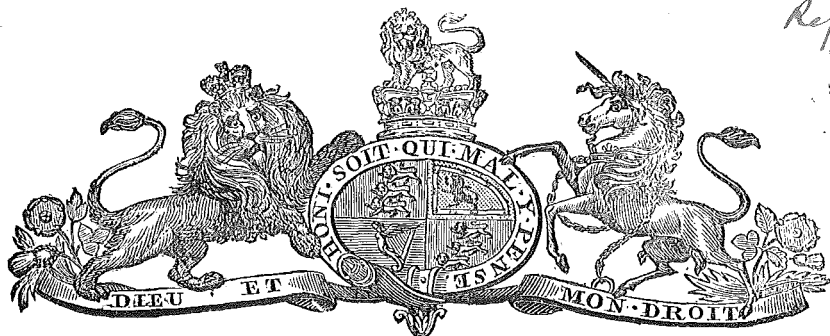


NEW ZEALAND.



*Repealed by
1891 No. 8.*

QUADRAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. III.

[Private Act, deemed to be a Public Act.]

ANALYSIS.

- Title.
- Preamble.
- 1. Short Title.
- 2. Extension of former Acts.
- 3. Repeal of former Act.
- 4. Section 2 of "Napier Swamp Nuisance Act, 1875," amended.

- 5. Corporation may sell land specified in First Schedule of "Napier Swamp Nuisance Act, 1875," or may recover cost of filling in and reclaiming. Governor may sign memorial vesting land in Corporation.
- 6. Powers granted to Corporation for purpose of dealing with land. Schedule.

AN ACT to give additional Powers to the Corporation of the Borough of Napier to enable them to recover the Moneys expended in abating the Swamp Nuisance, and to extend "The Napier Swamp Nuisance Act, 1875," and for other purposes. Title.

[19th December, 1879.]

WHEREAS it is expedient to amend "The Napier Swamp Nuisance Act, 1875:" And whereas it is expedient that powers should be given, vesting certain lands in the Corporation of the Borough of Napier, and that powers should be given to them to convey the same and for other purposes: Preamble.

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

1. The Short Title of this Act is "The Napier Swamp Nuisance Acts Amendment Act, 1879." Short Title.

2. The provisions of "The Napier Swamp Nuisance Act, 1875," "The Napier Swamp Nuisance Act Continuance Act, 1877," and this Act, shall extend to Town Section numbered three hundred and sixteen on the Government plan of the Town of Napier, being a Extension of former Acts.

Napier Swamp Nuisance Acts Amendment.

section in the Napier Town Swamp omitted by error from the Schedule to "The Napier Swamp Nuisance Act, 1875," as well as to the sections specified in the said Schedule; and "The Napier Swamp Nuisance Act, 1875," "The Napier Swamp Nuisance Act Continuance Act, 1877," and this Act shall be read and construed as if the said section number three hundred and sixteen had originally been inserted in the Schedule to "The Napier Swamp Nuisance Act, 1875."

Repeal of former Act.

3. "The Napier Swamp Nuisance Act Continuance Act, 1877," is hereby repealed, but this repeal shall not affect the past operation of the said Act.

Section 2 of "Napier Swamp Nuisance Act, 1875," amended.

4. For the words "two years" in the second line of the second section of "The Napier Swamp Nuisance Act, 1875," the words "seven years" are hereby substituted, and shall be deemed to have been so substituted from the date of the passing of the last-mentioned Act, and all the provisions of such last-mentioned Act shall be read and construed as if the words "seven years" had been originally inserted in the second line of the second section of the said last-mentioned Act instead of the words "two years" therein appearing.

Corporation may sell land specified in First Schedule of "Napier Swamp Nuisance Act, 1875," or may recover cost of filling in and reclaiming.

