

A BILL INTITULED

AN ACT to authorize the Sale of the Lowry Bay Estate Title.
and the acquisition of a Site for and the erection of
a Residence for the use of the Governor of New
Zealand.

BE IT 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 shall be “The Government House Short Title.
5 Site Act 1868.”

2. It shall be lawful for the Governor on behalf of Her Majesty The Governor
empowered to sell
the Lowry Bay
Estate.
to cause to be put up for sale by public auction or public tender upon
such terms in such manner and subject or not to any reserved or
upset price to be set thereon as he may think fit the lands and heredita-
10 ments specified and described in the Schedule hereto and hereinafter
referred to as “the Lowry Bay Estate” and upon full payment of the
purchase money into the Colonial Treasury to grant convey and assure
the same lands and hereditaments together with all rights and appur-
tenances thereto belonging to the successful bidder or tenderer (if any)
15 as the case may be and the said purchase-money shall be applied for
the purposes of this Act in manner hereinafter mentioned.

3. It shall be lawful for the Governor with the advice and Governor in Council
may prescribe lands
for the purpose of
this Act.
consent of the Executive Council to prescribe the lands to be taken
and appropriated as a site for a residence and grounds for the use of
20 the Governor and such lands are hereinafter referred to as “the
prescribed lands” or “the lands prescribed.”

4. It shall be lawful for the Colonial Secretary for the time being Colonial Secretary
may agree for the
purchase of land for
the purposes of this
Act.
to make arrangements and enter into agreements with any person or
persons for the purchase of the prescribed lands for any sum or sums
25 not exceeding in the whole the sum applicable for that purpose

as hereinafter mentioned and to carry into effect the purposes of this Act.

Lands to be conveyed to Her Majesty.

5. All lands (except as hereinafter excepted) which shall have been so prescribed and for the purchase whereof agreements shall have been finally made as aforesaid shall be surrendered or conveyed to Her Majesty Her heirs and successors and shall be appropriated as a site for a residence and grounds for the use of the Governor of the Colony. 5

Power to enter on lands for the purpose of surveying and valuing.

6. The Colonial Secretary for the time being his surveyors agents officers servants and workmen may at all reasonable times in the daytime upon giving twenty-four hours' notice in writing enter into and upon any of the prescribed lands for the purpose of surveying or valuing the same. 10

Land Clauses Consolidation Act partially incorporated.

7. "The Lands Clauses Consolidation Act 1853" and "The Lands Clauses Consolidation Act Amendment Act 1866" hereinafter referred to as "the said incorporated Acts" shall be incorporated with this Act with the exceptions and additions and subject to the provisions hereinafter contained that is to say— 15

(1.) The terms "works" "undertaking" used in the said Acts shall be construed and taken to mean and refer to the erection of a residence and other buildings and the enclosing and laying out of gardens and grounds for the use of the Governor. 20

(2.) In the construction of this Act and the said incorporated Act this Act shall be deemed to be the special Act and the said incorporated Act shall be read as if the expression "the promoters of the undertaking" were in the singular number and the Colonial Secretary for the time being of the Colony shall be deemed to be the promoter of the undertaking. 25 30

(3.) Wherever in the said incorporated Act expressions may be used relating to payment or deposit of money into the Treasury or the Colonial Treasury the same shall for the purposes of this Act be taken to mean and refer to payment or deposit of money into or to the credit of the Public Account. 35

Provision in case of Native Reserve being prescribed for purpose of this Act.

8. In case the lands prescribed as aforesaid shall be Native Reserves or lands reserved for on behalf of or in trust for any aboriginal native inhabitants of New Zealand or for any purposes for the special benefit of the Native race or any members thereof and shall be vested in the Crown subject to any trust or confidence in favour of such aboriginal inhabitants or for any such purposes as aforesaid it shall be lawful for the Governor by and with the advice and consent of the Executive Council of the Colony to appoint one or more fit and proper person or persons to be a trustee or trustees to represent for the purposes of this Act and of the said incorporated Acts the aboriginal inhabitants persons or class of persons for whom or on whose behalf such lands shall be so held in trust or otherwise and upon the death resignation incapacity or absence beyond seas of any person so appointed in like manner to appoint from time to time other persons or another person to be trustees or trustee for the purposes aforesaid and the persons so appointed and for the time being acting as such trustees are hereinafter referred to as "the said trustees" and in the construction of this Act and of the said incorporated Acts the terms "owners" "owner" "parties having any estate or interest" "parties interested" "parties enabled to sell and convey" "parties entitled to sell" "parties claiming compensation" and "party to the arbitration" shall be read as meaning and referring to the said trustees Provided always that the term "party to the arbitration" shall also be taken to mean and include the Colonial Secretary. 40 45 50 55 60

9. In case the lands prescribed as aforesaid shall be lands reserved as in the last preceding section mentioned the said trustees shall be the persons to whom or to whose credit the purchase money or compensation shall be paid or deposited as required by the said incorporated Acts and shall invest the same and may from time to time alter and vary such investment in such manner as the Governor by and with the advice and consent of the Executive Council shall from time to time appoint for the benefit of the persons or class of persons for whom and for the purposes for which such land was so reserved as aforesaid and all interest dividends income or produce to arise from such investment or investments shall be applied from time to time as nearly as may be for the purposes of such reserve in such manner as the Governor with such advice and consent as aforesaid shall from time to time direct. And upon payment or deposit of the said purchase money or compensation according to the provisions of the said incorporated Acts or of this Act the lands so prescribed as aforesaid shall vest in Her Majesty Her heirs and successors as demesne lands of the Crown freed and discharged from all trust and confidence whatsoever and from the purposes for which the same may have been theretofore reserved without any formal surrender or conveyance thereof being made or any deed of declaration or otherwise being executed anything in this Act or in the said incorporated Acts to the contrary notwithstanding.

Purchase money to whom to be paid. On payment land to vest in Her Majesty.

10. It shall be lawful for the Colonial Secretary for the time being to cause to be erected on the lands prescribed and purchased for the purposes of this Act suitable buildings for a residence for the Governor of the Colony his family and servants for offices outhouses stables and other buildings appurtenant to such residence and to cause grounds to be enclosed and laid out and approaches and accesses made thereto. And the plan upon which the said buildings shall be erected shall be determined upon by the members for the time being of the Executive Council of the Colony or any or more of them with the advice and concurrence of such persons as the Governor shall think fit to authorize in that behalf.

Colonial Secretary authorized to cause buildings to be erected and grounds laid out. Plan of buildings how to be determined upon.

11. The proceeds which shall be derived from the sale of the Lowry Bay Estate as aforesaid shall be applied together with any moneys which shall be appropriated for this purpose by the General Assembly in and towards payment of the purchase money of the lands prescribed and purchased under the authority of this Act and in and towards payment of the charges and expenses which shall be incurred in erecting the buildings and laying out the grounds and otherwise carrying out the purposes of this Act.

Proceeds from sale of Lowry Bay Estate and moneys to be applied in addition to moneys voted by the General Assembly in carrying out the purposes of the Act.

SCHEDULE.

ALL that parcel of land containing by admeasurement five hundred and sixty-nine acres more or less and comprising the sections numbered twenty twenty-one twenty-two and twenty-three on the record plans of the Lowry Bay District in the office of the Commissioner of Crown Lands at Wellington bounded towards the North by the section numbered seventy-seven of the Waiwhetu District towards the North-east and again towards the North by a public road towards the South-east and again towards the North-east by the section numbered eighteen Lowry Bay District towards the South by the sections numbered twenty-five and twenty-four of the Harbour District and towards the West the South-west and the North-west by the harbour of Port Nicholson.