as aforesaid—namely, twelve acres one rood five perches—situate in Blocks XVI and XII, Greymouth Survey District; as the same is more particularly delineated on the plan marked PWD 17744, deposited in the office of the Minister of Public Works, at Wellington, was taken for the Greymouth-Hokitika Railway, leaving, *inter alia*, the lands described in subsection two hereof still subject to the said Proclamation dated the seventeenth day of July, eighteen hundred and sixty-eight: And whereas such last-mentioned lands are not required for railway purposes, and it is expedient that they be vested in the Corporation of the Borough of Greymouth as public streets: Be it therefore enacted as follows:—

- (1) The reservation over the lands described in subsection two hereof for a railway and road is hereby cancelled, and, notwithstanding anything to the contrary contained in the Municipal Corporations Act 1920, or any other Act, those lands are hereby vested in the Corporation of the Borough of Greymouth as public streets.
- (2) The lands to which this section relates are more particularly described as follows:—

An area of two roods nine and nine-tenths perches and an area of four acres two roods five perches, being portions of Reserve No 24: Situated in Block XII, Greymouth Survey District, Borough of Greymouth, Westland Land District: as the said areas are more particularly delineated on the plans marked PWD 59800 and 59801, deposited in the office of the Minister of Public Works, at Wellington, in the Wellington Land District, and thereon coloured blue. (SO 2344 and 2345.)

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

160 Section 54 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1912, amended

Section fifty-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1912, is hereby amended by omitting from subsection one thereof the words “two thousand six hundred dollars,” and substituting the words “one thousand dollars.”

The references to “two thousand six hundred dollars”, and “one thousand dollars” were substituted, as from 10 July 1967, for references to “thirteen hundred pounds”, and “five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Canterbury Land District.

161 Vesting in North Canterbury Hospital Board Reserve 4077

Whereas by a Warrant published in the *Gazette* of the twenty-ninth day of November, nineteen hundred and twenty-three, the purpose for which the reserve hereinafter described was set apart was changed to that of a site for a public hospital: And whereas it is desirable to vest the said reserve in the North Canterbury Hospital Board: Be it therefore enacted as follows:—

- (1) The reserve hereinafter described is hereby vested in the North Canterbury Hospital Board in trust as a site for a public hospital.
- (2) The land to which this section relates is particularly described as follows:—

All that area in the Canterbury Land District, containing by ad-measurement three roods twenty-two and eight-tenths perches, more or less, being Reserve 4077 (formerly part of Tramway Reserve 297), situated in the Leeston Town District: bounded towards the north-west by part Reserve 297, 122 links; towards the north by part of Rural Section 6073, 395.4 links and 503.8 links; towards the south-east by other part of Reserve 297, 148.9 links; towards the south by other part of Rural Section 6073, 400 links and 468.4 links; and again towards the south-west by Rural Section 5787, 14.25 links: be all the aforesaid linkages a little more or less: as the same is more particularly delineated on the plan marked L and S 6/8/24, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured red.

**162 Authorizing exchange of portion of Plantation Reserve
1759 and portion of a tramway reserve for certain private
land**

[Repealed]

Sections 162 and 171 were repealed, as from 1 April 1954, by section 30(1) Selwyn Plantation Board 1953 (1953 No 96).

**163 Authorizing Waimairi County Council to raise a loan for
purpose of erecting a public hall at Belfast**

The Waimairi County Council is hereby empowered to erect a public hall at Belfast for the use of the inhabitants of that locality, and for that purpose to raise a special loan under the Local Bodies' Loans Act 1913, as if for a public work.

**164 Authorizing Heathcote County Council to raise a loan for
the purchase of land in Cashmere Riding and the erection
of a public hall thereon**

- (1) The Heathcote County Council is hereby empowered, and shall for all purposes be deemed to have been so empowered as on and from the first day of September, nineteen hundred and twenty-two, to acquire all that area of land—that is to say, 27.4 perches—being that part of Lot 2 on deposited plan 4030, being the whole of the land comprised in certificate of title, Volume 347, folio 3, Canterbury Land Registry Office, and being situate at Cashmere, in the County of Heathcote, and to erect on such land a public hall and such other structures or improvements as the Council shall decide upon.
- (2) The said Council is hereby empowered to borrow by way of special loan under the Local Bodies' Loans Act 1913, any moneys, not exceeding in all the sum of eight thousand dollars, required for the completion of the said purchase and for the erection and furnishing of a public hall on the said land.

The reference to “eight thousand dollars” was substituted, as from 10 July 1967, for a reference to “four thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

165 Authorizing raising by Heathcote County Council of a loan for the purpose of erecting Aranui Public Hall

Whereas on the twenty-ninth day of November, nineteen hundred and twenty-three, the Heathcote County Council, purporting to act under and in accordance with the provisions of the Local Bodies' Loans Act 1913, caused to be taken a poll of the ratepayers of the Aranui Hall Special-rating Area, in the Avon and Bromley Ridings of the County of Heathcote, upon a proposal to borrow a sum of two thousand one hundred and sixty dollars for the purpose of the erection of a public hall: And whereas the said proposal was carried, but doubts have arisen as to the power of the said County Council to raise money by way of special loan for the purposes aforesaid: And whereas it is desirable to confer such power upon the said County Council, to validate the poll already taken, and to authorize the said County Council to proceed to raise the said special loan pursuant to the poll: Be it therefore enacted as follows:—

The poll of ratepayers taken on the twenty-ninth day of November, nineteen hundred and twenty-three, as hereinbefore set out is hereby declared to have been lawfully taken, and the said County Council is authorized to raise a special loan of two thousand one hundred and sixty dollars pursuant to the determination of that poll, and to expend the proceeds of such loan on the erection of a public hall in the said special-rating area.

The reference to “two thousand one hundred and sixty dollars” was substituted, as from 10 July 1967, for a reference to “one thousand and eighty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

166 Section 111 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1913, amended

[Repealed]

Section 166 was repealed, as from 18 December 1933, by section 36(1) Canterbury University College Act 1933 (1933 No 27).

167 Authorizing Waimairi County Council to sell certain land

Whereas by conveyance dated the third day of February, eighteen hundred and eighty-seven, registered in the Canterbury Deeds Registry as No 49013, the Riccarton Road Board became possessed of,

inter alia, the land hereinafter referred to as Lot 1 for the purposes of the Road Board: And whereas the Riccarton Road District was merged in the County of Waimairi by virtue of the Waimairi County Act 1909, and the said Lot 1 became vested in the Corporation of the said Waimairi County: And whereas the said Corporation is the registered proprietor of the land hereinafter referred to as Lot 2, which land adjoins Lot 1: And whereas the said lands are no longer required for the use of the Waimairi County, and it is desirable to authorize the Waimairi County Council to sell the same in manner hereinafter provided: Be it therefore enacted as follows:—

- (1) The Waimairi County Council is hereby authorized to sell the said lands hereinafter described by public auction, or by private contract, or partly by the one and partly by the other of such modes of sale either in lots or as a whole, upon such terms and subject to such conditions as to payment or otherwise as it thinks fit, and to transfer, convey, and assure the same to a purchaser or purchasers, and for the purposes aforesaid may, if it thinks fit, subdivide the said lands into lots for sale.
- (2) The lands hereby authorized to be sold are particularly described as follows:—

Lot 1: All that piece of land, containing seven acres one rood twenty-seven perches, more or less, situate in the Christchurch District, being part of Rural Section 12, as described in the said conveyance registered No 49013; save and except thereout the land comprised in certificate of title, Volume 200, folio 189, recorded in the Canterbury Land Registry, and the road reserve 50 links wide along the east boundary thereof.

Lot 2: All that piece of land, containing two roods twenty-six perches, more or less, situate in the Christchurch District, being the land comprised in certificate of title, Volume 290, folio 285, recorded in the Canterbury Land Registry.

Subsection (1) was amended, as from 11 September 1926, by section 4 Local Legislation Act 1926 (1926 No 61), by inserting the words “or by private contract, or partly by the one and partly by the other of such modes of sale.”

168 Authorizing issue of leases and licenses over parts of Lake Ellesmere Domain, containing provisions authorizing erection of dwellings

- (1) Notwithstanding anything to the contrary in section thirty-four of the Public Reserves and Domains Act 1908, the Governor-General or the Minister of Lands may grant leases under that section over that part of the Lake Ellesmere Domain hereinafter described authorizing the lessees to erect dwellings on the lands comprised in such leases, subject to the following provisions of this section and such other terms and conditions as he thinks fit.
- (2) Subject to the other provisions of this section, the Lake Ellesmere Domain Board may grant licenses over the aforesaid part of the said domain authorizing the licensee to occupy the land the subject of the license and to erect dwellings thereon; such licenses shall contain such terms and conditions as the Board thinks fit.
- (3) No lease or license shall be granted over any allotment exceeding twenty perches.
- (4) Every lease or license granted under this section shall provide for the erection within a specified time on the land comprised therein of a building of a design and in accordance with plans and specifications to be approved by the Lake Ellesmere Domain Board, and may contain conditions, covenants, and restrictions with respect to the use and occupation of the land and dwellings, and as to the performance by the lessees of the same to the satisfaction of the said Domain Board.
- (5) The part of the Lake Ellesmere Domain to which this section relates is particularly described as follows:—

All that area in the Canterbury Land District, containing seven acres two roods thirteen perches, more or less, being part of Reserve 3048, situated in Block XII of the Leeston Survey District, and bounded as follows: From the north-west corner of the said reserve a distance of 600 links along the south side of the Selwyn Lake Road; thence towards the south-east by other part of the said reserve, 2088.7 links; towards the south by Section 18 of Reserve 959, 109 links; thence towards the west by a road along the Selwyn River, a total distance of 2143.2 links, to the commencing-point: be all the aforesaid linkages more

or less: as the same is delineated on the plan marked L and S 1/456, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Subsection (1) was amended, as from 1 December 1950, by section 25(3) Reserves and Other Lands Disposal Act 1950 (1950 No 89), by inserting the words “or the Minister of Lands”.

Subsection (3) was amended, as from 13 November 1934, by section 13 Reserves and other Lands Disposal Act 1934 (1934 No 32), by substituting the words “any allotment exceeding twenty perches” for the words “an area having a frontage exceeding fifty links or a depth exceeding one hundred links”.

169 Vesting certain land in Canterbury Education Board as an addition to Lyttelton Public School playground

Whereas by section one hundred and ten of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1919, the Governor-General is authorized and empowered to sell or otherwise dispose of the lands described therein, subject to the net proceeds arising from the sale or other disposition of the said lands and of the buildings or other improvements thereon being paid into the Public Works Fund and utilized for the purpose of erecting prison buildings or for acquiring sites for prison purposes: And whereas it is desirable that the portion of the said lands hereinafter described should be vested in the Education Board of the District of Canterbury as an addition to the Lyttelton Public School playground: Be it therefore enacted as follows:—

- (1) Notwithstanding anything contained in the above-mentioned enactment, the land hereinafter described is hereby vested in the Education Board of the District of Canterbury as a site for a public school.
- (2) The land to which the last preceding subsection relates is particularly described as follows:—

All that area in the Canterbury Land District, containing by ad-measurement one acre and two and one-tenth perches, more or less, being Reserve No 4110, comprising the whole of Lot No 7 and part of Lot No 8 of the subdivision of Lyttelton Prison site (formerly Reserves Nos 37 and 38 and part of Town Sections Nos 173, 175, and 175A), situated in the Borough of Lyttelton, and bounded as follows: Towards the north-west by Oxford Street, 254 links; towards the north-east by other part of Lot No 8 of the said subdivision, 383.13 links; towards

the south-east by St David Street, by lines aggregating 255.94 links; towards the south-west by a right-of-way, 407.3 links: be all the aforesaid linkages more or less: as the same are more particularly delineated on the plan marked L and S 6/7/40, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

**170 Authorizing dedication as a road of portion of land
acquired for purposes of workers' dwellings**

Whereas the land hereinafter described was acquired by His Majesty for the purposes of workers' dwellings: And whereas the said land has not been utilized for such purposes, and is required to be set apart for the purposes of a road: And whereas there is no provision in the Housing Act 1955, which authorizes the dedication for the purposes of a road of any land purchased under that Act: Be it therefore enacted as follows:—

- (1) The piece of land hereinafter described is hereby set apart for the purposes of a road.
- (2) The land to which this section relates is particularly described as follows:—

All that parcel of land, situated in the Canterbury Land District, containing approximately one acre, being portion of Rural Section 3153, Block II, Arowhenua Survey District: as shown on the plan marked PWD 60549, deposited in the office of the Minister of Public Works, at Wellington, and thereon coloured pink.

The Housing Act 1919 was repealed, as from 21 October 1955, by section 42(1) Housing Act 1955 (1955 No 51).

**171 Empowering Selwyn Plantation Board to sell or exchange
lands vested in it**

[Repealed]

Sections 162 and 171 were repealed, as from 1 April 1954, by section 30(1) Selwyn Plantation Board 1953 (1953 No 96).

172 Cancelling reservation over Sections 999 and 1000, Town of Ashburton, and authorizing sale thereof to Ashburton Hospital Board

Whereas by a Warrant published in *Gazette* of the eighth day of October, eighteen hundred and ninety-six, Section 999 of the Town of Ashburton, containing one rood and one-tenth perch, was permanently reserved as a paddock for the use of the Stock Department: And whereas by a Warrant published in *Gazette* of the twenty-eighth day of January, eighteen hundred and ninety-seven, Section 1000 of the said town, containing one rood and one-tenth perch, was resumed under section seventeen of the Reserves and Crown Lands Disposal and Enabling Act 1896, for agricultural and stock purposes: And whereas the said lands are no longer required for the said purposes, and it is desired to dispose of them by way of sale to the Ashburton Hospital Board as hereinafter provided: Be it therefore enacted as follows:—

The reservation as a paddock for the use of the Stock Department over Section 999 and the reservation for agricultural and stock purposes over Section 1000, Town of Ashburton, are hereby cancelled, and upon payment to the Crown of the sum of six hundred dollars the Governor-General may, by Warrant under his hand, authorize the District Land Registrar to issue to the Ashburton Hospital Board a certificate of title in respect of the said sections.

The reference to “six hundred dollars” was substituted, as from 10 July 1967, for a reference to “three hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

173 Cancelling reservation over certain plantation reserves in Waikakahi Settlement

Whereas portions of the Waikakahi Settlement, designated Reserves 3460, 3481, and 3488, as hereinafter referred to, were by notification in the *Gazette* of the twenty-second day of March, nineteen hundred, permanently reserved for plantation purposes: And whereas the said lands are not being used for plantation purposes, and it is desired that the reservation should be cancelled in order that the areas may be made available for settlement purposes: Be it therefore enacted as follows:—

The reservation for plantation purposes over Reserves 3460, 3481, and 3488, situated in the Waikakahi Settlement, and containing one hundred and ninety-eight acres, forty-three acres and twenty-six perches, and two hundred and sixty-nine acres three roods twenty-nine perches respectively, is hereby cancelled.

**174 Validating transfer by Longbeach Road Board to JCN
Grigg of part Rural Section 8402**

Notwithstanding anything in the Reserves Act 1977, or any other act, the memorandum of transfer, dated the second day of September, eighteen hundred and ninety-three, and registered in the Canterbury Land Registry Office as No 38321, made and executed between the Road Board of the Longbeach Road District and John Charles Nattle Grigg, transferring part Rural Section 8402, containing thirteen acres and thirty-two perches, to the said John Charles Nattle Grigg in fee-simple, for consideration therein mentioned, shall for all purposes be deemed to have been lawfully executed and to have effected a valid transfer of the said land free from any trust reservations theretofore affecting the same.

The Public Reserves and Domains Act 1908 (1908 No 156) was substituted, as from 1 April 1929, by a reference to the Public Reserves, Domains, and National Parks Act 1928 pursuant to section 103 Public Reserves, Domains, and National Parks Act 1928 (1928 No 36). That reference was in turn substituted, as from 1 April 1954, by a reference to the Reserves and Domains Act 1953 pursuant to section 107(1) Reserves and Domains Act 1953 (1953 No 69). That reference was in turn substituted, as from 1 April 1978, by a reference to the Reserves Act 1977 pursuant to section 125(1) Reserves Act 1977 (1977 No 66).

**175 Vesting in North Canterbury Hospital Board for general
purposes certain land subject to Christchurch Hospital
Act 1887**

[Repealed]

Section 175 was repealed, as from 9 October 1928, by section 5(3) Christchurch Hospital Amendment Act 1928 (1928 No 18(L)).

**176 Authorizing Sumner Borough Council to borrow \$10,000
for certain sewerage purposes**

Whereas the Sumner Borough Council (hereinafter called the Council) did, on the thirteenth day of August, nineteen hun-

dred and twenty-four, take a poll of ratepayers upon a proposal to borrow by way of special loan under the Local Bodies' Loans Act 1913, the sum of twenty-six thousand dollars for the purpose of installing sewerage-works in the Redcliffs Sewage Special-rating Area in the said borough, and such poll was carried by one hundred and seventy-three votes, and the result of such poll was published in the *Gazette* of the second day of October, nineteen hundred and twenty-four: And whereas the Sumner Borough Council is desirous of raising a loan, not exceeding ten thousand dollars, to be secured by a special rate upon the said special-rating area, for the purpose of connecting any lands, buildings, and premises within the said special-rating area with the public sewer in such area, and assisting the owners of any lands, buildings, or premises in the said special-rating area to connect such premises with such sewer, and requiring water-closets, urinals, or such other sanitary conveniences for use in connection with any such lands, buildings, or premises as the Council may consider necessary or expedient: Be it therefore enacted as follows:—

The Sumner Borough Council may from time to time, by special order in manner provided by the Local Bodies' Loans Act 1913, but without complying with the provisions of sections eight to twelve of the said Act, borrow any sum or sums of money, not exceeding in the whole the sum of ten thousand dollars, to be secured as aforesaid for all or any of the purposes hereinbefore mentioned.

The references to "\$10,000", "twenty-six thousand dollars", and "ten thousand dollars" were substituted, as from 10 July 1967, for references to "£5,000", "thirteen thousand dollars", and "five thousand dollars" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

177 Conferring on Waimakariri River Trust power to lease its endowments and reserves

- (1) The Waimakariri River Trust is hereby authorized, subject to the provisions of the Public Bodies' Leases Act 1969, to lease any endowment lands or reserves which are for the time being vested in the Trust, and the Trust shall in regard to such endowments and reserves be a leasing authority within the meaning of the Public Bodies' Leases Act 1969.

- (2) Subsection two of section seventeen of the Waimakariri River Improvement Act 1922, is hereby repealed.

The Public Bodies Leases Act 1908 (1908 No 240) was repealed, as from 1 January 1970, by section 28(a) Public Bodies Leases Act 1969 (1969 No 141).

Otago Land District.

**178 Vesting Section 12, Block III, Cromwell Survey District,
in Vincent Hospital Board in trust as a site for a public
hospital**

Whereas by notice in the Otago Provincial Gazette of the sixteenth day of September, eighteen hundred and seventy-five, the land hereinafter described was permanently reserved as a site for a public hospital: And whereas it is desirable that the said land should be vested in the Vincent Hospital Board: Be it therefore enacted as follows:—

- (1) The reserve hereinafter described is hereby vested in the Vincent Hospital Board in trust as a site for a public hospital.
- (2) The land to which this section relates is particularly described as follows:—

All that area in the Otago Land District, containing by admeasurement twenty acres, more or less, being Section 12, Block III, Cromwell Survey District, and being all the land comprised and described in certificate of title, Volume 27, folio 226, in the Land Registry Office at Dunedin.

**179 Authorizing application by Waitaki County Council of
certain thirds and fourths in relief of certain special rates**

Whereas in the year nineteen hundred and twenty-one the Waitaki County Council (hereinafter referred to as the said Council) raised a loan of twenty thousand dollars, under the Local Bodies' Loans Act 1913, for the purposes of constructing roads (including metalling for the first time), and of constructing small bridges and culverts thereon, leading to and giving access to (*inter alia*) the lands hereinafter described: And whereas the security for the said loan was a special annual-recurring rate of eighty-five three hundred and eighty-fourths of a cent in the dollar to be made and levied upon the capital value of all rateable property within that part of the Ahuriri Riding of the County of Waitaki to the north of the Ahuriri River from its junction with the River Waitaki to its junction with the Otamatapaio River

and the southern boundary of the Omarama Runs to Trig AA on Mount St Bathan's (hereinafter referred to as the special-rating district), which includes the lands hereinafter described: And whereas the Land Board of the Otago Land District (hereinafter referred to as the said Board), having been satisfied by the said Council that the said loan was to be duly expended, did, on the twenty-fifth day of January, nineteen hundred and twenty-two, grant a certificate under section one hundred and fifty of the Land Act 1908, authorizing the said Council to pledge, in lieu of or in reduction of special rates levied as security for the said loan, the **thirds** and **fourths** of the annual payments derived from the lands hereinafter described to which the said Council is entitled under section one hundred and forty-seven of the Land Act 1908: And whereas the said lands comprise only a portion of the special-rating district constituted for the purposes of the said loan: And whereas, notwithstanding that such **thirds** and **fourths** should have been applied in lieu of or in reduction of special rates levied in respect only of the lands hereinafter described, the said Council has, without power so to do, applied the said **thirds** and **fourths** towards the reduction of special rates levied on all lands within the special-rating district: And whereas it is deemed expedient to validate the irregular application by the said Council of such **thirds** and **fourths**, and to authorize the said Council to apply the **thirds** and **fourths** in respect of the lands hereinafter described to which it may hereafter become entitled towards the payment of special rates levied in respect of the said loan on all lands within the said special-rating district: And whereas the said Council has now completed the making and construction of the said roads and of the said bridges and culverts; and the said Board did, on the fifteenth day of May, nineteen hundred and twenty-four, grant to the said Council a certificate accordingly in respect of the lands hereinafter described: Be it therefore enacted as follows:—

- (1) The application hitherto made by the Waitaki County Council of **thirds** and **fourths** derived from the land hereinafter described in relief of the special rates leviable over the whole of the special-rating district in respect of the said loan instead of over the lands hereinafter described is hereby validated and declared to have been lawfully done.
- (2) The Council may apply the **thirds** and **fourths** hereafter derived from the lands hereinafter described in relief of the spe-

cial rates leviable over the whole of the special-rating district in respect of the said loan.

- (3) The lands to which this section relates are the following lands in the Otago Land District: Run 536, Benmore; Run 539, Benmore; Run 322E, Benmore; Run 540, Benmore; Run 564, Benmore; Run 542, Benmore; Section 16, Block I, Benmore; Section 13, Block I, Benmore; Run 558, Benmore; Run 530, Benmore; Run 561, Benmore; part Run 201G, Benmore; Run 559, Benmore; Run 537, Benmore; Section 15, Block I, Benmore; part Run 201D, Benmore; Run 560, Ahuriri; Run 562, Benmore; Run 544, Benmore; Run 534, Benmore; Run 531, Benmore; Run 201E, Benmore; part Run 322C, Benmore; Run 533, Benmore; Section 9, Block I, Benmore; Run 557, Benmore; part Run 201B, Benmore; Run 532, Benmore; Section 10, Block I, Benmore; Run 535, Benmore; Run 529, Benmore; Run 541, Benmore; Run 201F, Benmore; Run 322A, Benmore; Run 322D, Benmore; Run 528, Benmore; Run 563, Benmore; Section 12, Block I, Benmore; Run 538, Benmore.

The references to “twenty thousand dollars”, and “eighty-five three hundred and eighty-fourths of a cent in the dollar” were substituted, as from 10 July 1967, for references to “ten thousand pounds”, and “seventeen thirty-seconds of a penny in the pound” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

180 Authorizing conversion of lease of Section 65A, Otekaieke Settlement, into a license to purchase on deferred payments

Whereas the Otekaieke Settlement was acquired by the Crown under the Land for Settlements Consolidation Act 1900, subject to a lease previously granted by the vendors for a term of twenty-one years from the first day of November, nineteen hundred and three, of an area thereof containing six hundred and seventeen acres one rood six perches, now known as Section 65A, Otekaieke Settlement: And whereas the said lease provides that at the expiration thereof the lessors shall sell, and the lessee shall purchase, at the price of eight dollars and fifty cents an acre, the fee-simple of the land comprised therein, together with all buildings thereon and all the rights, easements, and appurtenances thereunto belonging; and also that the lessee may at any time before the expiration of the said term purchase in a similar manner the fee-simple of the said land on

giving to the lessors three calendar months' notice of his intention so to do: And whereas it is desired to permit the said lessee to exercise his right of purchase in the manner hereinafter provided: Be it therefore enacted as follows:—

- (1) The said lease is hereby extended until the thirty-first day of January, nineteen hundred and twenty-five, at the same rate of rental as is reserved thereby and subject to the same terms and conditions.
- (2) The owner of the said lease may at any time not later than the thirty-first day of January, nineteen hundred and twenty-five, acquire the fee-simple of the land comprised therein by way of deferred payments at the price of five thousand two hundred and fifty dollars.
- (3) The provisions of the Land Laws Amendment Act 1912, relating to the purchase on deferred payments of lease-in-perpetuity lands shall, with the necessary modifications, apply to the purchase of the said land pursuant to this section.

The references to “eight dollars and fifty cents”, and “five thousand two hundred and fifty dollars” were substituted, as from 10 July 1967, for references to “four pounds five shillings”, and “two thousand six hundred and twenty-five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

181 Vesting certain land in Anderson's Bay Presbyterian Congregation upon certain trusts

Whereas the Anderson's Bay Presbyterian Sunday School Society (hereinafter referred to as the society) was duly incorporated under the provisions of the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884, on the twelfth day of December, eighteen hundred and ninety-one: And whereas in the same year the society purchased the parcel of land hereinafter described, and a certificate of title to the said parcel of land, Volume 93, folio 88, of the Register-book of the Land Registry Office, Dunedin, was issued to the society on the twenty-first day of January, eighteen hundred and ninety-two: And whereas a Sunday-school building was subsequently erected on the said parcel of land, but neither the said building nor the said parcel of land is now suitable for Sunday-school purposes: And whereas Anderson's Bay Presbyterian Congregation, a body incorporated under the provisions of the Presbyterian Church of Otago Incorporation Act 1875, is now erecting, on lands belong-

ing to it, a new building for use as a Sunday school in connection with the Anderson's Bay Presbyterian Church: And whereas there is no record of any meetings of the society since the date of its incorporation, and for many years past the whole control and management of the Presbyterian Sunday school at Anderson's Bay has been exercised by Anderson's Bay Presbyterian Congregation: And whereas it is deemed advisable to sell the said parcel of land hereinafter described and apply the net proceeds of such sale towards the cost of the new building now being erected by Anderson's Bay Presbyterian Congregation as aforesaid: And whereas all the original trustees of the society are now dead, and there are no successors to the said trustees: Be it therefore enacted as follows:—

- (1) The parcel of land hereinafter described is hereby vested in Anderson's Bay Presbyterian Congregation for an estate in fee-simple, upon trust to sell the same either by public auction or private contract, and at such price, and upon such terms, and subject to such conditions, and in such manner in all respects as it shall determine, and to apply the net proceeds of such sale towards the cost of the new building now being erected by the said Anderson's Bay Presbyterian Congregation for use as a Sunday school in connection with the Anderson's Bay Presbyterian Church:

Provided, however, that the purchaser of the said parcel of land shall not be concerned to see to the application of the purchase-money.

- (2) The District Land Registrar at Dunedin is hereby empowered and directed to cancel the said certificate of title, and to issue to Anderson's Bay Presbyterian Congregation a new certificate of title in respect of the said parcel of land.
- (3) The parcel of land to which this section relates is particularly described as follows:—

All that parcel of land, containing eighteen and four-tenths perches, situated in the Township of Cranston, being Allotment No 21 on plan of the said township, deposited in the Land Registry Office at Dunedin as No 205.

182 Otago Harbour Board may remit certain charges in respect of the vessel Sir James Clark Ross

It shall be lawful for the Otago Harbour Board to remit the pilotage and port charges payable in respect of the vessel **Sir James Clark Ross** on account of the entry of that vessel into the Port of Otago in the month of April, nineteen hundred and twenty-four.

183 Validating an agreement between the Crown and the Teviot Electric-power Board

- (1) The agreement set forth in Schedule 3 to this Act is hereby declared to be valid and binding in all respects, and shall have full force and effect according to the tenor thereof.
- (2) The Minister of Public Works is hereby authorized to pay out of moneys appropriated for the purpose the sum of two thousand four hundred and forty-six dollars to the Teviot Electric-power Board, and such money shall, when paid, become portion of the Power Fund Account of the Teviot Electric-power Board.

The reference to “two thousand four hundred and forty-six dollars” was substituted, as from 10 July 1967, for a reference to “one thousand two hundred and twenty three pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

184 Authorizing Otago Harbour Board to accept from the Crown surrender of lease of certain land

Whereas by memorandum of lease registered No 5198 in the Land Registry Office at Dunedin the Otago Harbour Board leased to His Majesty the King all that parcel of land, situated in the City of Dunedin, containing one rood six perches and thirty-two-hundredths of a perch, being sections numbered respectively 71 and 72, Block LXXIV, on the plan deposited in the said Land Registry Office at Dunedin as No 2769, and being part of the land comprised in certificate of title, Register-book, Volume 184, folio 215: And whereas it was agreed between the said Board and His Majesty the King that the said lease should be surrendered as from the twenty-eighth day of February, nineteen hundred and twenty-two: And whereas it is desired to give legal effect to such surrender: Be it therefore enacted as follows:—

- (1) The Otago Harbour Board shall be deemed to have been lawfully empowered to accept a surrender of the said lease and the said lease shall be deemed to have been surrendered as from the said twenty-eighth day of February nineteen hundred and twenty-two.
- (2) The District Land Registrar at Dunedin shall enter a memorial of such surrender on the said certificate of title.

185 Vesting in Otago Hospital Board portion of a municipal reserve in Borough of Palmerston

Whereas the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Palmerston (hereinafter referred to as the borough) is the registered proprietor of an estate in fee-simple in all that piece of land, situated in the Borough of Palmerston, containing ninety-seven acres three roods fourteen perches, being town sections marked respectively 16, 17, 19, 20, 21, 22, 23, 24, 25, and 26, Block XXXIII, delineated on the public map of the said borough, deposited in the office of the Chief Surveyor at Dunedin, and being all the land comprised in certificate of title, Register-book, Volume 46, folio 57, Dunedin Registry, upon trust for a reserve for a public pound, cattle-yards, and other municipal purposes: And whereas the borough is desirous of vesting in the Otago Hospital Board (hereinafter referred to as the Board) the land described in subsection four of this section for the purpose of a cottage hospital, and of granting in connection therewith full drainage rights to the Board over the adjoining lands, and also of dedicating as a public street the land described in subsection five of this section: Be it therefore enacted as follows:—

- (1) The land described in subsection four of this section is hereby vested in the Board for an estate in fee-simple freed and discharged from the trusts upon which such land is held at the passing of this Act, and the District Land Registrar at Dunedin is hereby authorized and empowered to issue a certificate of title for such land in favour of the Board.
- (2) The borough is hereby empowered to grant to the Board full drainage rights in connection with the land described in subsection four of this section over any part of the land comprised in said certificate of title, Register-book, Volume 46, folio 57, Dunedin Registry.

(3) The land described in subsection five of this section is hereby dedicated as a public street.

(4) The land to which subsection one of this section relates is particularly described as follows:—

All that area in the Land District of Otago, containing by admeasurement one acre, and being part of Section 20, Block XXXIII, Town of Palmerston, commencing at a point distant by traverse from the south-west corner of said Section 20 in a northerly direction, 25 links, bearing 360°; and in a north-easterly direction, 305.43 links, bearing 88° 41' 30"; and bounded thence by other part of said Section 20—towards the west, distance 403 links, bearing 360° towards the north, distance 249.93 links, bearing 90°; and towards the east, distance 397.3 links, bearing 180°; and finally towards the south-east by the land hereinafter described in subsection five of this section, distance 250 links, bearing 268° 41' 30", to the commencing-point.

(5) The land to which subsection three of this section relates is particularly described as follows:—

All that area in the Land District of Otago, containing by admeasurement thirty-two perches, and being part of Section 20, Block XXXIII, Town of Palmerston, commencing at the south-west corner of said Section 20, and bounded thence towards the west by part of Section 21 of said Block XXXIII, distance 25 links, bearing 360°; thence towards the north-west by part of said Section 20, distance 799.1 links, bearing 88° 41' 30"; thence towards the east by a reserve, distance 25 links, bearing 180°; and finally towards the south-east by a public road or street, distance 799.1 links, bearing 268° 41' 30", to the commencing-point.

186 Reviving a renewable lease of Section 35A, Conical Hills Settlement

Whereas the Land Board of the Otago Land District, by resolution dated the eighth day of March, nineteen hundred and twenty-two, forfeited the interest of James Breen in a renewable lease registered in Volume 167, folio 36, Otago Land Registry Office, over Section 35A, Conical Hills Settlement, in the said land district, for failure to comply with the conditions of the said lease; and notice of such for-

feiture was duly published in the *Gazette* of the third day of April, nineteen hundred and twenty-four: And whereas it is deemed expedient to revoke the said forfeiture, and to revive the said lease: Be it therefore enacted as follows:—

- (1) The forfeiture of the lease aforesaid is hereby rescinded.
- (2) The aforesaid renewable lease is hereby revived, and shall be deemed to have continued to operate as if the said lease had not been forfeited.
- (3) The District Land Registrar for the Land Registration District of Otago, on being requested so to do by the Commissioner of Crown Lands for the Otago Land District, shall make such entries in the Register as may be necessary to give effect to the provisions of this section.

187 Empowering Dunedin City Corporation to construct a public highway on land vested in Otago Harbour Board

Whereas it is proposed that a public highway shall be constructed by the Mayor, Councillors, and Citizens of the City of Dunedin (hereinafter called the Corporation), such highway to commence at or about Anzac Square, in the City of Dunedin, and to terminate at the area formerly known as Lake Logan: And whereas it is also proposed that such highway shall be wholly or partly constructed on land vested in the Otago Harbour Board (hereinafter called the Board): Be it therefore enacted as follows:—

- (1) It shall be lawful for the Corporation and the Board to enter into an agreement for the construction by the Corporation of a highway as aforesaid, and to carry such agreement into effect, the limits or boundaries of such highway to be fixed in and by a plan to be annexed to or otherwise incorporated in the said agreement.
- (2) Where land required for the said highway is included in any lease from the Board it shall be lawful for the Board to determine such lease as to so much of the said land as is included in such lease or, at the discretion of the Board, as to the whole of the land included in such lease by giving to the lessee three months' notice of such determination, and upon the expiration of three months from the service of such notice the term of such lease shall cease and come to an end as to the land com-

prised in such notice, but without prejudice to the rights or remedies of either lessor or lessee as to any breach of the provisions of such lease occurring prior to such determination. A memorandum under the seal of the Board setting out that any lease has been determined in whole or in part in terms of this section shall be conclusive evidence of the fact and be registrable under the Land Transfer Act 1952.

- (3) If any such lease is determined as to part only of the land comprised therein, the lease shall (subject to subsection five hereof) thenceforth be construed and take effect as if the land comprised in the notice had never been contained in such lease.
- (4) Upon the determination of any lease as aforesaid as to whole or part of the land comprised therein the Board shall be entitled to enter into possession of the land comprised in the notice and the Corporation to construct the highway thereon as if such lease had never been granted.
- (5) Every person having any estate or interest in any lease determined in whole or in part as aforesaid shall be entitled to full compensation for the same from the Board.
- (6) This section shall in respect of the matters aforesaid be deemed to be a special Act within the meaning of the Public Works Act 1981, and the compensation referred to in the last preceding subsection may be claimed and shall be determined in the manner provided by such last-mentioned Act.
- (7) It shall be lawful for the Board, in lieu of paying in money the whole or part of the compensation mentioned in subsection five hereof, to enter into an agreement with any lessee whose lease has been determined in part for the reduction of the rent payable under such lease for the remainder of the term granted thereby, and also, in addition to or without any such reduction in rent, for the grant to such lessee of a lease of other land vested in the Board for a term not exceeding the unexpired residue of the term of the existing lease, and with, upon, and subject to terms and conditions similar to those of such existing lease, but so that it shall not be obligatory to require the payment of any further or other rent for the land leased by virtue of this section, and for the purposes aforesaid for a surrender to the Board of such existing lease and the inclusion in

such new lease of the lands remaining vested in the lessee, and the Board and the lessee may carry every such agreement into effect. An agreement to reduce the rent of a lease as aforesaid shall be evidenced by a memorandum executed by the lessee for the time being thereunder and the Board, and such memorandum shall be conclusive evidence of the fact and be registrable under the Land Transfer Act 1952.

- (8) Upon the construction of the said highway as aforesaid the same shall be and become a public street and vested as such in the Corporation. A declaration in writing under the hand of the City Engineer for the time being of the Corporation that the said highway has been constructed shall for the purposes of this section be conclusive evidence of the fact.
- (9) Every notice hereby authorized to be given shall be in writing signed by the Secretary or Acting-Secretary of the Board, and may be served upon the lessee either personally or by being sent through the post-office in an envelope addressed to the lessee at the demised premises or, at the discretion of the Board, at the usual or last known place of abode of the lessee, and shall be deemed to have been duly served on the lessee on the day following that on which the envelope containing the same is posted, and in proving such service it shall be sufficient to prove that the envelope containing the notice was properly addressed and put into the post-office.
- (10) For the purposes of this section **lease** includes an agreement to lease or other tenancy, and **lessee** includes an equitable lessee and also a tenant.

The Land Transfer Acts Compilation Act 1915 (1915 No 35). Appendix B of the repealing Act replaced the 1908 Act with a compiled Act enacted under the title of "The Land Transfer Act 1915". That Act was in turn repealed, as from 1 January 1953, by section 245(1) Land Transfer Act 1952 (1952 No 52).

The Public Works Act 1908 (1908 No 160) was repealed, as from 6 October 1928, by section 346 Public Works Act 1928 (1928 No 21). That Act was in turn repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

188 Authorizing exchange of lands between Otago Harbour Board and Otago Education Board

- (1) The Otago Harbour Board is hereby empowered to transfer to the Education Board of the District of Otago any part of

the endowment of the Otago Harbour Board, in the City of Dunedin, not exceeding five acres in area, for the purposes of a school-site, and the Education Board of the District of Otago is hereby empowered to transfer to the Otago Harbour Board in exchange therefor Sections 2, 3, 4, 7, and 12, Block LXIX, City of Dunedin, freed from any trust for educational purposes.

- (2) The Harbour Board is hereby empowered to transfer or lease to the Education Board and the Education Board is hereby empowered to accept a transfer or lease of any part of the endowment of the Harbour Board in the City of Dunedin not exceeding four acres in area:

Provided that in the event of a lease the term shall be for a period of fifty years, at such rent and with, upon, and subject to such terms, conditions, and provisions as may be agreed upon between the Education Board and the Harbour Board, including provisions for payment of valuation for improvements and for renewal for one or more recurring periods.

- (3) The District Land Registrar for the Land Registration District of Otago is hereby authorized and directed to accept for registration and to register the said transfers or lease notwithstanding anything contained in section one hundred and sixteen of the Public Works Act 1908.
- (4) The powers hereby conferred are alternative to the powers conferred by section one hundred and thirty-six of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, as amended by section one hundred and four of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1923, and the said respective Boards shall be at liberty to exercise either of such powers.