5. Within the period of one month after the expiration of the period of six months mentioned in section three of "The Napier Swamp Nuisance Act, 1875," the land specified in the notice in the said section mentioned shall (unless the actual cost of filling in and reclaiming such land, together with interest at the rate of six pounds per centum per annum, be paid by the owner of such land prior to the sale hereinafter mentioned) be offered by the Mayor, Councillors, and Burgesses of the Borough of Napier (hereinafter called "the said Corporation") for sale by public auction, at an upset price equivalent to the actual cost of filling in and reclaiming such land, together with interest thereon after the rate of six pounds per centum per annum and the costs and expenses of and incidental to such sale; and if at such sale the said land or any part thereof shall be sold, the Corporation may execute conveyances or transfers of the same to the purchasers thereof by the signatures of two members of the Council, and under the Corporation seal, which conveyances or transfers may be registered, and when registered may be effectual to vest in the respective purchasers, their heirs and assigns, the whole legal and beneficial interest in fee-simple in the land purchased by them respectively, free from incumbrances; and if at such sale the upset price shall not be realized, the said Corporation may request the Resident Magistrate and Collector of Customs at Napier to certify to the Colonial Secretary the result of such attempted sale by auction, which the said Resident Magistrate and Collector of Customs shall forthwith do, and the Governor shall thereupon sign a memorial in the form in the Schedule to this Act, which memorial may be registered, and when registered shall be effectual to vest in the said Corporation, their successors and assigns, the whole legal and beneficial interest in fee-simple in such land, free from incumbrances.

Governor may sign memorial vesting land in Corporation.

Powers granted to Corporation for purpose of dealing with land.

6. The said Corporation, in respect of any such land vested in them as aforesaid, may from time to time exercise all or any of the powers following, that is to say:—

- (1.) May sell the said land or any part thereof by public auction or public tender, at such price and upon such terms and conditions as they shall think fit, and may give time for payment of the purchase-money, or any part thereof, as they shall think fit;
- (2.) May raise money on the said land, or on any part thereof, by mortgage or debenture, with or without power of sale, and subject to and with such powers, covenants, and conditions as they may think fit;

Napier Swamp Nuisance Acts Amendment.

- (3.) May demise or lease the said land, or any part thereof, for any term of years or from year to year, by public auction or public tender, with or without fine or foregift, and with or without covenant for renewal, and with or without any special covenants or conditions;
- (4.) May lay out roads through the said land, or any part thereof;
- (5.) May dedicate the said land, or any part thereof, for public or for recreation purposes;
- (6.) May erect any buildings on the said land, or on any part thereof;
- (7.) May enclose, lay out, and plant the same, or any part thereof;
- (8.) May execute by the signature of two members of the Council, and under the Corporation seal, all deeds and documents required for carrying out the purposes before expressed;
- (9.) May use the said land or any part thereof for any purpose or purposes whatsoever, for the benefit of the Borough of Napier, that they may think fit.

SCHEDULE.

Schedule.

FORM OF MEMORIAL OF TRANSFER TO CORPORATION.

WHEREAS, under the provisions of "The Napier Swamp Nuisance Act, 1875," "The Napier Swamp Nuisance Act Continuance Act, 1877," and "The Napier Swamp Nuisance Acts Amendment Act 1879," certain land situated in the Napier Town Swamp, being [*Give description of land*], whereof a plan is drawn in the margin hereof, was filled in and reclaimed by the Mayor, Councillors, and Burgesses of the Borough of Napier (being the Corporation of the said Borough), and was on the day of , 18 , put up for sale by public auction, notice of such sale having been given six months previously in the *New Zealand Gazette*, and in the [*name of local paper*], being a newspaper published in the Town of Napier: And whereas at such sale the upset price of such land (£) being a sum equivalent to the actual cost of filling in and reclaiming such land, together with interest thereon after the rate of £6 per centum per annum, and the costs and expenses of and incidental to such sale, was not realized: This memorial is made under the authority of "The Napier Swamp Nuisance Acts Amendment Act, 1879," and filed in the Deeds Registry Office [*or in the District Land Registry Office*] at Napier, as a transfer of the said land from [*Insert name of owner, if known*] the owner thereof, and from all persons having or lawfully or equitably claiming any estate or interest in the said land to the said Mayor, Councillors, and Burgesses of the Borough of Napier, their successors and assigns, free from incumbrances.

Given under my hand this day of , 18 .

Governor.

WELLINGTON, NEW ZEALAND: