New Zealand.



ANALYSIS.

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1896, No. 56.

Title.

An Acr to authorise the Disposal of certain Reserves and Crown Lands, and for other Purposes connected therewith.

[17th October, 1896.

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 is "The Reserves and Crown

Lands Disposal and Enabling Act, 1896."

2. The Public Trustee is hereby authorised to exchange Sections 1 and 2 of the subdivision of Lot 89 of Section 1 of the Suburbs of Auckland, for Crown lands of equal value, and the sections so exchanged may be proclaimed a recreation reserve, subject to the provisions of "The Public Domains Act, 1881."

3. Whereas Thomas McReynolds, of the New Zealand Fencibles of Onehunga, was awarded a land-order for one hundred acres under

Short Title.

Authorising Public Trustee to exchange section in Suburbs of Auckland.

Land-order to Thomas McReynolds.

"The Pensioner Claims Act, 1861," but returned to Ireland before exercising it, leaving the land-order with his wife; and whereas the said Thomas McReynolds never returned to the colony, but died in hospital in Belfast on the twelfth day of October, one thousand eight hundred and eighty, leaving as his sole legal representative Thomas McReynolds, carrier, of Onehunga: Be it therefore enacted that the said Thomas McReynolds, carrier, of Onehunga, son of the aforesaid Thomas McReynolds, deceased, may select, in the Provincial District of Auckland, one hundred acres of country-land on production to the Crown Lands Commissioner of Auckland of the aforesaid land-order, being a land-order issued by Laughlin O'Brien, the Commissioner appointed to investigate claims under "The Pensioner Claims Act,

1861," or on satisfactory proof of its loss.

4. Whereas Section 55 of the Town of Hamilton West, con-Power to resume taining one acre, and set aside as an endowment for hospitals, was granted to the Waikato Hospital and Charitable Aid Board in ignorance of the fact that a post and telegraph office had been erected change for other sections. thereon, and whereas the said Board has agreed to accept other lands in lieu thereof: Be it therefore enacted that the Governor may, by Gazette notice, resume the said section as a reserve for post and telegraph purposes, and grant in exchange therefor to the said Board Sections numbered 37, 45, 57, 266, 284, 328A, 310, and 103 of the Town of Hamilton East, and also Sections 54, 139A, 159, 163, 177, 184, 191a, 255, 291a, 297, 312, 327a, 340, 355, and 379 of the Town of Hamilton West, containing in all nineteen acres one rood and five perches, more or less, to be held by the said Board for an estate in fee-simple on the same trusts as those on which it held Section 55 aforesaid.

hospital reserve at Hamilton West for

5. (1.) Nothing contained in sections two hundred and thirty Restriction of time or two hundred and thirty-one of "The Land Act, 1892," or in any for searching for kauri-gum. license granted under either of those sections, shall authorise any person to search for, dig for, or remove kauri-gum within the period from the first day of December in any one year to the first day of May inclusive in the succeeding year, from any land on which dead or live kauri-trees are standing, whether such land is reserved as a State forest under "The New Zealand State Forests Act, 1885," or is Crown land.

(2.) Any person, whether holding any such license or not, who Penalty. offends against any of the provisions of this section is liable to a penalty not exceeding fifty pounds.

(3.) Any person who is found on any of the lands aforesaid within the aforesaid period in possession of kauri-gum, or of implements for searching for or digging for the same, shall be deemed to have committed an offence against the provisions of this section unless and until he satisfies the Court to the contrary.

6. The Governor may, by Gazette notice, declare that the Forestlands in First whole or any portion of the lands described in the First Schedule Schedule may be declared Crown hereto is no longer required for State-forest purposes, and is no lands. longer within the provisions of "The New Zealand State Forests Act, 1885," and, from and after the date of the gazetting of such notice, the lands referred to therein shall be deemed to be Crown lands, and subject to "The Land Act, 1892."

Reserve for establishing an experimental dairy-school at Waimate.

- 7. Whereas Section 32, Block III., Waimate Survey District, West Coast (North Island) District, containing ninety acres and twenty perches, more or less, was, in pursuance of number 22 of the First Schedule to "The Special Powers and Contracts Act, 1885," by notice in the Gazette of the 9th October, 1885, page 1196, vested in the Public Trustee for the purposes of a School of Agriculture: And whereas such school has not been established, and it is desirable to vary the purpose for which the land was set apart and to apply the rents and profits of the land in manner hereinafter provided: Be it therefore enacted as follows:—
 - (1.) The Governor may, by Gazette notice, resume possession of the said land, and from and after the gazetting of such notice the said land shall be freed from any trust in or control by the Public Trustee, and shall be deemed to be a reserve for the purpose of establishing an experimental dairy-school for the North Island in such manner as the Minister for Agriculture directs.

Provided, however, that any lease theretofore granted by the Public Trustee shall not be disturbed thereby, save and except that such lease shall thenceforth be deemed to have been granted by the Commissioner of Crown Lands for the Land District of Taranaki, who shall have all the powers of the Public Trustee thereunder, and the lessee shall thenceforth pay his rent to the Receiver of Land Revenue at New Plymouth, whose

receipt shall be a sufficient discharge.

Application of rents. (2.) All rents and profits in respect of the

(2.) All rents and profits in respect of the said land in the hands of the Public Trustee at the date of the gazetting of the said notice, and all rents and profits that thereafter accrue, shall be paid into the Public Account to a special account, to be called the "North Island Experimental Dairy-School Account," and the Colonial Treasurer may, from time to time, without any further appropriation by Parliament, pay therefrom any expenses incurred by or under the authority of the Minister for Agriculture in the establishment, support, and maintenance of the said experimental dairy-school.

Preceding section to apply to reserve in Hawera Survey District.

8. The provisions of the last-preceding section hereof shall, mutatis mutandis, apply with respect to Section 534, Block XI., Hawera Survey District, containing sixty-nine acres one rood twenty-two perches, more or less, which is at present vested in the Mokoia Domain Board under "The Public Domains Act, 1881," and for the purposes of such application the expression "Mokoia Domain Board" shall be read in lieu of the expression "Public Trustee."

9. Whereas Section 69, Foxton, known as the Taupunga Ferry Reserve, situate in Block VII., Mount Robinson Survey District, containing seventy acres, more or less, was agreed to be sold to certain aboriginal natives of New Zealand, members of the Ngatiwhakatire Tribe, by the Provincial Government of Wellington, about the year one thousand eight hundred and sixty-seven, at the rate of one pound per acre, and certain moneys on account

Completion of sale of Taupunga Ferry Reserve, Foxton, to certain Natives authorised. of such sale, amounting in all to thirty-eight pounds, were paid to the said Provincial Government: And whereas, the matter having remained in abeyance for several years, the land was reserved for ferry purposes, and there is now no power to remove the reservation and complete the sale: Be it therefore enacted as follows :-

(1.) The Governor may issue a Crown grant for an estate in fee-simple of such portion of the said land as is not required for ferry purposes, or for a road to such ferry, not exceeding sixty-five acres, in the names of the persons who contributed the thirty-eight pounds above referred to, upon payment by them or by their representatives of a

further sum of twenty-seven pounds.

(2.) The persons named in such grant shall hold as tenants in common in shares proportioned to the amounts respectively paid as aforesaid, and upon the issue of such grant the land described therein shall be deemed to be absolutely freed from any reservation for ferry purposes, and the said grant shall antevest the land in the grantees to the seventeenth day of January, one thousand eight hundred and sixty-seven.

1Ó. Section five of "The Reserves Disposal and Exchange Act, Section 5 of "The 1895," is hereby amended by substituting the words "five thouand Exchange Act, sand five hundred acres" in lieu of the words "four thousand two 1895," amended.

hundred acres."

11. Whereas a petition from the Ngatitoa Tribe was presented Power to grant to Parliament in the session of 1894, showing that certain land had Ngatitoa Tribe.

been taken from them beyond that originally agreed upon to be ceded to the Government: And whereas the petition was referred to the Government for consideration: And whereas it has since been ascertained that the claim of the petitioners is well grounded: And whereas the petitioners have agreed to accept in settlement of such claim the land hereinafter mentioned, and to pay the sum of one hundred and seventy-three pounds by way of equality of value: Be it therefore enacted that, on receipt by the Receiver of Land Revenue of the sum of one hundred and seventy-three pounds, to be paid by or on behalf of the petitioners, the Governor may issue a Crown grant for an estate in fee-simple in Sections 23 and 24, Block VIII., Survey District of Tiriraukawa, Land District of Wellington, containing nine hundred and fifty-three acres, more or less, to such persons as he considers to be equitably entitled thereto (as now representing the original holders of the land hereinbefore first mentioned): Provided that if the petitioners pay less than that sum, or no portion thereof, then he may issue a Crown grant in like manner for such portion of the land comprised in those sections as in the circumstances of the case he deems equitable.

12. Whereas Sections 75 and 76, Block XIV., Tiffin Survey Certain sections District, containing seventeen acres three roods and twenty-six vested in Borough of Greytown. perches, more or less, were reserved for recreation and river-conservation purposes respectively, and are not required therefor: Be it therefore enacted that the Governor may, by Gazette notice, cancel

the purposes for which those sections were set apart, and may vest them in the Corporation of the Borough of Greytown for an estate in fee-simple in trust as reserves for municipal purposes.

Reserve in memory of Captain Cook.

13. The land described in the Second Schedule hereto, whereof part is at present a reserve for pilot- and signal-station purposes, but is not required therefor, and the rest is Crown lands, is hereby declared to be a reserve in memory of its occupation by Captain Cook, and shall be retained in its natural state as nearly as may be.

Shearing reserve, Marlborough, resumed for settlement. 14. The Governor may, by Gazette notice, resume for settlement purposes, the land described in the Third Schedule hereto, which was granted to the Superintendent of the Province of Marlborough, and set apart as a shearing reserve, but is not now required for that purpose; and from and after the date of the gazetting of such notice the said land shall be deemed to be Crown land subject to "The Land Act, 1892."

Reserve for harbour purposes may be vested in Kaikoura County. 15. Section 275, Block XI., Mount Fyfe Survey District, Land District of Marlborough, containing seventy-nine acres two roods, more or less, which was originally reserved for purposes of public utility, may be vested by the Governor in the Corporation of the County of Kaikoura for an estate in fee-simple upon trust as a reserve for harbour purposes, subject nevertheless to such terms and conditions as he thinks fit to impose respecting the resumption of the same, or of any portion thereof, at any time and from time to time, by the Crown for lighthouse purposes, or the exchange of the same for other land for lighthouse purposes.

Reserve for protecting Waimanarara River may be vested in Kaikoura County. 16. Sections 2 of 29, 30, 31, and 32, in the District of Kaikoura Suburban, containing in all two hundred and twenty-eight acres two roods and fifteen perches, more or less, which were reserved for the purpose of the protection of river-banks, may be vested by the Governor in the Corporation of the County of Kaikoura for an estate in fee-simple in trust for the improvement and protection of the Waimanarara River; and an Order in Council dated the fourteenth day of July, one thousand eight hundred and eighty-five, purporting to vest the said sections in the Kaikoura Board of River Conservators, is hereby declared to be void.

Exchange of reserve for agricultural and stock purposes, Ashburton. 17. The Governor, with the consent of the Borough Council of Ashburton, may, by *Gazette* notice, resume as reserves for agricultural and stock purposes Sections 991 and 1000 of the Town of Ashburton, and may, in exchange therefor, grant to the Corporation of said borough Sections 1098, 1099, 1100, 1105, 1106, and 1107 of the said town, to be held by the said Corporation for an estate in fee-simple on the same trusts and for the same purposes as in the case of the lands herein first mentioned.

Authorising disposal of certain town lands, North Rangitata Township. 18. Whereas by "The Public Reserves Sale Act, 1878," Lots 1, 2, 3, 4, and 5, North Rangitata Township, containing six hundred and twelve acres two roods and six perches, more or less, were authorised to be sold as town lands, but there is no demand for the same, and portion thereof is suitable for subdivision as rural land: Be it therefore enacted that the aforesaid Lots 1, 2, and 3, containing four hundred and fifty-five acres, more or less, may be disposed of under "The Land Act, 1892," as rural lands.

19. Whereas the land described in the Fourth Schedule hereto Part of road, forms part of a road in the Town of Geraldine, and is not required Geraldine, to be a post-office reserve. for that purpose, but is required as a reserve for a post-office: Be it therefore enacted that the part of the said road described in the said Schedule is hereby declared to be closed, and shall henceforth be

a reserve for post and telegraph purposes. 20. Whereas Reserve No. 101, situate in the Town of Kanieri, Reserve for town and containing one acre (more or less), is at present a reserve for a be vested in blue to the link anieri may blue public hall, and it is expedient to extend the purpose thereof: it therefore enacted that the Governor may by notice in the Gazette vest the said reserve in such persons as he thinks fit to appoint in that behalf, for an estate in fee-simple, in trust for the purposes of a public hall, public library, reading-room, and school of mines, subject to such conditions and restrictions as in the same or any subsequent

Gazette notice he thinks fit to impose.

21. It shall be lawful for the Otago Harbour Board, upon pay- Power to vest lands ment to it by the Education Board of the District of Otago of the Board. sum of fifty pounds, to do and execute all such acts and deeds as are necessary for vesting in the said Education Board for an estate

in fee-simple the lands specified in the Fifth Schedule hereto.

22. Whereas the land described in the Sixth Schedule hereto, Validating lease of being part of the land mentioned in "The Sawyer's Bay Land Leasing (Otago) Ordinance, 1874," was in pursuance of that ordinance rising lease of same leased to the Superintendent of Otago, and sublet by him to the friendly societies mentioned in section six of the said ordinance: And whereas on the expiration of such lease and sublease, and for the purpose of continuing for a further term the arrangement contemplated by the said ordinance, the deed of lease mentioned in the said Schedule was executed by the Minister of Lands as lessee, and it is expedient to validate the same and to make other provisions relating thereto: Be it therefore enacted as follows:—

(1.) The said deed of lease shall be deemed to have been validly executed by the said Minister in the name and on behalf of Her Majesty, and the rent payable thereunder shall be

payable out of moneys appropriated by Parliament.

(2.) The said Minister may in the name and on behalf of Her Majesty sublet the said land for the whole term of the aforesaid lease less the last day thereof, or for any less term, to any person or persons in trust as a recreationground or garden, for the use of the several friendly societies or bodies next hereinafter named, that is to say,-

The Manchester Unity Independent Order of Odd-

fellows,

The Independent Order of Oddfellows,

The Ancient Order of Foresters,-

at a yearly rent of one peppercorn, if demanded, and subject to such covenants, conditions, and agreements as the said Minister thinks fit.

(3.) Any moneys received on behalf of Her Majesty from the incoming tenant in respect of valuation of buildings, on

Be trustees for public library, &c.

land at Sawyer's Bay, and authoto friendly societies.

the expiration of the term of such sublease as last aforesaid, shall be paid to the said friendly societies and bodies, in such shares as the said Minister deems equitable, and the said friendly societies and bodies shall thereafter have no further claim on the colony for any continuance of the arrangement authorised by this Act, or contemplated by the said ordinance.

Endowment for public library, Township of Hamilton.

23. The Governor may, by Gazette notice, reserve the whole or any portion of Sections 13 and 14, Block IV., Upper Taieri District, Land District of Otago, containing four hundred and thirty-four acres one rood and thirty-five perches, more or less, for the purpose of an endowment for a public library in the Township of Hamilton, and may, by Gazette notice, grant the same to any corporate body for an estate in fee-simple upon trust for that purpose, upon such conditions as to resumption by the Crown or otherwise in the event of the library ceasing to exist, or to be satisfactorily conducted, as the Governor thinks fit.

Reserve for fruitculture or like industry, Leaning Rock Survey District.

24. Whereas Section 72, Block I., Leaning Rock Survey District, Land District of Otago, containing one hundred and forty-five acres three roods and four perches, more or less, was by "The Reserves Management Ordinance (Otago), 1872," vested in the Trustees of the Dunstan Racecourse, and is not now required for the purpose for which it was so vested: Be it therefore enacted that the Governor may, by Gazette notice, resume possession of the said land, and from and after the date of the gazetting of such notice the said land shall be deemed to be a reserve for experimental purposes in connection with fruit-culture or other like industry, freed from any trust, control, reservation, or incumbrance, actual or implied, by virtue of the said ordinance.

Mode of dealing with education reserves set apart for perpetual lease.

25. Notwithstanding anything to the contrary contained in "The Land Act, 1892," it is hereby declared as follows:-

(1.) The Governor may, in the manner provided by section two hundred and forty-three of "The Land Act, 1892," bring any education reserve under the provisions of that section, notwithstanding that it may have been set apart for perpetual lease under section fifty of "The Land Act 1877 Amendment Act, 1882," or under section two hundred and thirty-eight of "The Land Act, 1885," and thereupon section two hundred and forty-three of "The

Land Act, 1892," shall apply accordingly.

(2.) In respect to the land comprised in any such reserve, and held under perpetual lease as aforesaid, the Governor may by Proclamation permit such lease to be exchanged for a lease in perpetuity under section one hundred and fifty of "The Land Act, 1892," or may by Proclamation permit the holder of such perpetual lease to acquire the freehold on payment of the capital value placed upon the land for the purposes of the lease, and in the event of the freehold being so acquired the proceeds of the sale shall be dealt with in the manner provided by section two hundred and forty-three of "The Land Act, 1892."

Provided that this section shall apply only to the Land Districts

of Otago and Southland.

26. The Governor may authorise the Commissioner of Crown Governor may Lands for the district to inquire into the several cases of land-orders authorise issue of land-orders in lieu lost or destroyed and alleged not to have been exercised, and, if he is of lost orders. satisfied that the orders stated in the Seventh Schedule have not been exercised and have been lost or destroyed, may authorise the issue of duplicates thereof, which may be exercised in the same manner as the original orders, but not later than the first day of

January, one thousand eight hundred and ninety-eight. 27. Section 218 of the Town of Gisborne, containing 7 acres Section 218, Town 1 rood 22 perches, more or less, which is at present reserved for a of Gisborne, reserved for recreation gaol under the provisions of "The Gisborne Land Act 1870 Amend- purposes.

SCHEDULES.

ment Act, 1871," is hereby declared to be a reserve for recreation.

Schedules.

FIRST SCHEDULE.

ALL that area in the Hawke's Bay Land District, containing by admeasurement 600 acres, more or less, situated in Norsewood Survey District, and bounded towards the south-west by the Te Ohu Block from the Mangatewainui River, 8300 links; towards the north-west by a line at right angles to the north-eastern boundary-line of the said Te Ohu Block, 4500 links; towards the north-east by a line parallel to the said north-eastern boundary-line, 5000 links; again towards the north-west by a right line to the south-west corner of Section No. 22, of Block III., Norsewood Survey District, 5800 links; towards the east by a road-line, a road reserve, and Section No. 29 of said Block III.; and towards the south-east by the Mangatewainui River before mentioned: be all the aforesaid linkages more or less.

Also, all that area in the Wellington Land District, containing by admeasurement 2,400 acres, more or less, situated in Gorge Survey District, being part of a forest reserve. Bounded towards the north-east by Sections Nos. 3, 4, and 5, Block II., Gorge Survey District; towards the north-west by Section No. 5 aforesaid; again towards the north-east by Sections Nos. 9, 10, 12, and 13 (Malton Farm Homestead Association Block), Block II. aforesaid; towards the south east by the Hawke's Bay Land District; towards the south-west by the other part of forest reserve; and again towards the north-west by Subdivision X. of the Manchester Block.

SECOND SCHEDULE.

ALL that area in the Marlborough Land District, containing by admeasurement about 1,870 acres, situate in Gore Survey District. Bounded towards the east generally by the sea; towards the south-east by the leading spur from the south head of Ship Cove to the summit of the range; towards the south-west and northwest by the summit of the range; and towards the north-east by the leading spur to the north head of Ship Cove.

THIRD SCHEDULE.

ALL that area in the Marlborough Land District, containing by admeasurement 6,300 acres, more or less, known as Shearing Reserve A, situate in Greenburn Survey District. Bounded towards the north by Warden Run No. 4; towards the east generally by Swyncombe Run and the stream forming part of western boundary of that run, and forming the western boundaries of Sections Nos. 89, 84, and 83, Greenburn Survey District (Kahautara River); towards the south by Greenburn; and towards the west generally by Greenhills and Kaikoura Runs.

FOURTH SCHEDULE.

ALL that parcel of land in the Canterbury Land District, situate in the Township of Geraldine, containing by admeasurement 1 rood 17 perches, more or less. Bounded towards the north-east by the Waihi River; towards the south-east by the Church of England Reserve (Section No. 149); towards the south-west by Talbot Street; and towards the north-west by Section No. 1, Township of Geraldine.

FIFTH SCHEDULE.

ALL those parcels of land in the City of Dunedin, containing together 2 roods 3.8 perches, be the same a little more or less, being sections numbered respectively 7 and 12, Block LXIX., on the Land Transfer record map of the said city, deposited in the Office of the Chief Surveyor at Dunedin. And also all that parcel of land in the said City of Dunedin, containing 17.8 perches, be the same a little more or less, being those parts of sections numbered respectively 2, 3, and 4, Block LXIX., on the said map, lying between high-water mark and the said section numbered 12, being the parts of the said sections now vested in the Otago Harbour Board.

SIXTH SCHEDULE.

LAND.

ALL that parcel of land in the Otago Land District, containing by admeasurement 6 acres 3.9 perches, more or less, being part of Section No. 16, Sawyer's Bay Survey District, bounded as follows: Commencing at a point on the north-eastern boundary-line of the said Section No. 16 distant 371 links from the north-eastern boundary-line of the said Section No. 16, 1115.7 links; thence towards the south-east by a right line parallel to the north-western boundary-line of that section, 540 links; thence towards the south-west by Section No. 17, 1115.7 links; and thence towards the north-west by a right line parallel to the north-western boundary-line of the said Section No. 16, 540 links, to the place of commencement.

LEASE.

Deed of lease, dated the 2nd day of April, 1896, of the above land from the Otago Presbyterian Church Board of Property to the Minister of Lands, for the term of ten years from the 1st day of May, 1895, at a clear yearly rental of £25, payable yearly, and subject to such covenants, provisions, agreements, and conditions as are set forth therein.

SEVENTH SCHEDULE.

Name.	Land District.	Nature of Claim.
William Abbey	Auckland	Interest in three land-orders (Nos. 75, 82, 84) issued under "The Pensions Claims Act, 1861."
Mary Eleanor Beale	Auckland	As administratrix of her husband's estate, for 220 acres under "The Auckland Waste Lands Act, 1858."
J. J. Bulkeley Elias Harding	Canterbury Otago	Land-order No. 111, 2nd September, 1850. Land-order No. 133, for 60 acres, issued 14th December, 1858.