

New Zealand.



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1887, No. 8.—*Local.*

AN ACT to vest Certain Reserves in the Akaroa Borough Council; and also to authorize the Reclamation from the Sea by the said Council of Certain Portions of such Reserves in the Harbour of Akaroa. Title.
[19th December, 1887.]

WHEREAS the parcels of land described in the First and Second Schedules to this Act are now vested in Her Majesty the Queen as public reserves for municipal and other purposes, and it is expedient that the said parcels of land should be vested in the Akaroa Borough Council for the several purposes hereinafter mentioned: And whereas it is expedient that the parcels of land described in the Third Schedule to this Act should be reserved, and should also be vested in the said Council for the purposes hereinafter mentioned: And whereas the parcels of land described in the Fourth Schedule to this Act, being portions of the said parcels of land mentioned in the Second Schedule to this Act, are situated below high-water mark, and the greater part thereof is usually covered by water, and it is expedient that power should be given to the said Council to reclaim the same from the sea, and to raise money for that purpose and to do other things as hereinafter mentioned; and it is also expedient to dedicate certain portions of the same lands as and for a public street, the said portions being described in the Fifth Schedule hereto: Preamble.

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

- Short Title. 1. The Short Title of this Act is "The Akaroa Borough Council Reserves Vesting and Reclamation Act, 1887."
- Interpretation. 2. In the construction of this Act—
 "Council" shall mean the Mayor, Councillors, and burgesses of the Borough of Akaroa:
 "Borough" shall mean the Borough of Akaroa:
 "Minister" shall mean the Minister for Public Works, or any Member of the Executive Council of the Colony, being a responsible Minister of the Crown, acting for him.
- Vesting of lands for municipal purposes and endowment. 3. The parcels of land described in the First Schedule to this Act shall be and the same are hereby vested in and transferred to the Council and its successors for municipal purposes and endowment.
- Vesting of lands for recreation purposes. 4. The parcels of land described in the Second Schedule to this Act shall be and the same are hereby vested in and transferred to the Council and its successors for the purposes of reclamation and public recreation.
- Vesting of lands for purpose of endowment. 5. The parcels of land described in the Third Schedule to this Act shall be and the same are hereby vested in and transferred to the Council and its successors for the purposes of reclamation and endowment.
- Reservation and vesting of lands for municipal purposes and endowment. 6. The parcels of land described in the Fourth Schedule to this Act are hereby reserved, and shall be and the same are hereby vested in and transferred to the Council and its successors for municipal purposes and endowment.
- The Council may reclaim lands and enter into contract for that purpose. 7. The Council may from time to time fill up and reclaim all the land described in the Fifth Schedule to this Act or any part thereof, and may for that purpose, if they think fit and expedient, enter into any contract or contracts with any person or persons for the execution of the said work or of any other works under this Act, upon such terms and conditions as may seem to them proper and reasonable, and may also from time to time, either by themselves or by any contractor for the time being for the execution of the said works, take from any convenient place within the borough, not being private property, or from any private property within or without the borough with the consent of the owner and of any occupier for the time being thereof, any soil or materials which may be necessary for the said works, and may also by purchase acquire any land from which it may be necessary or expedient to take any such materials as aforesaid, and may from time to time execute and carry out all such other works as they may think expedient, or which may be necessary in connection with and for the purposes of the said undertaking.
- Council to make compensation. 8. The Council shall make to every person having any estate or interest in any lands injuriously affected by the execution of the works authorized by this Act, and to every person who may suffer any loss or damage from the exercise of any of the powers hereby given, full compensation for the same; and such compensation shall be ascertained in the manner pointed out in Part III. of "The Public Works Act, 1882," which Part of such Act, for that and for all other purposes in so far as the same may be applicable to and not inconsistent with the provision of this Act, shall be deemed to be incorporated with and to form part of this Act, and apply to the works and

other matters authorized by this Act, the word "borough" being read therein instead of the words "county" or "road district" or "district," and the words "Borough Council" instead of the words "County Council" or "Road Board" or "Board:" Provided always that in ascertaining and determining the title of any claimant to compensation the Compensation Court shall not be bound to regard strict legal rights only, but may award such compensation in respect of any claim which the Court may consider reasonable and just having regard to all circumstances.

9. The Council may, for the purpose of defraying the cost of the reclamation authorized by section seven of this Act, and for the payment of any costs, charges, and expenses attending or incidental to the same or the passing of this Act, and of paying any compensation payable under this Act, and of the costs of any proceedings or matters connected with the ascertainment of such compensation, raise from time to time, by way of special loan, in the manner provided by Part IX. of "The Municipal Corporations Act, 1886," such sum or sums of money as may be necessary, subject to all the provisions of "The Municipal Corporations Act, 1886," in respect of special loans; and the money so raised from time to time shall be deemed to have been raised for the purpose of constructing or establishing public works necessary for promoting the convenience and health of the inhabitants of the borough within the meaning of section one hundred and seventy-seven of "The Municipal Corporations Act, 1886".

