

New Plymouth Exchanges Completion Act 1874 Amendment Act 1885

Local Act 1885 No 4
Date of assent 22 September 1885

Contents

	Page
Title	2
1 Short Title	2
2 Act to be read with The New Plymouth Exchanges Completion Act 1874	2
3 Interpretation	2
4 Exchanges in Schedule 1 to be subject to the New Plymouth Exchanges Completion Act 1874	3
5 Antevesting land in Superintendent of Taranaki	3
6 Grants to be taken up before exchange made	3
7 Issue of certificate deemed to vest land in exchangee as from 31st August, 1874	4
8 Before delivering grant security to be given	4
9 Removing doubts as to validity of certain conveyances executed by Superintendent	5
10 Public Trustee to act for grantee absent from colony	5
11 Agreement for certain exchanges deemed to have lapsed	5
12 Section 1540, New Plymouth, vested in John Harrison	6
13 Section 146, New Plymouth, deemed to have vested in Superintendent	6
14 Repeal	6
15 Amendment of Schedule to The New Plymouth Exchanges Completion Act 1874	6

16	Validating grants in Schedule 3	7
17	Section 390, New Plymouth, may be exchanged for Section 297	7
	Schedule 1	7
	Exchange certificates issued in continuation of certificates in Schedule to Act of 1874	
	Schedule 2	12
	Corrections required to the New Plymouth Exchanges Completion Act 1874	
	Schedule 3	14
	Schedule 4	15
	Form of certificate of completion of exchange	

An Act to amend The New Plymouth Exchanges Completion Act 1874, and to make provision for the completion of other Exchanges.

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

The Short Title of this Act is The New Plymouth Exchanges Completion Act 1874 Amendment Act 1885.

2 Act to be read with The New Plymouth Exchanges Completion Act 1874

This Act shall be deemed to be incorporated with The New Plymouth Exchanges Completion Act 1874, hereinafter referred to as “the said Act,” and the provisions of the said Act as herein modified shall apply to this Act and to the exchanges included herein.

3 Interpretation

In this Act, if not inconsistent with the context,—

Exchangee means any person whose land may have been taken or injured under the provisions of certain ordinances of the Superintendent and Provincial Council of Taranaki intituled The Town of New Plymouth Compensation Ordinance 1859, and The Town of New Plymouth Consolidation Ordinance 1859, or either of them, and includes the persons named in the Schedule to the said Act and in the Schedules to this Act, and the heir-at-law, devisee, purchaser, or other persons who on the thirty-first day of August, one thousand eight hundred and seventy-four, shall be proved to have been legally entitled, under the person so named, to the land so taken or injured.

4 Exchanges in Schedule 1 to be subject to the New Plymouth Exchanges Completion Act 1874

The exchanges included in Schedule 1 hereto be subject to the provisions of the said Act as amended hereby.

5 Antevesting land in Superintendent of Taranaki

The lands mentioned in the first column of the Schedule to the said Act, as amended by this Act, and in the first column of Schedules 1, 2, and 3 to this Act, shall be deemed to have vested in the Superintendent of the late Province of Taranaki on the thirty-first day of August, one thousand eight hundred and seventy-four, upon the trusts and for the purposes provided by section two of the said Act.

6 Grants to be taken up before exchange made

Section four of the said Act is hereby repealed, and in lieu thereof it is enacted that, before section three of the said Act shall take effect to vest in the exchangee the land included in the third column of the Schedule to the said Act, as amended by this Act, or in the third column of Schedules 1 and 2 to this Act, the exchangee or person claiming under him shall obtain and take up a grant from the Crown (or, in cases where such exchangee claims under a prior exchange, a certificate of the completion of such prior exchange) for the land to be given up by such exchangee; and such grant or certificate, together with all instruments of title in his control under which the ex-

changee claims the section given up by him, shall be by such person delivered to the Commissioner of Crown Lands for the district, who shall thereupon issue to such person a certificate in the form in Schedule 4 hereto.