189 Authorizing Otago Harbour Board to lease certain land to Dunedin City Corporation

It shall be lawful for the Otago Harbour Board (hereinafter called the Board) and the Mayor, Councillors, and Citizens of the City of Dunedin (hereinafter called the Corporation) to enter into and carry into effect an agreement for the grant by the Board to the Corporation of a lease of any part of the land comprised in certificate of title, Register-book, Volume 189, folio 132, in the Lands Registry Office,

Dunedin, and in connection therewith the following provisions shall apply:—

- (1) The agreement and any lease executed in pursuance thereof may be made with, upon, and subject to such terms and conditions as the Board and the Corporation may determine, and in particular and without prejudice to the foregoing general powers with, upon, and subject to terms and conditions whereby the Corporation shall be free from liability to pay any rent under or in respect of the said lease, and whereby the Corporation shall undertake the laying-out and construction of any street whether upon or in connection with the said land or not, and the payment of any moneys by the Corporation to the Board, and the construction of any water-channels by the Corporation, with or without assistance or contribution by the Board, and also whereby the Corporation shall take over, be subject to, and carry out all arrangements made by the Board with the University of Otago in respect of the said land or any part thereof, and also all agreements, leases, and obligations in respect of the said land or any part thereof entered into by the Board prior to the date of the said agreement.
- (2) The said lease may be for a period of ninety-nine years, with an option of renewal for a further period of ninety-nine years, the option to be exercised in such manner as may be agreed upon.
- (3) The said lease and the lease to the University hereinafter mentioned shall be accepted for registration and registered by the District Land Registrar for the Land Registration District of Otago notwithstanding the provisions of any other Act.
- (4) Notwithstanding anything to the contrary contained in any other Act, and from and after the execution of the said lease, the Corporation may without notice—
 - (a) Prohibit the public from entering upon or encroaching on any part of the land comprised in the said lease on any one or more days in any year as the Corporation shall from time to time determine:
 - (b) Prescribe as to such days in any year as the Corporation shall from time to time determine that the public shall not be entitled to have admission to the said land or any

part thereof unless upon payment of such charge as shall from time to time be fixed by the Corporation:

- (c) Grant the exclusive use of the said land or any part thereof on any one or more of the days in any year to any person, body, or society (incorporate or not) for the purpose of particular sports, games, or other recreation, with authority for such person, body, or society to demand a fee or charge for admission on such day or days to the said land so granted or part thereof.
- (5) The Corporation is hereby empowered to lease and the University to accept a lease of any part of the said land comprised in the said lease from the Board to the Corporation for the term (but not exceeding the period of years mentioned in subsection two of this section, including an option as therein provided) and with, upon, and subject to such terms, conditions, and provisions (with or without payment of rent) as may be agreed upon between the University and the Corporation. Upon the grant of the said lease to the University the University shall have the exclusive right to possession of the land comprised therein for all purposes not inconsistent with the general purpose for which the lease from the Board to the Corporation is granted, but subject to the terms, conditions, and provisions contained in such lease, and the provisions contained in subsection four hereof shall not apply thereto.

190 Validation of license under Mining Act for dam at Kawarau Falls

Whereas application was made under the Crown Minerals Act 1991, for a license for a dam at Kawarau Falls: And whereas the Warden of the Otago Mining District, having regard to the magnitude of the operations contemplated and of the interests involved, deemed it expedient to insert in the license certain special conditions: And whereas it is doubtful whether the Warden had jurisdiction to insert such conditions, and it is desirable to validate the license granted: Be it therefore enacted as follows:

- (1) The license for a dam at Kawarau Falls, Lake Wakatipu, granted under the Crown Minerals Act 1991, on the eighteenth day of January, nineteen hundred and twenty-four, by George Cruickshank, Esquire, Warden of the Otago Mining

District, to Alfred Charles Hanlon, Esquire, of Dunedin, solicitor, and registered as No 2057 in the Warden's Court of the Otago Mining District, is hereby declared to be valid and binding in all respects and to have full force and effect according to the tenor thereof.

- (2) The Minister of Public Works is hereby empowered to exercise all the powers, authorities, and functions conferred on him by virtue of the conditions contained in Schedule 2 to the said license.

- (3)

Subsection (3) was repealed, as from 1 December 1950, by section 46(4)(a) Finance Act 1950 (1950 No 93).

Southland Land District.

191 Authorizing revaluation of certain lands in Knowsley Park and Waiarikiki Settlements

- (1) The lessee of any land hereinafter described may apply for a revaluation of the land comprised in his lease, and in any such case, notwithstanding anything to the contrary contained in section fourteen of the Discharged Soldiers Settlement Amendment Act 1923, the provisions of subsections one, two, three, five and seven of section fifteen of the Land Laws Amendment Act 1915, shall, with the necessary modifications, apply as if the application were an application for a revaluation of land under that section.
- (2) If on a revaluation of land under this section the value as then determined, exclusive of the value of improvements effected by the lessee, is less than the capital value of the land on which the rent is based, the rent payable under the lease shall as from the first day of July, nineteen hundred and twenty-four, be proportionally reduced.
- (3) The provisions of section fifty-six of the Land for Settlements Act 1908, may be applied to any such lessees without the limitations imposed by paragraphs (a) and (c) of that section, and the Minister may, on the recommendation of the Land Board, remit the whole of the arrears of rent, or such portion thereof as he deems reasonable.

- (4) The lands to which this section relates are the following lands in the Tuturau Survey District, in the Southland Land District:—

Knowsley Park Settlement

Section	Block	Area		
		A	R	P
1.....	VI	202	0	6
2.....	VI	351	1	10
4.....	VI	570	3	14
5.....	IX	721	2	20
6.....	VI	375	0	29
7.....	VI	664	2	34
8.....	IX	616	0	30
10.....	VII	511	1	37
11.....	VII	912	0	5

Waiarikiki Settlement

Section	Block	A	R	P
2.....	VIII	279	3	7
3 and 4.....	VIII	421	0	16
5.....	VIII	560	3	8
6.....	VIII	657	3	29
7 and 8.....	VIII	1,117	1	15
9.....	VIII	438	0	29
10.....	VIII	643	2	17

192 Authorizing Invercargill Borough Council to purchase land for a swimming-bath out of proceeds of a loan of \$4,000 raised for construction of a swimming-bath

Whereas under the authority of a poll taken on the ninth day of January, nineteen hundred and fourteen, under the Local Bodies' Loans Act 1913, the Invercargill Borough Council has borrowed by way of special loan under that Act the sum of four thousand dollars for the construction of swimming-baths, and it is now desired to expend the said sum or part thereof for the purchase of land upon which to construct such swimming-baths: Be it therefore enacted as follows:—

The Invercargill Borough Council is hereby authorized to expend on the purchase of land and the construction thereon of tepid or other swimming-baths the whole or any part of the said loan of four thousand dollars.

The references to “£4,000”, and “four thousand dollars” were substituted, as from 10 July 1967, for references to “£2,000”, and “two thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

193 Cancelling existing reservation over Section 6, Block XXIII, New River Hundred, and vesting same in Invercargill Borough Corporation as a municipal endowment

Whereas the land situated in the Southland Land District, being Section 6, Block XXIII, New River Hundred, is by virtue of the Sandy Point and Grasmere Domains Vesting Act 1906, vested in the Mayor, Councillors, and Burgesses of the Borough of Invercargill as an endowment for the benefit and improvement of the New River Harbour: And whereas it is desired to change the purpose for which the said land is held to that of an endowment for the benefit of the Borough of Invercargill: Be it therefore enacted as follows:—

The reservation of the said land as an endowment for the benefit and improvement of the New River Harbour is hereby cancelled, and the said land is hereby declared to be vested in the Mayor, Councillors, and Burgesses of the Borough of Invercargill as an endowment for the benefit of the Borough of Invercargill.

194 Extending period during which Southland Electric-power Board may pay interest and sinking fund out of a loan of \$3,000,000

Whereas the Southland Electric-power Board (hereinafter referred to as the Board) on the twenty-seventh day of March, nineteen hundred and twenty, caused a poll to be taken of the ratepayers of the Southland Electric-power District on a proposal to raise a special loan of three million dollars: And whereas under the authority given by paragraph (b) of section eighty-nine of the Electric-power Boards Act 1918, a statement was made in the proposal for the said loan submitted to the said ratepayers that it was proposed to pay out of the loan-moneys the interest and sinking fund of the loan during the period of construction of the works mentioned in the proposal: And whereas the said proposal having been carried, the loan was subsequently raised: And whereas the Board expects that the said works will be completed by the thirty-first day of March, nineteen hundred and twenty-five: And whereas the said section eighty-nine of the said Act having been repealed doubts have arisen as to the power of the Board to pay out of loan-moneys the said interest and sinking fund during the remainder of the said period of construction: And whereas it is desirable that the Board should have such power: Be it therefore enacted as follows:—

Notwithstanding the repeal of section eighty-nine of the Electric-power Boards Act 1918, and notwithstanding any provisions substituted for the said section eighty-nine contained in any other enactment, the Board may during the remainder of the period of the construction of the works for which the above-mentioned loan was raised or until the thirty-first day of March, nineteen hundred and twenty-five, whichever period is the less, pay the interest and sinking fund of the said loan out of the loan-moneys.

The references to “\$3,000,000”, and “three million dollars” were substituted, as from 10 July 1967, for references to “£1,500,000”, and “one million five hundred thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**195 Authorizing exchange of lands between Invercargill
Borough Council and Southland Boys' and Girls' High
Schools Board**

Whereas the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Invercargill (hereinafter called the Corporation) is desirous of acquiring Sections 1, 2, and 3, Block XIII, Town of Invercargill, for the purpose of erecting tepid swimming-baths thereon: And whereas the said Section 1 is held by the Southland Boys' and Girls' High Schools Board (hereinafter called the High Schools Board) as tenant of the Corporation under lease registered No 7180 in the Land Transfer Office at Invercargill, and the said Sections 2 and 3 are owned by the High Schools Board in fee-simple: And whereas the High Schools Board has agreed to surrender the said lease No 7180, and has agreed to sell the said Sections 2 and 3 to the Corporation for the respective sums of two thousand and ten dollars and four thousand one hundred and ten dollars: And whereas the Corporation is entitled in fee-simple to Sections 9 and 21, Block XIII, Town of Invercargill, and to Section 19, Block 52, Town of Invercargill, and has agreed to sell to the High Schools Board the said Sections 9 and 21 for the sum of two thousand dollars and the said Section 19 for the sum of seven hundred and fifty dollars: And whereas in view of the provision by the Government of a new site and buildings for high-school purposes it has been agreed to vest in the Education Board of the District of Southland as controlling authority of the Invercargill Technical School the said Sections 9 and 21, together with Sections 26, 27, and 28 of the said Block XIII, which are also vested in the High Schools Board, and to pay to the said Education Board the amount received by the said High Schools Board by way of equality of exchange as shown above: Be it therefore enacted as follows:—

- (1) The High Schools Board may surrender and the Corporation may accept the surrender of the aforesaid lease No 7180 of Section 1, Block XIII, Town of Invercargill.
- (2) The High Schools Board may sell and the Corporation may purchase Sections 2 and 3, Block XIII, Town of Invercargill, at the prices aforesaid.
- (3) The Corporation is hereby empowered to use the said Sections 1, 2, and 3, or any portion or portions thereof, for the erection

thereon of public baths in accordance with the provisions of sections 295 and 296 of the Municipal Corporations Act 1920.

- (4) The Corporation is hereby empowered to sell from time to time any portion or portions of the said Sections 1, 2, and 3 which in the opinion of the Invercargill Borough Council is not required for baths as aforesaid, with power to give any purchaser or purchasers such terms and time for payment of the purchase-money as the Council thinks fit, and the purchase-money for any portion or portions of the said land so sold as aforesaid shall be paid into the sinking fund, or otherwise applied towards the redemption of any loan raised pursuant to this section, or towards payment or refund to the district fund of the borough of the sum of three thousand three hundred and seventy dollars payable by the Corporation to the Education Board as hereinafter provided.
- (5) The Corporation may sell and the High Schools Board may purchase Sections 9 and 21, Block XIII, Town of Invercargill, and Section 19, Block 52, Town of Invercargill, for the respective prices aforesaid.
- (6) The said total respective purchase-moneys and consideration for the surrender of the lease aforesaid shall be set off one against the other, and the difference, amounting to three thousand three hundred and seventy dollars, shall be paid in cash by the Corporation to the Education Board of the District of Southland as controlling authority of the Invercargill Technical School; and the Corporation may, if it thinks fit, raise a special loan pursuant to the Local Bodies' Loans Act 1913, for the purpose of paying the said sum of three thousand three hundred and seventy dollars.
- (7) The High Schools Board is hereby empowered to transfer to the Education Board of the District of Southland as controlling authority of the Invercargill Technical School the said Sections 9, 21, 26, 27, and 28.
- (8) The Corporation and the High Schools Board and each of them are hereby authorized and empowered to execute all documents and to do all acts and things necessary to effectuate the foregoing transactions.

The references to "two thousand and ten dollars", "four thousand one hundred and ten dollars", "two thousand dollars", "seven hundred and fifty dollars",

and “three thousand three hundred and seventy dollars” were substituted, as from 10 July 1967, for references to “one thousand and five pounds”, “two thousand and fifty-five pounds”, “one thousand pounds”, “three hundred and seventy-five pounds”, and “one thousand six hundred and eighty-five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

196 Adjusting the boundaries of a landless Maori reserve, Forest Hill Hundred

Whereas by a Proclamation published in the *Gazette* of the twenty-eighth day of May, nineteen hundred and eight, certain lands in Forest Hill Hundred were permanently reserved for landless Maori in the South Island: And whereas in the subdivision of the said lands a new road passing through Section 142, Block IX, Forest Hill Hundred, was taken and an old road closed by a Proclamation published in the *Gazette* of the twenty-second day of February, nineteen hundred and twelve: And whereas the said new road severed a portion of the said Section 142, containing nine acres three roods seventeen perches, more or less: And whereas the said part of Section 142 was by arrangement with the owner thereof added to and included in the area of landless Maori Section 437, Block IX, Forest Hill Hundred, together with a part of the closed road aforesaid, containing three and nine-tenths perches: And whereas the owner of Section 142 has transferred to His Majesty the King the said severed area of nine acres three roods seventeen perches, the title to which is registered as certificate of title, Volume 121, folio 21, Southland Registry: And whereas it was agreed that the transferor should receive in exchange for the said part of Section 142 and for the land taken for road purposes a portion of unallocated landless Maori land known as Section 489, Block IX, Forest Hill Hundred, together with the other part of the closed road aforesaid, containing an area of one acre two roods nine and four-tenths perches, more or less: And whereas to validate the proposals herein contained it is necessary to cancel the landless Maori reservation over the said Section 489, and to reserve permanently for landless Maori in the South Island the severed part of Section 142 and portion of closed road now included in the area of the said Section 437: Be it therefore enacted as follows:—

- (1) The reservation over Section 489, Block IX, Forest Hill Hundred, hereinafter described, is hereby cancelled, and the said land is available for disposal or otherwise under the provisions of the Land Act 1948.

- (2) The land severed by the new road through Section 142, Block IX, Forest Hill Hundred, hereinafter described, is hereby declared to be permanently reserved for landless Maori in the South Island, and to form part of Section 437, Block IX, Forest Hill Hundred, and to be included in the area thereof.
- (3) The portion of closed road referred to in *Gazette* No 17, of the twenty-second day of February, nineteen hundred and twelve, containing three and nine-tenths perches, is hereby declared to be permanently reserved for landless Maori in the South Island, and to form part of Section 437, Block IX, Forest Hill Hundred, and to be included in the area thereof.
- (4) The land referred to in subsection one hereof is more particularly described as follows:—

All that parcel of land in the Southland Land District, containing ten acres three roods eight perches, more or less, being Section 489, Block IX, Forest Hill Hundred: bounded towards the north-east by Section 433, Block IX, Forest Hill Hundred, a distance of 1888.6 links; towards the south-east by a road, 258.3 links, 195.7 links, 334 links, 123 links, and 476.8 links respectively; towards the south-west by Section 142, Block IX, Forest Hill Hundred, a distance of 1799.4 links, to the point of commencement.
- (5) The land referred to in subsection two hereof is more particularly described as follows:—

All that parcel of land in the Southland Land District, containing nine acres three roods seventeen perches, more or less, being part of Section 142, Block IX, Forest Hill Hundred, and bounded as follows:
Towards the north-east and south-east by a reserve for landless Maori, 2016.2 links and 830.3 links; towards the south-west by a road, 549.2 links, 449.5 links, 418 links, 422.4 links, 800.3 links, and 165.2 links respectively; towards the north generally by a road, 18.6 links, to the point of commencement.
- (6) The land described in subsection five and the closed road referred to in subsection three hereof shall be deemed to have vested as from the sixth day of December, nineteen hundred and eleven.

- (7) The District Land Registrar for the Land Registration District of Southland is hereby empowered and directed to amend or issue any title or titles affected by this section and otherwise give effect to the provisions thereof.

The word "Maori" was substituted, as from 27 November 1947, for the word "Native" pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

Schedule 1
Reserves made available for disposal
under the Land Act 1948.

Section 2

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reser- vation.
<i>Auckland Land District</i>			
1	All that area in the Auckland Land District, containing by admeasurement 5 acres and 24 perches, more or less, being part of Allotment 175, Pukekura Parish: bounded towards the south-east by Allotment 176 of the aforesaid parish, 1,942 links; towards the south by a road, 100 links wide, 245 links towards the west and north generally by a road 100 links wide, 390, 642, 710, and 446 links: be all the aforesaid linkages more or less: as the same is delineated on the plan marked L and S 54114, deposited in the head Office, Department of Lands and Survey,	Gravel	Notices in Gazettes, 22nd May 1890, and 12th October 1905.

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reservation.
2	Wellington, and thereon bordered pink. Section 12, Block XV Orahiri Survey District, in the Auckland Land District, containing 7 acres, more or less.	Use of the Department of Agriculture, Commerce, and Tourists	Notices in <i>Gazettes</i> , 1 August and 19th September 1912.
3	Sections 4 and 5, Block LVII, Town of Rotorua, in the Auckland Land District, containing an area of 1 acre 2 roods 21 perches.	Gravel	Notice in <i>Gazette</i> 22nd May 1919.
4	Lot 1 of Section 54, Rangitaiki Parish, in the Auckland Land District, containing 5 acres more or less.	Site for Maori school	Notice in <i>Gazette</i> 18th September 1913.
<i>Taranaki Land District</i>			
5	Section 110, Block XII, Cape Survey District, in the Taranaki Land District, containing 26 acres 2 roods, more or less.	Police	Notice in <i>Gazette</i> 30th January 1890.
6	All that area in the Taranaki Land District, containing 15 acres 2 roods, more or less, being Section 7, Block I, Pouatu Survey District.	Travelling stock	Notice in <i>Gazette</i> 29th April 1897.

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reservation.
7	Sections 13 and 16 Lepperton Township, in the Taranaki Land District, containing 1 rood 25 perches and 2 roods respectively (formerly known as Sections 13 and 16, Manutahi Township).	Recreation	Notice in <i>Gazette</i> , 2nd January 1891.
<i>Wellington Land District</i>			
8	Sections 8 and 15, Block XII, Town of Scarborough, in the Wellington Land District, containing an area of 2 roods, more or less.	Municipal	Notice in <i>Gazette</i> , 20th December 1898.
9	Section 96, Block V, Kopuaranga Survey District, in the Wellington Land District. containing 42 acres and 38 perches more or less.	Recreation	Notice in <i>Gazette</i> , 23rd August 1888.
11	Section 12A, Block VIII, Wairoa Survey District, in the Wellington Land District, containing 36 acres 3 roods 16 perches, more or less.	Growth and preservation of timber	Notice in <i>Gazette</i> , 5th July, 1900.

Marlborough Land District

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reservation.
12	All that parcel of land in the Marlborough Land District, containing by admeasurement an area of 1 acre 1 rood 25 perches, more or less, being Section 2, Block XI, Cape Campbell Survey District: bounded to the north-east and south generally by Small Grazing-run 174 for distances of 500 links, 166.3 links, and 500 links respectively; and towards the west generally by the Main South Road, 300 and 100 links: be all the aforesaid measurements a little more or less: as the same is delineated on the plan marked L and S 6/6/351B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.	Gravel	Notice in <i>Gazette</i> , 30th April 1908.
13	All that area of land in the Marlborough Land District, containing by admeasurement 22,550 acres, more or less, being part of the land known as the Manuka Island Reserve, situated in Blocks VII, VIII, XI, XII, XV, and XVI, Patriarch Survey District, and Blocks I and II, Raglan Survey District: bounded as follows—commencing at Ward's Pass on the Marlborough-Nelson	Resting-place for the accommodation of travellers and stock and run for accommodation-houses to be kept for the con-	Crown grant to the Superintendent of the Province of Nelson, dated 7th June, 1856, and Crown grant to the Superintend-

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reservation.
	<p>Land District boundary; thence generally in an easterly and south easterly direction to the Wards pass Stream, and by that stream and the Goulter River to the Crown land near the confluence of the latter river and the Wairau River; thence westerly and southerly, 10626.7 and 1400 links respectively, by the said Crown land to the Wairau River; thence south-westerly by the north bank of the Wairau River to the boundary-peg on the fence approximately opposite to the confluence of the Wash River with the Wairau River; thence generally in a westerly direction by the said fence, 11600 links, to ST IV; thence north-westerly by right lines drawn consecutively from STs IV-V 7832 links, V-VI 5493.4 links, VI-VII and its prolongation to the Marlborough-Nelson Land District boundary, 7039.2 links; thence in a north-eastern direction by the said land district boundary, 52489 links, to Ward's Pass, the point of commencement: be all the aforesaid distances more or less: as the same is delineated on the plan marked L and S 6/1/177, deposited in the Head Office, Department of Lands</p>	<p>venience of travellers and stock.</p>	<p>ent of the Province of Marlborough dated 25th June 1862.</p>

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reservation.
	and Survey, at Wellington, and thereon bordered red.		
<i>Nelson Land District</i>			
14	Section 132 of the Town of Millerton, in the Nelson Land District, containing 1 rood 8 perches, more or less.	Police purposes	Notices in Gazettes, 8th March, 1894, and 16th January 1896.
15	Sections 804 and 805, Town of Reefton, in the Nelson Land District, containing 24 perches, more or less.	Public utility	Notice in Nelson Provincial Gazette, 5th August 1875.
16	All that area in the Nelson Land District, containing 16.8 perches, more or less, being Section 1071, Town of Westport.	Site for public buildings	Section 48 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1910.
17	All that area in the Nelson Land District, containing 1 acre, more or less, being section 15, Block VII, Aorere Survey District.	Gravel	Notice in <i>Gazette</i> , 27th August 1903.

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reservation.
18	Lot 2 of Section 79A, Town of Hector, in the Nelson Land District, containing by admeasurement an area of 2 roods 32 perches, more or less.	Public utility	Notice in <i>Gazette</i> , 8th March 1894.
<i>Westland Land District</i>			
19	All that area of land in the Westland Land District, containing by admeasurement 100 acres, be the same a little more or less, situated in Block III, Waimea Survey District: bounded towards the west by Section 2278 and a river reserve; towards the north by the Taramakau River, Maori Reserve No 27A, and a road reserve; towards the east by a road reserve; and towards the south by Section 1999 and Crown lands: save and except portion of the old road and Railway Reserve No 7, portion of Greymouth-Kumara Railway, and portion of Greymouth-Kumara Road: as the same is more particularly delineated on plan marked L and S 9/1407, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.	Township	Notice In Westland Provincial Gazette, 7th January 1873.

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reservation.
20	All that parcel of land in the Land District of Westland, containing by admeasurement 24 perches, be the same a little more or less, and being the south-western portion of Police Reserve 705, situated in the Borough of Greymouth: bounded towards the north-west by a Public street, 75 links; towards the north-east by other part of the said reserve, 200.05 links; towards the south-east by Reserve 1425, 75 links; and towards the south-west by Municipal Reserve 51, 200.1 links: be all the aforesaid linkages a little more or less: as the same is more particularly delineated on a plan marked L and S 9/1452, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured red.	Police purposes	Notice in Canterbury Provincial Gazette, 7th January 1867.
21	All that parcel of land in the Westland Land District, containing by admeasurement 5 acres, more or less, being part of Cemetery Reserve No 282, situated in Block XIV, Wataroa Survey District: bounded towards the north-east by Crown land 1000 links; towards the south-east by the "Wataroa Flat" Road, 500.1 links; towards the	Cemetery	Notice in <i>Gazette</i> , 6th December 1888.

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reservation.
22	<p>south- west by section 95, 1000 links; and towards the north-west by other portion of Cemetery Reserve No 282, 500.1 links: be all the aforesaid linkages a little more or less: as the same is delineated on a plan marked L and S 2/300, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured red.</p> <p>All that parcel of land in the Westland Land District, containing by admeasurement 30 acres 2 roods 5 perches, be the same a little more or less, being part of Scenic Reserve No 1177, Block XI, Kanieri Survey District: commencing at the south-eastern corner of Section 2230; thence running a distance of 333.5 links on a bearing of 341°10' along the eastern boundary of said Section 2230; thence 1868.2 links bearing 97°03', 1766.6 links due east, 1786.9 links due south to a road-line; thence along the said road line 259.6 links bearing 288° 36' 30", 283.8 links bearing 254° 42' 30", 167 links bearing 286° 48', 264.5 links bearing 341°04', 637.1 links bearing 307° 29' 30", 1326.5 links bearing 310° 09',</p>	Scenic	Proclamation in <i>Gazette</i> , 26th January 1911.

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reservation.
	<p>and 1238.2 links bearing 277° 03' to the point of commencement: be all the aforesaid measurements a little more or less: as the same is delineated on plan marked L and S 4/176, deposited at the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.</p>		
<i>Canterbury Land District</i>			
23	<p>All that area in the Canterbury Land District, containing by admeasurement 14 perches, more or less, being part of Reserve No 81, situate in the Borough of Akaroa: commencing at the south-west corner of Town Section No 8; thence north-easterly along the north-western boundary of said section, 150 links; thence north-westerly along the south-western boundary of Town Section No 97, 60 links; thence south-westerly along the south-eastern boundary of other part of said Reserve No 81, 150 links; thence south-easterly along Balgueri Street, 60 links, to the place of commencement; be all the aforesaid linkages more or less: as the same is more particularly delineated on the plan</p>	<p>Custom-house-site or other purposes of the General Government</p>	<p>Notice in <i>Gazette</i>, 19th September 1872.</p>

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reservation.
24	<p>marked L and S 36451, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered pink.</p> <p>Reserve 3374, Alford Survey District, in the Canterbury Land District; area, 14 acres and 6 perches, more or less.</p>	Planting	Notice in <i>Gazette</i> , 20th September 1900.
25	<p>All that area in the Canterbury Land District, containing 250 acres, situated in Blocks III, IV, and VII, Arowhenua Survey District, being Reserve 3207, Milford Lagoon and its tributaries within the following boundaries, save and except thereout all tributaries of the Milford Lagoon included within freehold lands: bounded on the north by the road forming the northern boundaries of Rural Sections 22947, 15499, and 10846: on the west generally by the road through Rural Section 10486 and fronting on Rural Sections 12890, 11558, and through Rural Sections 10177, 4178, 4177, 4176, 4175, and 4174; thence south-westerly by the road forming the west boundary of Reserves 908 and 1198 and Rural Section 12891, and a line in continuation of</p>	Sanctuary for ducks and other wild aquatic birds	Notice in <i>Gazette</i> , 10th February 1898.

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reservation.
26	<p>the said road to the southern bank of the Milford Lagoon; on the south-east by the South Pacific Ocean: as the same is more particularly delineated on the plan marked L and S 36246, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon bordered blue.</p> <p>All that area in the Canterbury Land District, being part of Reserve 1650, containing 61 acres 2 roods 27 perches, more or less, situated in Blocks VII and VIII, Rangitata Survey District: bounded towards the south-west by a public road, a distance of 714.5 links; towards the north-west by a public road, a distance of 4727.9 links; towards the north-east by Lot 8 of Reserve 1650, a distance of 1894.5 links; and again towards the south-east by the Great Southern Railway, a distance of 4873 links.</p>	Railway	<p>Notices in Canterbury Provincial Gazette, 13th May 1974, 7th July 1874, 6th August 1875, Notice in <i>Gazette</i>, 11th October 1877.</p>

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reser- vation.
	<p>Also all that other part of Reserve 1650, containing 83 acres 1 rood 27 perches, more or less, situated in Block VIII, Rangitata Survey District: bounded towards the north-west by a public road, distances of 169 links, 4698.8 links, and 255.9 links, and by the Great Southern Railway a distance of 264.8 links; towards the north-east by Lot 7 of Reserve 1650, a distance of 1266.3 links; towards the south-east by Rural Section 34643, a distance of 3716.9 links, and by Reserve 3113, distances of 700 links and 825.9 links; and again towards the south west by a public road, a distance of 2007.6 links.</p> <p>As the same are more particularly delineated on the plan marked L and S 22/3401, deposited in the head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.</p>		

No.	Description of Land.	Purpose for which Land reserved.	Instrument of Reservation.
<i>Otago Land District.</i>			
27	All that area in the Otago Land District, containing an area of 30 acres, more or less, being Section 5, Block X, Crookston Survey District (formerly part of Run 163A): bounded as follows—towards the north-west by Section 2, 1000 links; towards the north-east by Run 163A aforesaid, 3000 links; towards the south-east by Run 163A aforesaid, 1000 links; towards the south-west by Run 163A aforesaid, 3000 links: be all the aforesaid linkages more or less: as the same is delineated on a plan marked L and S 1/796, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.	Provisional State forest	Notice in <i>Gazette</i> , 9th July 1923.

The item numbered 9 was amended, as from 6 November 1924, by section 34(1) Reserves and other Lands Disposal and Public Bodies Empowering Act 1925 (1925 No 46), by substituting the reference to “42 acres and 38 perches, more or less” for the reference to “34 acres 2 roods 19 perches more or less”.

The item numbered 10 was repealed, as from 1 October 1925, by section 34(3) Reserves and other Lands Disposal and Public Bodies Empowering Act 1925 (1925 No 46).

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

The Land Act 1908 (1908 No 94) was repealed, as from 1 January 1925, by section 390 Land Act 1924 (1924 No 31). That Act was in turn repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

Schedule 2

Section 67

AN agreement made the tenth day of May, 1922, between the Minister for Public Works, for and on behalf of His Majesty the King, of the one part, and the Auckland Electric-power Board, a Board duly constituted under the Auckland Electric-power Board Act 1921 (hereinafter referred to as the Board), of the other part.

I**Preamble****1**

This preamble forms part of this agreement. It sets forth the object and intent of the arrangement between the Minister and the Board, the detailed terms whereof are expressed in Part II hereof, and wherever there shall appear any discrepancy or difference between the meaning and effect of this preamble and the said Part II the interpretation shall be governed by the terms of this preamble.

2

Throughout this preamble and the said Part II hereof the term **the Minister** means and includes the present Minister of Public Works and every person who for the then time being during the continuance of this agreement shall hold the office of Minister of Public Works in the Government of New Zealand.

3

The Board has been recently constituted under the said Act of 1921-22 for the purposes and with the powers defined in the said Act. Apart from the Board's purchase from the Corporation of the City of Auckland of the properties and assets defined in the Schedule to the said Act, the Board is empowered (subject to the conditions defined in section 51) by section 58 of the said Act to provide a supply of electricity and electric power for the district of the Board defined in section 3 of the Act. The Board may so provide either by itself erecting generating-works and transmission-lines from such generating-works, or (para (d) of section 58) may purchase electric energy in bulk from the Minister or others, or may proceed by both of such methods.

I—*continued*

4

The Minister is by the State's Supply of Electrical Energy Act 1917, empowered on behalf of His Majesty to acquire, construct, maintain, and work a scheme or schemes for the generation and supply of electrical energy. The Minister has had under consideration a scheme for the damming of the Waikato River at Arapuni, and for the State's supply of electrical energy by the water-power thereby developed. That scheme will produce and develop electrical energy of a quantity considerably in excess of that which will probably be required by the Board for the purposes of the Board's said district, and is estimated to produce a supply which will be available for other districts as well as for the district of the Board.

5

The cost of construction of the Arapuni works has been estimated to exceed the sum of two million eight hundred thousand dollars, and the expenditure would extend over six years. Unless it were clear that the district of the Board would take the whole of its supply of electrical energy from the Arapuni scheme it would not be prudent or reasonable to enter upon works of such magnitude. The essential element in the determination by the Minister of the initiation of the Arapuni scheme is the certainty that revenue will be derived for a definite period of at least ten years from the State supply to the Board's district, which comprises the most important portion of the area to which it would be possible or convenient to supply energy from the Arapuni scheme. For that reason the Minister has, before determining to initiate the Arapuni scheme, found it necessary to invite the Board to elect between the alternative powers conferred upon it by the said section 58.

The reference to "two million eight hundred thousand dollars" was substituted, as from 10 July 1967, for a reference to "one million four hundred thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

6

The Board has determined and notified to the Minister that the Board elects to adopt the alternative method defined in paragraph (d) of the said section 58, and consequently that

I—*continued*

the Board is prepared to enter into the agreement expressed in Part II hereof to purchase the whole supply of electrical energy to be used or distributed or sold for distribution by the Board within the district of the Board from the Minister for the definite period named, the source of such supply being the Arapuni scheme: Provided that in the event of the failure of the Minister to provide the whole supply of electricity required to be used or distributed, or sold for distribution by the Board, the Board may operate its plant to the extent required to equalize the deficiency in supply by the Minister.

7

The Minister in consequence of, and in consideration of, that election and agreement of the Board has agreed to commence and proceed with the Arapuni scheme, and has further agreed that the Board shall have the first right to the electrical energy supplied from the Arapuni scheme, to the intent and effect that the requirements of the Board for electrical energy to be supplied by the Board within the district of the Board shall be first fully provided from the Arapuni scheme in priority to sales of electrical energy to be made by the Minister of the surplus energy developed by the Arapuni scheme.

8

On the part of the Minister the inducement to commence and proceed with the Arapuni scheme is the certainty of revenue for a definite period from the supply to the Board of the whole of the Board's requirements for its district. On the part of the Board the inducements to draw its whole supply from the Arapuni scheme, and to await the completion of the Arapuni scheme, are, firstly, the right to the Board of the first call for its requirements from this source of supply; and, secondly, that the capital expenditure upon power-works and thence to the point of delivery will be at the cost of the Government and not of the Board.

9

But the Minister cannot lawfully enter into absolute obligations on behalf of His Majesty which involve expenditure over a period of approximately six years. Nor is it clear that the

I—*continued*

Board can under its present statutory powers enter into the definite engagement on its part expressed in Part II hereof so as effectually to bind the Board for the long period of years involved. Therefore both parties to this agreement agree to endeavour to obtain a statutory ratification of this agreement by Parliament during the next ensuing session. And though it is intended that preliminary steps shall be taken by the Minister in anticipation of such confirmation, it is agreed by both parties that this agreement cannot be absolutely binding upon either of them unless it shall be so ratified.

10

It is expressly stated and understood that the obligation of the Minister to commence and proceed with the Arapuni scheme and to be ready to supply electrical energy therefrom in the year 1928 may be interfered with or prevented by events of various kinds. It may be found later that the scheme is rendered impracticable by earthquake or otherwise. It may be found impossible for the Government to provide in any year the necessary funds for the work. Strikes may occur or other labour difficulties. Such events or others now unforeseen, whether of a similar or a different nature to those detailed in this paragraph, may delay or wholly prevent the completion of the work. The Board shall not at any time have any claim for damages or pecuniary compensation against His Majesty or the Minister or the Government of New Zealand in respect of any such prevention or delay. The right or remedy of the Board in any such event shall be to claim to determine this agreement subject to the conditions defined in this paragraph of this preamble, that is to say,—

- (a) If the completion of the works of the Arapuni scheme is prevented, or if delay in the completion of such works occurs to an extent which the Board considers unreasonable, the Board may give notice to the Minister that it desires to terminate the agreement.
- (b) If the Minister objects to such determination, then the question whether it is reasonable and just, having regard to all the circumstances, that the Board should have such

I—*continued*

right to determine shall be referred to the arbitration and determination of three arbitrators, one to be appointed by the Minister, another by the Board, and the third to be chosen by the said two arbitrators.

- (c) If, after hearing such evidence as they think fit to take, the said three arbitrators, or a majority of them, determine that it is reasonable and just, having regard to all the circumstances, that the Board should have such right to determine, then, and not otherwise, the Board may determine this agreement, and thereby each party shall cease to be bound thenceforth by the terms and conditions thereof.

11

The arbitration clause in Part II hereof relates to matters of difference which may arise after the commencement of supply of electrical energy to the Board by the Minister, and is inapplicable to the matters in respect whereof arbitration may be required under the last preceding clause of this preamble.

12

It is agreed that in the Act ratifying this agreement there shall be included a provision conferring specific power upon the High Court of New Zealand to enforce, by injunction, mandamus, or other appropriate remedy, compliance with the performance of the agreement and conditions expressed or implied in this agreement in addition to or alternative to damages for breach of the agreement.

The words “High Court” were substituted, as from 1 April 1980, for the words the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

II

Auckland Electric-Power Board Agreement

1 **Interpretation**

In the interpretation of this agreement,—

- (a) The term **Electrical Engineer** shall mean the Electrical Engineer of the Public Works Department appointed by

II—*continued*

the Minister in this behalf, or in his absence, temporarily or otherwise, his deputy or assistant.

- (b) Where notice is required to be given by or to the Minister it shall be sufficient if given by or to the Electrical Engineer.
- (c) The marginal notes of this agreement are explanatory, and shall not be deemed to be part of the agreement or to modify or affect the meaning thereof.

2 Duration of agreement

This agreement shall come into effect on the date of execution by the Board, and shall continue for a period of ten years from the date of commencement of supply of electricity hereunder, and thereafter shall be continued subject to it being determined by either party giving to the other twelve calendar months' notice in writing from the first day of any quarter.

This agreement shall continue and remain in force notwithstanding that the Board may part with the ownership or possession of the Board's premises, property, or authority.

3 Supply

The Minister shall commence and shall with all reasonable expedition continue and carry to completion the development of the hydro-electric works at Arapuni on the Waikato River, Auckland Province, and shall erect transmission-lines to and a substation at Penrose for the provision of electricity to be supplied under this contract.

It is contemplated that unless unforeseen difficulties occur the supply of electricity under this agreement should commence not later than the 1st day of April, 1928. And the Minister agrees to endeavour to have the works and the substation and the intervening transmission-lines in working-order and ready for supply on or before that date. But the Minister does not engage or agree that the said works, substation, and lines shall be completed ready for supply on or before that date. When the works are nearing completion the Minister shall give to the Board at least six calendar months' written notice, naming a

II—*continued*

date at which the Minister will be ready to commence supply. The date so to be named is hereafter referred to as **the date of commencement of supply**.

From and after the date of commencement of supply the Board shall take the whole supply of electrical energy required by the Board for use or supply by the Board within the district of the Board (including all electrical energy required for the operation of the works taken over by the Board from the City of Auckland under the provisions of the Act of 1921-22) from the Minister at the said substation; and the Board shall not in any manner provide any other source of electrical energy for such use or supply, except only that the Board may have auxiliary or stand-by works to provide supply in the case of stoppage or insufficiency of supply by the Minister and only during such stoppage or insufficiency. The Minister shall from and after date of commencement of supply provide at the said substation the whole quantity of electrical energy required by the Board. Such supply shall be alternating current at a nominal periodicity of fifty cycles per second on the three-phase system at a nominal pressure of 11,000 volts, and such supply shall (subject to the provisions hereof) be available at all times.

The range of periodicity shall not exceed 1 per cent above or below the frequency of fifty cycles, and the range of voltage shall not exceed 4 per cent above or below a pressure of 11,000 volts.

4 Non-responsibility for interruption

The Minister shall exercise every effort to give a continuous supply of electricity, but shall not be held responsible for damage, loss, or inconvenience arising from any interruption or discontinuance of supply caused by accidents to mains, machinery, or other apparatus, *force majeure*, strikes, overload, alterations, repairs, or other causes, whether arising through default or negligence of the Minister's agents or servants or otherwise; but the Minister shall use every reasonable endeavour to quickly restore the supply.

II—*continued*

In the case of an interruption exceeding fifteen minutes in duration the charge to be paid for the quarter shall be reduced in the proportion that the period of the interruption bears to a period of 2,190 hours.

5 Meters and testing

The quantity of energy supplied by the Minister to the Board under this agreement shall be registered by means of meters and indicators placed by the Minister at the point of supply. The Board shall have the right to install check meters and indicators. The amount of energy to be paid for by the Board shall be that recorded by the Minister's meter or indicator, provided the two meters or indicators do not differ by more than 2 1/2 per centum from each other. Should the meters or indicators differ by more than 2 1/2 per centum from each other, both shall be subject to a test by a competent authority or person to be appointed by the Minister, and shall be made in the presence of both parties. Either party shall have the right at any time to require that either or both of the meters or indicators shall be subject to test. Should either of the two meters or indicators upon being submitted to a test depart by more than 2 1/2 per centum on the average from the correct values, the expenses of testing such meters or indicators shall be borne by the party to whom the meter or indicator belongs; but if neither of the meters or indicators depart by more than 2 1/2 per centum from the correct values, then the cost of testing the meters or indicators shall be shared equally by both parties. Any claim that may arise in respect of the inaccurate registering of the meter or indicator shall be limited retrospectively to the quarter preceding that in which such claim is made. In the event of the meter or indicator installed by the Minister being proved to be inaccurate, the quantity of the electrical energy to be paid for by the Board shall be the correct amount as determined by the above test.

II—*continued*

6 Date of payment

All charges for the consumption of energy shall accrue as from day to day, and are payable on demand. Payment shall become due quarterly on the last days of June, September, December, and March.

Accounts for such charges shall be rendered to the Board by the Electrical Engineer as early as possible after the above dates, and shall be paid on or before the last day of the month succeeding the dates upon which they become due.

7 Minister providing equipment at point of supply

The Minister shall provide free of charge the necessary lines, transformers, and switch-gear at the point of supply to deliver electrical energy at a nominal voltage of 11,000 volts, and shall provide there such meters and indicators as may be necessary for the effective measuring of the energy to be supplied under this contract.

One of the main busbars at the Penrose substation shall be dedicated to the supply to the Board, and the supply shall be metered on the main circuits between the transformers and this busbar.

One 11,000-volt circuit-switch shall be provided by the Minister for each 3,000 kilowatts of the Board's maximum demand. The Board shall provide and install all the equipment necessary for distributing the electricity for the purposes contemplated by this agreement beyond these circuit-switches at the point of supply.

All equipment and plant provided by the Board for switching, transforming, or converting the electricity supplied under this contract shall be approved by the Electrical Engineer before installation.

8 Power factor

If the power factor of the Board's demand on the normal daily maximum load falls below 90 per cent, the Minister may require, and the Board shall within twelve calendar months in-

II—*continued*

stall, the necessary apparatus to raise the power factor to the above value.

9 Purposes for which energy is supplied

The purposes for which electricity is supplied under this agreement are for use by the Board, and for sale to consumers for lighting, heating, or power within the area within which the Board is authorized to supply electricity to consumers.

10

From the date of commencement of supply the Board shall pay for the electricity supplied in the manner and at the rates provided in this paragraph:—

- (a) The Board shall, not less than one month before the date of commencement of supply, notify the Minister in writing of the election of the Board to pay and be charged at the rates specified in Schedule B or at the rates specified in Schedule C hereunder.
- (b) A similar notification of election shall be made by the Board not less than one month before the same day and month (being the day and month of the date of commencement of supply) in each succeeding year during the continuance of this agreement.
- (c) The rate and charge to be paid by the Board during each year shall be according to the Schedule named in the notice of election.
- (d) If the Board fails to duly notify its election in accordance herewith, the Board shall for the year for which it so fails be deemed to have elected to be charged and to pay at the rates defined in Schedule B.
- (e) A year for the purposes of this clause commences at and ends on the day and month of the date of commencement of supply.
- (f) Wherever in any year the Board is by its election or by reason of its failure to duly notify its election charged at the rates specified in Schedule B the amount to be paid by the Board to the Minister for that year shall not be less than £105,000. If at the end of any such year it shall

II—*continued*

appear that the amount paid or payable by the Board to the Minister for electricity supplied to the Board during such year at the rates specified in Schedule B is less than £105,000, the Board shall within one month after the end of such year pay to the Minister the difference so that the total amount paid by the Board for that year to the Minister shall be £105,000: Provided, nevertheless, that if in any such year the Board's requirements of supply are abnormally reduced by reason of strikes, lockouts, fires, earthquakes, the act of God, civil tumult, or inevitable accident, then for such year the Board shall not be required to pay such deficiency to the Minister.

- (g) If the date of commencement of supply shall be before the 1st day of April, 1928, then from the date of commencement of supply until the 1st day of April, 1928, the Board shall be charged and pay at the rates specified in Schedule B, and in such case the preceding subparagraphs of this clause shall be modified as follows:—
- (i) In subparagraph (a) the words “the 1st day of April, 1928,” shall be substituted for the words “the date of commencement of supply.”
 - (ii) In subparagraph (b) the words “the 1st day of April” shall be substituted for the words “the same day and month (being,” etc).
 - (iii) In subparagraph (e) the words “the 1st day of April” are substituted for the words “the day and month of the date of commencement of supply.”

11 Powers of entry, inspection, and removal

The Electrical Engineer or any officer approved of by the Minister may without let or hindrance from the Board or its servants at all reasonable times enter any premises to which electricity is or has been supplied by the Board in order to inspect the electric lines, meters, fittings, works, and apparatus for the supply of electricity, and for the purpose of ascertaining the quantity of electricity consumed or supplied.

II—*continued*

12 Temporarily cutting off supply

The Minister, on giving reasonable notice, shall be at liberty from time to time to temporarily cut off the supply at such times as he may consider necessary in the interests of the service, or for the purpose of testing the installation, or adding to or altering or repairing any mains or apparatus, and the Minister shall not be responsible for any claims or damages in respect of such temporary interruption; but such temporary interruption shall, if possible, be made at such hours as shall cause the least interference with the Board's business.

13 Leakage of electricity

Should any leakage of electricity be discovered by the Board, the defective circuits must be cut off immediately, and steps must immediately be taken by the Board to remedy the defect.

14 Defect affecting other consumers

If any defect exists on the lines or apparatus belonging to or under the control of the Board or belonging to any of the Board's consumers which in the opinion of the Electrical Engineer does or is likely to interfere with the supply of electrical energy to any other consumer, the Board shall at once cause such defect to be rectified; and if the Board fails to do so expeditiously such rectification may be undertaken by the Minister, and the Board shall pay the Minister the cost thereof.

15 Way-leave

The Board shall give the Minister free of charge all way-leave facilities necessary for the erection or maintenance of poles, cables, wires, etc, required to be installed for the carrying-out of this agreement on or over any property owned by the Board or under its control, and will allow the Minister's officials or representatives to enter upon all such premises at all times for any purpose connected with this agreement.

II—*continued*

16 Non-interference with other supply

The Board shall not use the electricity supplied to it under this agreement or deal with the electricity in any manner so as to unduly or improperly interfere with the supply of electricity supplied to any other local authority, person, or consumer by the Minister, outside the district of the Board.

17 Power of determination upon default

If the Board shall at any time make default in payment of any moneys payable hereunder for the space of thirty days next after any of the days whereon the same ought to be paid as aforesaid, or if the Board shall not in all things perform and observe the covenants and conditions hereinbefore contained, and on the part of the Board to be observed and performed, then and in any such case and in addition to any other right or power possessed by the Minister it shall be lawful for the Minister at any time thereafter, notwithstanding that the Minister may not have taken advantage of some previous breach or default or event of a like nature, to determine this agreement; but such determination shall not affect any right, claim, demand, or power which may have accrued to the Minister or be enforceable by him by virtue of these presents.

18

Should the Minister fail to supply to the Board electricity required by the Board in terms hereof (except as provided in clauses 3, 4, or 12 hereof), then the Board shall be entitled, in addition and without prejudice to any other rights or remedies it may have against the Minister, to claim to determine this agreement, and the provisions of clause 10 of the preamble forming Part I of this agreement shall, *mutatis mutandis*, apply.

19 Arbitration

If at any time any dispute, difference, or question shall arise between the said parties hereto touching the construction, meaning, or effect of these presents, or any clause or thing herein contained, or the rights or liabilities of the said parties

II—*continued*

respectively under these presents, or otherwise howsoever in relation to the premises, then every such dispute, difference, or question shall be referred to arbitration in manner prescribed by the Arbitration Act 1908, or any statutory modification or re-enactment thereof for the time being in force.

20 Minister not to sell or supply

The Minister shall not nor shall any person by or under the authority of the Minister during the currency of this agreement sell or supply electricity to any person within the Board's district, including any Department of the Government or the Crown, except upon such terms as may be agreed upon between the Minister and the Board, provided that the Board shall, with due expedition and wherever the same may be required, supply to the Minister all such electricity as the Minister may from time to time require within the Board's district, and at rates not greater than the charges made to the public by the Board for a similar supply.

Schedule A

The point of supply shall be the Department's main substation situated near Penrose Junction Railway-station.

Schedule B

The price to be paid for electricity under this agreement shall be based upon the maximum demand for each quarter as defined below, and shall be as follows:—

For the first 20,000 kilowatts, 35s per kilowatt per quarter.

For all demand in excess of 20,000 kilowatts, 26s 3d per kilowatt per quarter.

The term **demand** means twice the number of units supplied to the Board, and measured at the point of supply during a period of half an hour. The above number of units shall be determined by means of

Schedule 3

Section 183

Deed of Agreement Between His Majesty the King and the Teviot Electric-Power Board

Preamble

THIS DEED made the twenty-seventh day of September, one thousand nine hundred and twenty-four, between His Majesty the King, of the one part, and the Teviot Electric-power Board (hereinafter called the Board), of the other part: Whereas the Board is a corporate body duly constituted under the provisions of the Electric-power Boards Act 1918, and is the Electric-power Board for the Teviot Electric-power District proclaimed as a district under the said Act: And whereas, in pursuance of the powers conferred upon it by the said Act and with the authority of the Governor-General in Council, the Board has commenced the construction of certain electric works for the said district: And whereas for the purposes of such works and for irrigation purposes the Board has purchased or acquired certain mining privileges under the Mining Act 1908, and its amendments, including, *inter alia*, the mining privileges particulars whereof are contained in Schedule 1 hereto and the mining privileges particulars whereof are contained in Schedule 2 hereto: And whereas the said mining privileges particulars whereof are contained in the said Schedule 2 hereto are now vested in His Majesty the King on behalf of the Board: And whereas for the purpose aforesaid the Board has acquired the chattels enumerated in Schedule 3 hereto, and did also enter into certain contracts for the purchase of plant and machinery designed to develop 175 kilowatts of electric power: And whereas the Board is authorized, under the provisions of section 3 of the Electric-power Boards Act Amendment Act 1921-22, to sell water for irrigation purposes at prices already approved by the Minister of Public Works: And whereas in lieu of the irrigation works proposed for the said district by the Board His said Majesty has commenced to construct independent irrigation works (hereinafter referred to as the Teviot River irrigation works) which will include, *inter alia*, such district, and for the purposes thereof has agreed with the Board to take over certain of the mining privileges purchased or acquired by

Deed of Agreement Between His Majesty the King
and the Teviot Electric-Power Board—*continued*

the Board as aforesaid and the said chattels, and has agreed in manner hereinafter appearing to supply water to the Board for the development of electric power: And whereas it has also been agreed between His said Majesty and the Board that the Board shall surrender the said authority and all other its rights and powers to sell water for irrigation purposes: And whereas His said Majesty has agreed to pay to the Board the sum of £130 in respect of the loss sustained by the Board in regard to the contracts for the purchase of plant and machinery entered into by it as aforesaid and in full satisfaction thereof: And whereas His said Majesty has already made or constructed to the satisfaction of the Board, at or near the point marked **B** on the plan attached hereto, a site for a power-house to be used by the Board for the purpose of developing electric power (hereinafter referred to as the power-house): And whereas His Majesty has also agreed to pay to the Board the sum of £1,093 in consideration of its entering into these presents: And whereas it has been further agreed between the said parties hereto to maintain and operate the works provided or to be provided in connection with the said Teviot River irrigation works and the supply of water to the Board as aforesaid in the manner hereinafter appearing: And whereas such further agreements have been made between the parties hereto as are hereinafter contained: And whereas it is intended that legislation shall be enacted to enable the Board to enter into this agreement upon the terms and conditions herein contained: Now, this deed witnesseth and it is hereby agreed and declared between the parties hereto as follows:—

1

In pursuance of the premises and in consideration of the sum of £1,093 on or before the execution hereof paid to it by His Majesty the King (the receipt whereof is hereby acknowledged), and of the agreements by His said Majesty herein contained, the Board hereby conveys, assigns, and transfers to His said Majesty all the chattels and things enumerated in Schedule 3 hereto, and all other pipes, pipe-fittings, bends, reducers, tees, valves, rings, bolts, nuts, or other hydraulic plant or equipment whatsoever, and whether of a similar kind or nature or not, which were in the possession of the Board or its

Deed of Agreement Between His Majesty the King
and the Teviot Electric-Power Board—*continued*

agents, officers, servants, or workmen on the twenty-second day of June, one thousand nine hundred and twenty-three.

2

For the consideration aforesaid the Board further agrees to convey, assure, assign, transfer, release, or surrender unto His Majesty the King all those the mining privileges particulars whereof are contained in Schedule 1 hereto, and also all those the mining privileges particulars whereof are contained in Schedule 2 hereto, to the intent that such last-mentioned mining privileges shall be held henceforth by His said Majesty free from all claim, right, title, or interest of the Board in or to the same or any of them; and for the consideration aforesaid the Board further agrees to convey, assure, assign, and transfer to His Majesty the King all other mining privileges in respect of water under the Mining Act 1908, and its amendments, which have been purchased or acquired by the Board for the purposes of the said electric works for the Teviot Electric-power District or for irrigation purposes or for any other lawful purpose of the Board.

3

For the consideration aforesaid the Board hereby surrenders to His Majesty the King the authority now held by it under the provisions of section 3 of the Electric-power Boards Act Amendment Act 1921-22, to sell water for irrigation purposes, but without prejudice to the rights of the Board to recover or enforce payment of any moneys payable to it in respect of any water already supplied by it under authority, and the Board hereby covenants with His Majesty the King, his heirs, successors, and assigns, not at any time after the date hereof to sell or otherwise dispose of any water for irrigation purposes.

4

The site for the power-house and the power-house erected thereon shall at all times be maintained by the Board at its own expense, and His Majesty shall not be under any liability on any account whatsoever in respect of the same or either of them.

Deed of Agreement Between His Majesty the King
and the Teviot Electric-Power Board—*continued*

5

His Majesty shall make or construct a footpath or way 4 ft wide leading in a reasonably direct route from a point on the main road Roxburgh to Roxburgh East near the Teviot Bridge (shown on the said plan) up the south side of the Teviot Gorge to the site for the power-house, but shall not be responsible for the maintenance or repair of the same.

6

His Majesty shall deliver to the Board at the site of the power-house and within 20 ft of the outer wall thereof such quantity of water not exceeding twenty-five heads as the Board may from time to time require for the development of electric power. The said water shall be delivered from a pipe having a diameter of 30 in, and in such manner as to secure approximately 380 ft of effective head at the point of delivery. All works necessary to enable the said water to be delivered in manner aforesaid shall be made and constructed by His Majesty.

7

The Board shall be entitled to make a connection in the pipe-line constructed or to be constructed for the purposes of the said Teviot River irrigation works at the point on the north side of the Teviot River shown approximately by the letter A on the plan attached hereto, or at such other point as may be agreed upon between the parties hereto, and by means of such connection to draw a further quantity of water not exceeding twenty-five heads from the said pipe-line for use in developing electric power: Provided, however, that under this provision hereof the Board shall only be entitled to draw from the said pipe-line such quantity of water as shall not be required for the time being for irrigation purposes; and, further, that before drawing water in pursuance of this provision the Board shall on each and every occasion apply to and obtain permission so to do from the District Engineer of the Public Works Department at Dunedin, or from some other officer of the said Department or person appointed for this purpose by the said District Engineer.

Deed of Agreement Between His Majesty the King
and the Teviot Electric-Power Board—*continued*

8

All water delivered to the Board under clause 6 hereof and used by it for the development of electric power shall, after passing through the power-house, be redelivered by the Board to His Majesty without loss or waste into a tail-race to be constructed for the purpose by His said Majesty.

9

In addition to the water to be delivered to or which may be taken by the Board under the preceding provisions hereof the Board shall be entitled to draw water from the pipe-line constructed or to be constructed by His Majesty for the Teviot River irrigation works by means of a pipe 1 in in diameter to be connected to the said pipe-line at a point to be mutually agreed upon between the parties hereto. The said 1 in pipe shall be supplied affixed and laid at the cost of the Board in all respects, but the connection to enable the same to be affixed to the pipe-line shall be supplied and made by His Majesty at his own expense. Such additional water shall be used by the Board only for the domestic purposes of persons employed at the power-house or for any necessary purposes in connection with the power-house itself.

10

For the purposes of this agreement the pipe-line from which water is to be delivered to the power-house as aforesaid shall be constructed in such manner and with such valves, by-passes, connections, and appliances as will enable water to be directed either along the continuation of such pipe-line for the purposes or irrigation under the Teviot River irrigation works, or to the power-house for use by the Board, or to the tail-race to be constructed by His Majesty under clause 8 hereof. Proper and efficient valves shall be supplied and fitted by which the quantity of water running in any of the above-mentioned directions may be regulated or adjusted, and a similar valve for the like purpose shall be fitted at the connection which the Board is empowered to make under clause 7 hereof. All fittings, valves, by-passes, connections,

Deed of Agreement Between His Majesty the King
and the Teviot Electric-Power Board—*continued*

and appliances required under this clause shall be installed at the expense of His Majesty, with the exception of the valve to regulate the quantity of water to be delivered to the power-house and the valve to be fitted at the connection which the Board is empowered to make under clause 7 hereof, both of which last-mentioned valves shall be installed at the expense of the Board.

11

The Board shall be entitled at any time to adjust the valves installed for the purposes of controlling the quantity of water being delivered to the power-house and running into the tail-race so as to increase or reduce the quantity of water passing through each of such valves, but shall not at any time be entitled to make any alteration or adjustment whereby the quantity of water running in the continuation of the said pipe-line for the purposes of irrigation may be either increased or diminished. Nothing contained in this clause shall be construed so as to entitle the Board at any time to draw more than twenty-five heads of water for use in the power-house.

12

His Majesty shall not make any adjustment of the valve controlling the quantity of water being delivered to the power-house, but the Board shall immediately, upon being requested so to do by His Majesty or by any authorized officer or servant of His Majesty, make any adjustment to such valve which may be necessary to secure that not more than twenty-five heads of water shall be delivered to the Board at the power-house.

13

His Majesty shall be entitled at any time and from time to time to make any valve adjustment whereby the quantity of water running into the tail-race may be increased or diminished, provided that such adjustment shall not appreciably increase or diminish the quantity and pressure of water being supplied to the power-house for use by the Board.

Deed of Agreement Between His Majesty the King
and the Teviot Electric-Power Board—*continued*

14

His Majesty shall pay to the Board the sum of £130 in respect of all claims, losses, costs, and expenses incurred by the Board in purchasing plant and machinery necessary for the power-house to be constructed as aforesaid in substitution for the plant and machinery already purchased by it under the contracts hereinbefore mentioned, and the Board shall accept the said sum of £130 in full satisfaction and discharge of all claims upon His said Majesty for or in respect of the said claims, losses, costs, and expenses.

15

At all times while this agreement shall continue in force His Majesty will keep and maintain in good order and condition the whole of the appliances and works necessary for the delivery of water to the Board in accordance with the preceding provisions hereof: Provided, however, and it is hereby expressly agreed and declared, that His said Majesty shall not be liable in damages or otherwise to the Board or any other person or persons or body corporate by reason of any non-receipt or non-delivery or any failure or insufficiency of the said water from any cause whatsoever.

16

This agreement shall become binding upon the parties hereto if and so soon as the Board is empowered by legislation to enter into the same.

In witness whereof the parties hereto have hereunto subscribed their names the day and year first above written.

The First Schedule hereto

1

All that residence-site held under License No 2614/95, comprising 1 acre of land, situate at Dismal Swamp, near Lake Onslow, and surrounding the store and hut of the Roxburgh Amalgamated Sluicing Company.

Deed of Agreement Between His Majesty the King
and the Teviot Electric-Power Board—*continued*

2

All that branch water-race held under License No 673R, dated the fourteenth day of May, one thousand nine hundred and three, commencing on Cemetery Hill at Roxburgh East at the termination of main water-race held under License No 503R, dated the fourteenth day of November, one thousand nine hundred and one, and terminating at dam in Osbourne's Gully: Length about three miles northerly through Sections 16, 17, 23, and 24, Block I, Teviot District, being land owned by Mr GA Smith; mean depth and breadth 18 in by 4 ft, diverting ten heads of water for gold-mining purposes.

The Second Schedule hereto

1

All that the half share or interest in water-race six and a half miles in length, commencing in Teviot Creek two and a half miles from its mouth, and terminating at the Island East Bank of the Clutha River, with right to divert eighteen Government heads of water held under License No 645R, dated the thirtieth day of January, one thousand nine hundred and one.

2

All that tail-race situated in Block I, Teviot District, starting at south-west boundary-line of Extended Alluvial Claim, held under License, and terminating at the Clutha River, held under License No 1112R, dated the fourteenth day of November, one thousand nine hundred and seven.

3

All that branch water-race commencing at a point near Penstock in Block III, Teviot District, and terminating at mining reserve: Length, 250 chains, held under License No 1809, dated the twenty-fourth day of May, one thousand nine hundred and sixteen, together with the vendor's water-race and by-wash.

Deed of Agreement Between His Majesty the King
and the Teviot Electric-Power Board—*continued*

4

All that dam of 1,500 acres, situated in Dismal Swamp at foot of Mount Teviot, held under Certificate of Registration No 12930, dated the twenty-first day of November, one thousand eight hundred and eighty-eight.

5

All that water-race held under License No 502R, dated the fourteenth day of November, one thousand nine hundred and one, for four heads of water from the Teviot Stream.

6

All that water-race held under License No 503R, dated the fourteenth day of November, one thousand nine hundred and one, for ten heads of water from the Teviot Stream.

7

All that water-race held under License No 425 for six heads of water from the Teviot Stream, expiring on the first day of February, one thousand nine hundred and forty-one, under the provisions of section 122 of the Mining Act 1908.

8

All that water-race held under License No 674R, dated the fourteenth day of May, one thousand nine hundred and three, for ten heads of water from the Teviot Stream.

9

All that the water-race held under License No 658R, dated the eighteenth day of December, one thousand nine hundred and two, for enlargement and alteration of water-race. (This is a license to carry in one particular water-race all the water derived from Licenses Nos 502R, 503R, 425, and 674R; total, thirty heads.)

Deed of Agreement Between His Majesty the King
and the Teviot Electric-Power Board—*continued*

The Third Schedule hereto

1,524 ft	22 in pipes, 10 and 12 gauge	4	18 in tees with 18 in branch.
1,120 ft	22 in pipes, 12 gauge.	2	22 in tees with 22 in branch.
1,691 ft	22 in pipes, 14 gauge.	1	22 in tee with 18 in branch.
953 ft	24 in pipes.	1	22 in tee with 7 in branch.
60 ft	36 in pipes with reducer to 22 in	1	15 in valve.
200 ft	26 in pipes.	1	11 in valve.
400 ft	11 in pipes.	30	11 in plain ring.
36 ft	42 in to 22 in extra heavy taper.	10	11 in bevel rings.
200 ft	22 in culvert pipe.	12	24 in bevel rings.
<i>Sundries:—</i>		6	22 in bevel rings.
12	22 in bends.	3	24 in bevel rings.
4	11 in bends.	2	26 in bevel rings.
1	24 in bend.	1	42 in gate complete with spindle, frame, and seat.
1	reducer 22 in to 18 in		
1	reducer 11 in to 7 in	1	Treble-purchase crab winch available after erection of power-house.
1	reducer 15 in to 11 in	1	

Deed of Agreement Between His Majesty the King
and the Teviot Electric-Power Board—*continued*

1,524		4	18 in tees with 18 in
ft	22 in pipes, 10 and 12 gauge		branch.
1	reducer 18 in to 7 in		
1	24 in tee with 18 in branch.		

Miscellaneous assortment of bolts, bevel rings, and fittings for different sizes of pipes. A further 20 chains length (more or less) of 18-in-diameter pipes.

[SEAL]

JELLICOE, Governor-General

Signed by His Excellency the Governor-General of the Dominion of New Zealand and sealed with the Seal of the said Dominion in the presence of—

J G COATES, Minister of
Public Works

The common seal of the Teviot
Electric-power Board was
hereunto affixed in the presence
of—

[SEAL]

J H WAIGTH

JOHN
GEORGE