Power to raise money by way of special loan.

10. The Council may, so soon as any part of the said lands described in the Fifth Schedule to this Act shall be reclaimed from the sea, lay out and construct a street over the land described in the Sixth Schedule to this Act so as to connect Jolie Street with Lavaud Street, and may close that portion of Jolie Street, any other road, street, or thoroughfare constructed or intended to be constructed through or within any portion of the lands hereby authorized to be reclaimed.

Council may lay out a street to connect Jolie Street with Lavaud Street.

11. It shall be lawful for the Council to manage the said parcels of land hereby vested in them in such manner in every respect as to them shall seem fit; but so, nevertheless, that the said parcels of land shall be used for the purposes for which they have by this Act been respectively set apart.

Council may manage.

12. The provisions of "The Municipal Corporations Act, 1886," shall, in so far as the same may be applicable to and not inconsistent with the provisions of this Act, be deemed to be incorporated with and to form part of this Act.

Provisions of "The Municipal Corporations Act, 1886," to apply.

13. The Council shall, during and in the execution of any of the works authorized by this Act, conform and be subject to all the provisions of "The Harbours Act, 1878," and the amendments thereof so far as the same do not conflict with the powers given by this Act.

Provisions of "The Harbours Act, 1878," to apply.

14. Nothing in this Act or in "The Municipal Corporations Act, 1886," shall prevent the Minister, in the case of Government works, from taking and acquiring from time to time any part of the lands which shall have been reclaimed under the provisions of this Act for the purposes of a railway or any works or buildings in connection

Reclaimed lands may be taken for public works.

therewith, without payment of any compensation except as provided for in similar cases by "The Harbours Act, 1878."

Officers may be appointed.

15. It shall be lawful for the Council, by instruments under the seal of the Council, to appoint any officers or persons whom they shall think necessary for the purpose of superintending the carrying-out of or conducting the work of reclaiming the said parcels of land described in the Fifth Schedule hereto, or for any purposes connected therewith; and every person so appointed shall have and possess, and may exercise so far as may be necessary for the purposes of the undertaking, all such powers and authorities as shall be given to him or them by any such instrument.

Act to be deemed a Special Act within meaning of Harbours Act.

16. This Act shall be deemed to be a special Act within the meaning of "The Harbours Act, 1878."

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that parcel of land in the Provincial District of Canterbury, containing 29 perches, more or less, being part of section numbered 81 (in red), situate in the Borough of Akaroa, and bounded towards the North-east by Section No. 97, 146 links; towards the West by high-water mark in Akaroa Harbour; towards the South-west by Balgueri Street; and towards the South-east by a line parallel to and 60 links distant from the north-west boundary of Section No. 8, 150 links: be the aforesaid linkages more or less; as the same is delineated on the plan deposited in the District Survey Office, Christchurch.

Also all that parcel of land in the Provincial District of Canterbury, containing by admeasurement 34 perches, more or less, being section numbered 86 (in red), situate in the Borough of Akaroa, and bounded towards the South-east by the Beach Road, 378 links; towards the North-west and South-west by high-water mark in Akaroa Harbour, being partly bounded towards the North-west by Reserve No. 382 (in red), 112 links: be the aforesaid linkages more or less; as the same is delineated on the plan deposited in the District Survey Office, Christchurch.

Also all that parcel of land in the Provincial District of Canterbury, containing by admeasurement 7 acres, more or less, being section numbered 1901 (in red), situate in the Borough of Akaroa, and bounded towards the North-east by a road-line 800 links; towards the North-west by the Beach Road; towards the South-west by Rural Section No. 61, 1230 links; and towards the South-eastward by a line at right angles to the first above-mentioned road, drawn from a point thereon being 150 links north-west of its junction with the Rue Charbonnier, 1020 links: be all the aforesaid linkages more or less; as the same is delineated on the plan deposited in the District Survey Office, Christchurch.

Also all that parcel of land in the Provincial District of Canterbury, containing 8 acres and 36 perches, more or less, situate in the Borough of Akaroa, and bounded towards the North-west by reserve numbered 1901 (in red), 1020 links; towards the North-east by the road-line south-west of Section No. 17, 250 links; towards the South-east by Rue Charbonnier 560 links; again towards the North-east by the Rue Charbonnier, 1455 links; again towards the South-east by the town boundary 580 links; and towards the South-west by Rural Section No. 61, 1600 links: be all the aforesaid linkages more or less, save and excepting thereout Sections Nos. 4, 41, and 54, which are included in the above-described boundaries; as the same is delineated on the plan deposited in the District Survey Office, Christchurch.

Also all that parcel of land in the Provincial District of Canterbury, containing 38 perches, more or less, situate in the Borough of Akaroa, and bounded towards the North-east by Section No. 4, 320 links; towards the South-west by Rue Charbonnier, 360 links; and towards the South-east by the town boundary, 150 links: be all the aforesaid linkages more or less; as the same is delineated on the plan deposited in the District Survey Office, Christchurch.

SECOND SCHEDULE.

ALL that parcel of land in the Provincial District of Canterbury, containing by admeasurement 1 acre 1 rood 34 perches, more or less, being section numbered 80 (in red), situate in the Borough of Akaroa, and bounded towards the North-east by Section No 113, 200 links; towards the North-west by Jolie Street, 793 links; towards the South-east by Lavaud Street, 790 links; and towards the South-west by Brittan Street, 200 links: be all the aforesaid linkages more or less, save and excepting thereout the continuation of Viard Street; as the same is delineated on the plan deposited in the District Survey Office, Christchurch.

Also all that parcel of land in the Provincial District of Canterbury, containing by admeasurement 7 acres 2 roods, more or less, being section numbered 80A (in red), situate in the Borough of Akaroa, and bounded towards the North by high-water mark in Akaroa Harbour; towards the South-east by Jolie Street, 1641 links; towards the South-west by Brittan Street, 188 links; and towards the West by New Street, 1579 links: be all the aforesaid linkages more or less; as the same is delineated on the plan deposited in the District Survey Office, Christchurch.

THIRD SCHEDULE.

ALL that parcel of land in the Provincial District of Canterbury, containing by admeasurement 3 acres and 26 perches, more or less, being section numbered 84 (in red), situate in the Borough of Akaroa, and bounded towards the East by reserve numbered 82 (in red); towards the South-east by Lavaud Street, 1538 links; towards the North-west by Jolie Street, 1629 links; and towards the South-west by the Beach Road: be all the aforesaid linkages more or less; as the same is delineated on the plan deposited in the District Survey Office, Christchurch.

Also all that parcel of land in the Provincial District of Canterbury, containing by admeasurement 1 acre and 36 perches, more or less, being section numbered 85 (in red), situate in the Borough of Akaroa, and bounded towards the North-west by Lavaud Street, 1295 links; towards the North-east and South-east by the Beach Road: be the aforesaid linkages more or less; as the same is delineated on the plan deposited in the District Survey Office, Christchurch.

FOURTH SCHEDULE.

ALL that parcel of land in the Provincial District of Canterbury, containing by admeasurement 13 acres 2 roods 20 perches, more or less, situate in the Borough of Akaroa, and bounded towards the North by Section No. 49, 700 links; thence towards the North-east by said section, 840 links; thence towards the South-east by the town boundary, 740 links; thence towards the South-west by rural section numbered 200 and reserve numbered 108 (in red), 1470 links; thence towards the North-west by Pompallier Street, 525 links; thence again towards the North-east by Section No. 154, 200 links; thence again towards the North-west by Sections Nos. 148 to 154 inclusive, and also by Viard Street, altogether 500 links; and thence again towards the South-west by Viard Street, 130 links, to Section No. 49, the place of commencement: be all the aforesaid linkages more or less; save and excepting thereout part of reserve numbered 108 (in red), and also a right-of-way thereto which is included in the above-described boundaries; as the same is delineated in the plan deposited in the District Survey Office, Christchurch.

FIFTH SCHEDULE.

ALL that parcel of land in the Provincial District of Canterbury, containing 3 acres 3 roods 32 perches, more or less, situate in the Borough of Akaroa, and bounded towards the North-east by Section No. 113 and a line in continuation of the south-western boundary thereof, 500 links; towards the South-east by Lavaud Street, 790 links; towards the South-west by Brittan Street and a line in continuation of the north-east side thereof, 500 links; and towards the North-west by a line parallel to and 500 links distant from Lavaud Street: be all the aforesaid linkages more or less; as the same is delineated on the plan deposited in the District Survey Office, Christchurch.

SIXTH SCHEDULE.

ALL that parcel of land in the Provincial District of Canterbury, containing 1 rood 1 perch, more or less, situate in the Borough of Akaroa, and bounded towards the North-east by Section No. 113 and a line in continuation of the south-western boundary thereof, 260 links; towards the North-west by the north-western side of Jolie Street, 100 links; towards the South-east by Lavaud Street, 100 links; and towards the South-west by a line parallel to the north-east boundary, 260 links: be all the aforesaid linkages more or less; as the same is delineated on the plan deposited in the District Survey Office, Christchurch.

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