7 Issue of certificate deemed to vest land in exchangee as from 31st August, 1874

Any certificate issued under the said Act, or to be issued under this Act (whether under the hand of the Superintendent of the late Province of Taranaki, or of the Commissioner of Crown Lands), shall vest and be deemed to have vested absolutely the land received by the exchangee in such exchangee on the thirty-first day of August, one thousand eight hundred and seventy-four.

8 Before delivering grant security to be given

And whereas Crown grants in fulfilment of contracts with the New Zealand Company have been issued, and may hereafter be issued, in the names of persons entitled thereto, but which persons have not made any claim for the issue of such grants, or produced the land orders under which the land included in such grants was held; and it is expedient, in order to facilitate the completion of titles under The New Plymouth Exchanges Commission Act 1865, and the various Acts amending the same, generally to enact as follows: Be it enacted that it shall be lawful for the registrar of Deeds or District Land Registrar, as the case may be, for the district wherein the affected lands are situated to require security (such security being taken in the name of the Lost Land Orders Commissioner), in such form and to such extent as he shall think right, in any case where such land order has been lost or destroyed, and where security has not previously been given, from the person entitled to the Crown grant, before delivering such grant; and the security so taken shall be deemed to be in satisfaction of that required under The Lost Land Orders Act 1861.

9 Removing doubts as to validity of certain conveyances executed by Superintendent

And whereas, under the provisions of The New Plymouth Public Works Ordinance 1855, various sections of land in the Town of New Plymouth have been sold by the late Provincial Government, and conveyances of the lands so sold have been executed by the then Superintendent to the purchasers thereof, and it is desirable to remove doubts as to the validity of such conveyances: Be it enacted that such conveyances shall be deemed to have been valid and effectual to vest absolutely in the respective purchasers thereunder the lands therein comprised.

10 Public Trustee to act for grantee absent from colony

And whereas it may happen that the owners of sections granted in fulfilment of contracts with the New Zealand Company may be absent from the colony, and have no known agent in the colony: Be it enacted that the Public Trustee, whenever he shall deem it expedient, in order to complete exchanges, or otherwise in the interest of such owner, so to do, may take up such grant and complete such exchange; and all moneys paid by the Public Trustee for such purpose shall be a charge upon the land in respect of which they have been paid.

11 Agreement for certain exchanges deemed to have lapsed

And whereas the exchanges intended to have been effected of the following sections cannot be carried out, by reason of the intended exchangees thereof not having acquired a title thereto, and it is expedient to declare that such intended exchanges shall be deemed to have lapsed: Be it therefore enacted that all contracts for the exchange of sections one thousand one hundred and forty-eight, one thousand two hundred, one thousand two hundred and eight, and one thousand two hundred and eleven, New Plymouth, for any other sections, and all certificates of exchange issued under The New Plymouth Exchanges Commission Act 1865, in respect thereof, shall be deemed to have been void.

12 Section 1540, New Plymouth, vested in John Harrison

And whereas under the said Act it is provided that one John Harrison, upon surrendering a Crown grant for section one thousand one hundred and seven, New Plymouth, should be entitled to section one thousand five hundred and forty, New Plymouth, and it is expedient to vest the said section one thousand five hundred and forty, New Plymouth, in the said John Harrison, without requiring the surrender of the said Crown grant: Be it enacted that the said section one thousand five hundred and forty may be granted to the said John Harrison as from the thirty-first day of December, one thousand eight hundred and sixty-one, unconditionally.

13 Section 146, New Plymouth, deemed to have vested in Superintendent

And whereas one James Evans or his assigns surrendered to the Superintendent of the late Province of Taranaki the Crown grant for section one hundred and forty-six, New Plymouth, and received in lieu thereof a grant from the Crown for section one thousand and thirty-six, New Plymouth: Be it enacted that the whole estate and interest of the said James Evans, the grantee, in the said Section one hundred and forty-six, shall be deemed to have vested in the said Superintendent as from the thirty-first day of December, one thousand eight hundred and sixty-one.

14 Repeal

Paragraph eighteen of the Schedule to The Special Powers and Contracts Act 1883 is hereby repealed.

15 Amendment of Schedule to The New Plymouth Exchanges Completion Act 1874

And whereas various errors have been found to exist in the Schedule to the said Act, and it is expedient to amend the same: Be it therefore enacted that the said Schedule shall be read as if the exchanges included in Schedule 2 hereto had been inserted in the said Act, instead of the exchanges for which the same are substituted.

16 Validating grants in Schedule 3

And whereas the several exchanges in the said Act comprised in Schedule 3 hereto cannot be given effect to as in the said Act provided, and it is expedient to make other provision for the completion of such exchanges: Be it therefore enacted that grants from the Crown to the exchangees or to the persons through whom they claim for the sections mentioned in the third column of the said Schedule 3 hereto shall be and the same are hereby validated.

17 Section 390, New Plymouth, may be exchanged for Section 297

And whereas the exchange intended to have been effected of Sections three hundred and ninety and two hundred and ninety-seven, Town of New Plymouth, cannot be carried out by reason of an error made in the Report number one thousand two hundred and fifty-six of the New Zealand Company's Lands Claims Commissioner on claim number one thousand six hundred and eighteen, respecting the former of such sections, and there is no means by which such Commissioner can now correct the said error: And whereas it is expedient, in order to enable the said exchange to be completed, to annul the said report: Be it therefore enacted that the said Report number one thousand two hundred and fifty-six, whereby one Samuel Farrar is decided to be entitled to a Crown grant for Section three hundred and ninety, Town of New Plymouth, is hereby annulled from the date thereof.

Schedule 1
Exchange certificates issued in
continuation of certificates in Schedule to
Act of 1874

Col 1	Column 2	Col 3
Sections given to	EXCHANGEE.	Sections received

Superin- tendent.		from the Superin- tendent.
No.		No.
110	Henry Lancelot Redhead, New Plymouth, gentleman	113
136	Henry Lancelot Redhead, New Plymouth, gentleman	140
390	Thomas Poole Waterhouse, Halifax, Yorkshire, gentleman	297
392	Ellen Fletcher, Naples, spinster	1319
405	Thomas John Lowndes, Liverpool, wine merchant	265
416	Thomas Poole Waterhouse, Halifax, Yorkshire, gentleman	130
433	Joseph Hartley, Halifax, Yorkshire, printer	367
434	Joseph Thorp, Halifax, Yorkshire, gentleman	792
437	Mary Wilson, Halifax, Yorkshire, spinster	291
447	George Gutch, Harrow Road, Middlesex, Esquire	1578
449	John Watson, Trafalgar Square, London, Esquire	1633
471	George Gutch, Harrow Road, Middlesex, Esquire	1554
473	John Watson, Trafalgar Square, London, Esquire	1609

Col 1	Column 2	Col 3
Sections given to Superintendent.	EXCHANGEES.	Sections received from the Superintendent.
No.		No.
474	John Watson, Trafalgar Square, London, Esquire	1608
477	Richard William Birch, Derby, England, Esquire	1289
478	Richard William Birch, Derby, England, Esquire	1290
491	Henry Garrett Key, Tulse Hill, Surrey, gentleman	196E
513	Thomas John Lowndes, Liverpool, wine merchant	239
522	Hannah Wigglesworth, Warley, Halifax, Yorkshire, spinster	797
529	Francis Liardet, New Plymouth, settler	1320
530	Richard William Birch, Derby, England, Esquire	1321
1104	William Glegg Gover, Pimlico, London, Esquire	1505
1124	William Glegg Gover, Pimlico, London, Esquire	1504
1145	Benjamin Charles Thomas Grey, London, merchant	1619

Col 1	Column 2	Col 3
Sections given to Superintendent.	EXCHANGEES.	Sections received from the Superintendent.
No.		No.
1162	Benjamin Charles Thomas Grey, London, merchant	1620
1219	Samuel Stephens, Walsall, England, gentleman	1957
1247	Thomas Curtis Vipan, Thetford, England, Esquire	1316
1255	Samuel Stephens, Walsall, England, gentleman	1958
1644	Charles Ibbotson, Tadcaster, England, clerk	1620
1720	Mary Ann Elliott Kidman, Luton, England, spinster	1678
1722	Joseph Morgan, Covent Garden, London, Esquire	850
1733	Sir Antony Buller, Pound, Devon	1534
1753	James Bishop, Auckland, Private 65th Regiment	1662
1755	Jane Kingdon New Plymouth, widow	1378H
1847	Frederick Rouch, Canterbury, England, clerk	1681
1874	Lady Elizabeth Bulteel, Pamflete, Devon, widow	2072

