

Wellington City Mangahao Endowment Sale Empowering Act 1924

Local Act 1924 No 12
Date of assent 24 October 1924

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An Act to enable the Wellington City Council to sell to the Lessees of the Mangahao Endowment, adjoining the Borough of Pahiatua, the Fee-simple of the Lands leased to each such Lessee.

Preamble

WHEREAS by virtue of an Order in Council dated the tenth day of July, eighteen hundred and seventy-nine, and published in the *Gazette* numbered seventy-four of the same date, an area of land adjoining the Borough of Pahiatua, and known as the Mangahao Endowment, was vested in the Mayor, Councillors, and Citizens of the City of Wellington as an endowment for municipal purposes: And whereas the Wellington City Council, acting under various powers and authorities, has from time to time leased such land, and at the present time the persons named in the Schedule hereto, or

their executors or assigns, hold leases or rights to a lease over the portion or portions of the said endowment described in the Schedule opposite the names of each of the said persons respectively for a term of fourteen years, with a perpetual right of renewal for further terms of fourteen years at a rental based on the unimproved value of the land: And whereas the lessees, being dissatisfied with their existing leases, and being unable to obtain leases satisfactory to them from the point of view of the proper development of their farms, have requested the said Council to sell to them the fee-simple of the land comprised in their leases: And whereas the said Council has agreed to sell the land to the lessees at the prices set out in the Schedule, being prices arrived at by means of a valuation of the land, and it is desired to obtain authority to give effect to such agreement on the conditions hereinafter set out:

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

1 Short Title

This Act may be cited as the Wellington City Mangahao Endowment Sale Empowering Act 1924.

2 Interpretation

In this Act, if not inconsistent with the context,

Assign means any person (other than a lessee named in the Schedule hereto, or an executor or administrator) in whom is vested the leasehold estate described in the Schedule hereto of any lessee named in the Schedule hereto

Corporation means the Mayor, Councillors, and Citizens of the City of Wellington

Council means the Wellington City Council.

3 Corporation authorized to sell to lessees Mangahao Endowment

- (1) The Council is hereby empowered and authorized to sell to each of the persons named in the first column of the Schedule hereto, or to the executors, administrators, or assigns of such

person, for the price set opposite each respective name in the second column of the said Schedule, the freehold in fee-simple of the land a description of which is set opposite each such person's name in the third column of the said Schedule, subject in each case to any lease or right to a lease existing on the date of the passing of this Act, and subject to the following conditions:—

- (a) The purchases shall be completed on or before the thirtieth day of June, nineteen hundred and twenty-five.
 - (b) No purchase shall be completed unless all the persons named in the Schedule, or their executors, administrators, or assigns, shall have elected, by notice in writing served on the Council before the thirty-first day of December, nineteen hundred and twenty-four, to purchase the land a description of which is set opposite the name of such person.
 - (c) When all such notices have been given, the Council and all the persons giving such notices shall be bound to purchase and sell all the respective pieces of land affected by each election.
 - (d) Rents shall be apportioned as at the date of purchase.
- (2) The fee-simple so acquired shall continue to be subject to any right, title, interest, or encumbrance existing or vested in any person other than the person completing the purchase of the land at the time of such completion.

4 Investment of proceeds of sale

- (1) The purchase-moneys received by the Council under the provisions of this Act shall within five years be invested by the Council in the purchase of land, and such land shall be held by the Corporation as an endowment for municipal purposes.
- (2) The Council may lease the land so purchased under the provisions of the Local Government Act 1974.
- (3) Pending the investment of such moneys in land as aforesaid the Council shall invest such moneys in the following manner, that is to say:—
 - (a) In New Zealand Government securities:

- (b) On deposit in any bank carrying on business in New Zealand under the authority of an Act of the General Assembly or other lawful authority, and the interest on such investments shall be applied only as rents received from the lands sold under the provisions of this Act could have been applied.

The Municipal Corporations Act 1933 was substituted, as from 20 December 1933, for the Municipal Corporations Act 1920 pursuant to section 393(1) Municipal Corporations Act 1933 (1933 No 30). That Act was in turn substituted, as from 1 October 1954, by the Municipal Corporations Act 1954 pursuant to section 413 Municipal Corporations Act 1954 (1954 No 76). That Act was in turn substituted, as from 1 April 1980, by the Local Government Act 1974 pursuant to section 9(1) Local Government Amendment Act 1979 (1979 No 59).

Schedule

Name.	Price.	Description of Land.
1. John Yatman Crawford, of Pahiatua, farmer	\$1,508	That piece of land, containing 32 acres 2 roods 32 perches, being Lot 1 on the plan deposited in the Lands Registry Office at Wellington as number 298, being part of the land comprised in certificate of title, Volume 296, folio 79, Wellington Registry, being the whole of the land comprised in memorandum of lease, registered number 15091.

Name.	Price.	Description of Land.
2. William Boyden, of Pahiatua, farmer	1,178	That piece of land, containing 26 acres 3 roods 28 perches, being Lot 2 on the said deposited plan, and being part of the land comprised in the said certificate of title, Volume 296, folio 79, and being the whole of the land comprised in memorandum of lease, registered number 15087.
3. Thomas Mexted, of Pahiatua, farmer	13,958	Those pieces of land, containing in the aggregate 391 acres and 13.5 perches, being Lots 3, 4, 16, 17, the lots marked Section 9 and Section 12, and part of the lot marked Section 11, all on the said deposited plan, being parts of the land comprised in certificates of title, Volume 296, folios 79 and 81, Wellington Registry, being the whole of the land comprised Registry, being the whole of the land comprised numbers 15095, 15096, 15097, 15098, 15099, 15100.
4. Alice Kotlowski, wife of John Thomas Kotlowski, of Pahiatua, farmer	3,780	Those pieces of land, containing in the aggregate 77 acres 1 rood 11.8 perches, being Lots 5 and 6 and part Lot 7 on the said deposited plan, and part Lot 7A on plan deposited as aforesaid as number 1666, being part of the land comprised in the said certificate of title, Volume 296,

Name.	Price.	Description of Land.
		folio 79, being the whole of the land comprised in memoranda of lease, registered numbers 15084, 15085, and 15086.
5. The trustees of the will of Timothy Cotter, late of Hastings, wine and merchant, deceased	1,310	That piece of land, containing 24 acres 3 roods 29.9 perches, being Lot 8 on the said deposited plan number 298, and Lot 8A on the said deposited plan number 1666, being part of the land comprised in the said certificate of title, Volume 296, folio 79, being the whole of the land comprised in memorandum of lease, registered number 15120.
6. Albert Dellow Donald, of Pahiatua, motor-garage proprietor	1,280	That piece of land, containing 23 acres 1 rood 23.9 perches, being Lot 9 on the said deposited plan number 298, and Lot 9A on the said deposited plan number 1666, being part of the land comprised in the said certificate of title, Volume 296, folio 79, being the whole of the land comprised in memorandum of lease, registered number 15092.

Name.	Price.	Description of Land.
7. Richard James Bibby, of Pahiatua, farmer	2,654	That piece of land, containing 40 acres 2 roods 9 perches, being part of Lot 10 on the said deposited plan number 298, and the whole of Lot 10A on the said deposited plan number 1666, being part of the land comprised in the said certificate of title, Volume 296, folio 79, being the whole of the land comprised in memorandum of lease, registered number 15090.
8. James John Sutherland, Pahiatua, farmer	3,964	Those pieces of land, containing in the aggregate 73 acres 1 rood 30.5 perches, being Lot 12 and part Lot 11 on the said deposited plan number 298, and the whole of Lots 11A and 12A on the said deposited plan number 1666, being part of the land comprised in the said certificate of title, Volume 296, folio 79, being the whole of the land comprised in memoranda of lease, registered numbers 15093 and 15094.
9. Dominico Angelini, of Pahiatua, farmer	1,670	That piece of land, containing 33 acres 1 rood, being Lot 13 on the said deposited plan number 298, being part of the land comprised in the said certificate of title, Volume 296, folio 79, being the whole of the land comprised in memorandum of lease, registered number 15083.

Name.	Price.	Description of Land.
10. Thomas Joseph James, of Pahiatua, farmer	686	That piece of land, containing 12 acres 3 roods, being Lot 14 on the said deposited plan number 298, being part of the land comprised in the said certificate of title, Volume 296, folio 79, being the whole of the land comprised in memorandum of lease, registered number 15082.
11. Bartholomew John Kelleher, of Pahiatua, butcher	960	That piece of land, containing 17 acres, being Lot 15 on the said deposited plan number 298, being part of the land comprised in the said certificate of title, Volume 296, folio 79, being the whole of the land comprised in memorandum of lease, registered number 15088.
12. Albert Ernest Judd, of Pahiatua, farmer	2,044	Those pieces of land, containing in the aggregate 58 acres 2 roods 26.9 perches, being Lot 18 and part of Lot 7 on the said deposited plan number 298, and part Lot 7A on the said deposited plan number 1666, being part of the land comprised in the said certificates of title, Volume 296, folios 79 and 81, being the whole of the land comprised in memorandum of lease, registered number 15089.

Name.	Price.	Description of Land.
13. Edward Henry Lett, of Mangatainoka, farmer	2,480	That piece of land, containing 175 acres and 16 perches, being the lot marked Section 13 on the said deposited plan number 298, being part of the land comprised in the said certificate whole of the land comprised in memorandum of lease, registered number 14851.
14. Edgar Leopold Harvey, of Pahiatua, farmer	2,010	That piece of land, containing 183 acres 3 roods, being the section numbered 1 on the said deposited plan number 298, being part of the land comprised in the said certificate of title, Volume 296, folio 80, Wellington Registry, being the whole of the land comprised in memorandum of lease, registered number 9907.
15. Charles Lett, of Mangatainoka, farmer	2,780	Those pieces of land, containing in the aggregate 211 acres and 32 perches, being Lots 1 and 2 of Section 2 on the said deposited plan number 298, being part of the land comprised in the said certificate of title, Volume 296, folio 80, being the whole of the land comprised in memoranda of lease, registered numbers 9908 and 9236.
16. William Greenfield and Claude Ernest Green-field, both of Mangatainoka, farmers	2,738	That piece of land, containing 209 acres 1 rood 32 perches, being the lot marked Section 3 on the said deposited plan

Name.	Price.	Description of Land.
		number 298, and being part of the land comprised in the said the whole of the land comprised in memorandum of lease, registered number 9237.