Col 1	Column 2	Col 3
Sections given to Superintendent.	EXCHANGEES.	Sections received from the Superintendent.
No.		No.
1896	Thomas Poole Waterhouse, Halifax, Yorkshire, gentleman	292
1916	George Thomas Croft, Dover, England, gentleman	1657
1922	Elizabeth Nelson, Halifax, Yorkshire, spinster	1699
1924	John Bawn or Barron, Cheltenham, England, MD	1658
Pt 2028	Edward James Cudd, New Plymouth, storekeeper	843
2102	Henry Garrett Key, Tulse Hill, Surrey, gentleman	1351
2103	Henry Garrett Key, Tulse Hill, Surrey, gentleman	1350
2140	Lady Elizabeth Bulteel, Pamflete, Devon, widow	1599
2150	Frederick Rouch, Canterbury, England, clerk	1317
2190	Henry Garrett Key, Tulse Hill, Surrey, gentleman	1611
2219	George Depledge, Leeds, England, gentleman	262

Col 1	Column 2	Col 3
Sections given to Superintendent.	EXCHANGEES.	Sections received from the Superintendent.
No.		No.
2221	George Depledge, Leeds, England, gentleman	263
2249	John Richards, Birmingham, England, gentleman	322
2250	John Richards, Birmingham, England, gentleman	323
2253	Elizabeth Wigglesworth, Warley, Halifax, Yorkshire, spinster	798
2270	Smythe White, Birmingham, England, gentleman	203
2270A	John Richards, Birmingham, England, gentleman	324
2309	Maria Gover, Pimlico, London, spinster	103

Schedule 2
Corrections required to the New Plymouth
Exchanges Completion Act 1874
Town of New Plymouth

Col 1	Column 2	Col 3
Sections given to	EXCHANGEES.	Sections received

Superin- tendent.		from the Superin- tendent.
No.		No.
789	Thomas Bayly, Taranaki, farmer, and others, trustees for Primitive Methodists	
pt 801 and part of Marsland Hill		G
1320	Richard Chilman, New Plymouth, Collector of Customs	pt 1694 pt 1735
pt 1060	Edward James Cudd, New Plymouth, storekeeper	pt N
1082	Edward James Cudd, New Plymouth, storekeeper	1309
2025	Richard Grylls, New Plymouth, publican	110
410	Thomas Hirst, New Plymouth, land agent	Pt Gardner Street
pt 1715	Thomas Hirst, New Plymouth, land agent	pt 1695 pt 1700 and part of Gilbert Street pt 1701

Col 1	Column 2	Col 3
Sections given to Superintendent.	EXCHANGEES.	Sections received from the Superintendent.
No. 2145	William King Hulke, New Plymouth, settler	No. and part of Gilbert Street pt 1702 and part of Gilbert Street.

Schedule 3

Col 1	Column 2	Col 3
Sections vested in the Superintendent.	EXCHANGEES.	Sections to be granted in Exchange.
No. 228A pt 761	James Marsh, New Plymouth, shoemaker Andrew Morton, New Plymouth, carpenter	No. 1589 782

Col 1	Column 2	Col 3
Sections vested in the Superintendent.	EXCHANGEES.	Sections to be granted in Exchange.
No.		No.
pt 761	Octavius Carrington, New Plymouth, surveyor	783
1177	Eliza Hammerton, New Plymouth, widow	1590

Schedule 4
Form of certificate of completion of exchange

New Plymouth Exchanges

I HEREBY certify that the Crown grant (or the certificate of completion of prior exchange) and instruments evidencing the title of the exchangee to Section , New Plymouth, have been surrendered to me; and that the exchangee has become entitled to Section , New Plymouth, as shewn by the plan in the margin hereof.

Dated

Commissioner of Crown Lands.

Plan of Section acquired by exchangee: