

New Zealand



ANALYSIS

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1941, No. 21

AN ACT to provide for the Sale, Reservation, and other Title.
Disposition of certain Reserves, Crown Lands,
Endowments, and other Lands, to validate certain
Transactions, and to make Provision in respect of
certain other Matters. [13th October, 1941

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

1. This Act may be cited as the Reserves and other Short Title.
Lands Disposal Act, 1941.

Validating a
certain payment
to the
Waimairi
County Council.
1934, No. 32

See Reprint
of Statutes,
Vol. IV, p. 622

Ibid.,
Vol. III, p. 798

2. Whereas section fourteen of the Reserves and other Lands Disposal Act, 1934, cancelled the reservation over certain reserves in the Fendalton Riding of the Waimairi County, and declared such lands to be Crown land available for disposal by way of sale for cash under the Land Act, 1924, but subject to the special provisions set forth in subsection two of the said section fourteen for the disposition of the proceeds from any sale of such lands: And whereas by Proclamation published in the *Gazette* of the fourteenth day of November, nineteen hundred and forty, Reserve 4196, Block X, Christchurch Survey District, containing an area of three roods nine perches and six-tenths of a perch, and being portion of the lands hereinbefore referred to, was declared to be set apart for the purposes of Part I of the Housing Act, 1919: And whereas in respect of such transaction the sum of seven hundred and eighty pounds was on the seventh day of November, nineteen hundred and forty, paid out of the Land for Settlements Account to the Waimairi County Council, such payment purporting to be made under the authority of the said subsection two of section fourteen of the Reserves and other Lands Disposal Act, 1934: And whereas doubts have arisen as to whether the setting-apart of such land for housing purposes was a sale of land, and whether such payment was lawfully made: And whereas it is desirable that such doubts should be removed: Be it therefore enacted as follows:—

The setting - apart of Reserve 4196, Block X, Christchurch Survey District, for the purposes of Part I of the Housing Act, 1919, by the Proclamation published in the *Gazette* of the fourteenth day of November, nineteen hundred and forty, shall, for the purposes of section fourteen of the Reserves and other Lands Disposal Act, 1934, be deemed to have been a sale of land, and the aforesaid payment of the sum of seven hundred and eighty pounds to the Waimairi County Council is hereby validated and declared to have been lawfully made to and received by the said Council.

3. Whereas the land hereinafter described is a provisional State forest reserve set apart by Proclamation published in the *Gazette* of the eighth day of July, nineteen hundred and twenty, and is subject to the provisions of the Forests Act, 1921-22: And whereas the land is required as an addition to the water-supply areas vested in and owned by the Corporation of the City of Nelson (hereinafter called the Corporation), and it is desirable that the said land should be set apart for water-supply purposes and vested in the Corporation: Be it therefore enacted as follows:—

(1) The reservation for provisional State forest purposes over the land hereinafter described is hereby cancelled, and the said land is hereby set apart as a reserve for water-supply purposes and vested in the Corporation in trust for such purposes.

(2) The land to which this section relates is particularly described as follows:—

All that area in the Nelson Land District, containing by admeasurement seven hundred and thirty-four acres, more or less, being Section 9, Block VIII, Waimea Survey District: as the same is more particularly delineated on the plan marked L. and S. 4/744, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (Nelson plan S.O. 7563).

4. Whereas the lands hereinafter described are reserved as endowments for primary education: And whereas the said lands are required for defence purposes, and it is expedient that they should be set apart accordingly: Be it therefore enacted as follows:—

(1) The reservation as endowments for primary education over the lands hereinafter described is hereby cancelled, and the said lands are hereby set apart for defence purposes.

(2) The lands to which this section relates are particularly described as follows:—

All that area in the North Auckland Land District, containing by admeasurement two acres two roods thirty-eight perches, more or less, being portion of

Cancelling the reservation over certain provisional State forest land in Nelson Land District, setting it apart as a reserve for water-supply purposes, and vesting it in the Corporation of the City of Nelson.

See Reprint of Statutes, Vol. III, p. 425

Cancelling the reservation over certain education-endowment lands in North Auckland Land District and setting them apart for defence purposes.

Allotment 57, Pakuranga Parish, being all the land in Deposited Plan Number 2574, and being all the land comprised in certificate of title, Volume 107, folio 114, Auckland Registry.

Also all that area in the North Auckland Land District, containing by admeasurement one hundred and nineteen acres, more or less, being Allotment 56, Pakuranga Parish, and being all the land comprised in certificate of title, Volume 285, folio 15, Auckland Registry.

As the same are more particularly delineated on the plan marked L. and S. 6/3/449, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red and blue respectively (Auckland plans S.O. 20239 and 30219).

Vesting certain land at Seacliff, Otago Land District, in His Majesty as a public domain.

5. Whereas in or about the year nineteen hundred and six public subscriptions were raised for the purchase for recreation purposes of the land at Seacliff hereinafter described, but no steps were taken to establish public ownership over the area: And whereas the said land is now held by the Public Trustee as administrator of the estate of the late Sir Frederick Truby King: And whereas the Public Trustee recognizes a trust with respect to the said land, but is unable to decide who are the beneficiaries thereunder: And whereas it has been ascertained that the wishes of the majority of the residents of Seacliff will be met if the land is made a public domain: And whereas under the circumstances it is desirable to make suitable provision in that behalf: Be it therefore enacted as follows:—

(1) The land described in subsection three hereof is hereby declared to be vested in His Majesty the King as a public domain under and subject to the provisions of Part II of the Public Reserves, Domains, and National Parks Act, 1928, and shall hereafter be known as the Seacliff Domain.

(2) The District Land Registrar for the Land Registration District of Otago is hereby directed to make such entries in the Register-book and in the

See Reprint of Statutes, Vol. VI, p. 1134

outstanding certificate of title for the said land as may be necessary to give effect to the provisions of this section.

(3) The land to which this section relates is particularly described as follows:—

All that area in the Otago Land District, containing by admeasurement three roods eighteen perches and eighty-five hundredths of a perch, more or less, being Allotment 4 and part of Allotment 1, Township of Seacliff Extension Number 1, Deposited Plan 1937, being a subdivision of part of Section 34, Block III, Waikouaiti Survey District, and being all the land comprised in certificate of title, Volume 256, folio 79, Otago Registry: as the same is delineated on the plan marked L. and S. 1/1089, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

6. Whereas the land hereinafter described was set apart in the Town of Waitara East as an endowment in aid of the Town Board funds by a Warrant published in the *Gazette* of the fifteenth day of January, eighteen hundred and eighty-five, and later became vested in the Corporation of the Borough of Waitara: And whereas by Proclamation published in the *Gazette* of the thirtieth day of January, nineteen hundred and forty-one, the said land was taken for a maternity hospital, and thereby became vested in the Taranaki Hospital Board as from the third day of February, nineteen hundred and forty-one: And whereas in view of the purpose for which the land was required the Waitara Borough Council agreed to forego any claim for compensation for the taking of the said land and its vesting in the Hospital Board: And whereas it is desirable to validate the Council's action in that respect: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in any Act or rule of law the action of the Waitara Borough Council in foregoing as aforesaid any claim for compensation in respect of the taking for a maternity hospital of the land hereinafter described is hereby validated.

Special
provision
with respect
to maternity-
hospital site,
Waitara.

(2) The land to which this section relates is described as follows:—

All that area in the Taranaki Land District, containing by admeasurement one acre one perch and forty-four hundredths of a perch, more or less, and being Sections 1, 2, 3, and 4, Block XL, Town of Waitara East.

7. Whereas the lands hereinafter described are vested in the Crown as endowments for primary education: And whereas the said lands are required for general purposes in connection with the tourist traffic at Lake Te Anau and in its vicinity, and it is desirable therefore that the said lands should be brought under the provisions of the Tourist and Health Resorts Control Act, 1908: Be it therefore enacted as follows:—

(1) The reservation as an endowment for primary education over the lands hereinafter described is hereby cancelled, and notwithstanding anything to the contrary in the Education Reserves Act, 1928, or in any other Act, the control of the said lands is hereby declared to be vested in the Minister charged with the administration of the Tourist and Health Resorts Control Act, 1908, and the said lands shall hereafter be administered under the provisions of such last-mentioned Act.

(2) The lands to which this section relates are particularly described as follows:—

All those areas in the Southland Land District, containing together by admeasurement two hundred and forty-eight acres and thirty-two perches, more or less, being Lots 1 to 6, both inclusive, 8, 11 to 17, both inclusive, and 21 to 28, both inclusive, Block II, and Lots 1, 2, 4 to 12, both inclusive, and the north-western part of Lot 3, Block III, Township of Marakura, D.P. 280, and being also part of Run 301B, Block I, Manapouri Survey District: as the same are more particularly delineated on the plan marked L. and S. 20/857, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Certain education-endowment lands in Southland Land District declared to be subject to the Tourist and Health Resorts Control Act, 1908.
See Reprint of Statutes, Vol. VIII, p. 605

Ibid., Vol. IV, p. 1003

8. (1) The land hereinafter described is hereby vested in the Greymouth Harbour Board in trust, without power of sale, as an endowment for harbour purposes.

Vesting certain land in Greymouth Harbour Board as endowment.

(2) The land to which this section relates is particularly described as follows:—

All that area in the Borough of Greymouth, Westland Land District, containing by admeasurement eleven acres three roods thirty-four perches and five-tenths of a perch, more or less, being Reserve 1778, Block XII, Greymouth Survey District.

Also all that area in the Borough of Greymouth, Westland Land District, containing by admeasurement twelve acres eight perches and one-tenth of a perch, more or less, being Reserve 1779, Block XII, Greymouth Survey District: as the same are more particularly delineated on the plan marked L. and S. 22/2759, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

9. Whereas the land hereinafter described is reserved as an endowment for secondary education: And whereas it is desirable that the reservation over the said land should be cancelled and that the said land should be brought under the provisions of Part II of the Public Reserves, Domains, and National Parks Act, 1928, as an addition to the Avondale Domain: Be it therefore enacted as follows:—

Cancelling the reservation as an endowment for secondary education over certain land in the City of Auckland and adding the said land to the Avondale Domain.

(1) The reservation as an endowment for secondary education over the land hereinafter described is hereby cancelled, and the said land is hereby declared to be reserved for recreation purposes to be subject to the provisions of Part II of the Public Reserves, Domains, and National Parks Act, 1928, and to form portion of the Avondale Domain.

See Reprint of Statutes, Vol. VI, p. 1134

(2) The land to which this section relates is particularly described as follows:—

All that area in the City of Auckland, North Auckland Land District, situated in Block VII, Titirangi Survey District, containing by admeasurement one acre one perch and nineteen-hundredths of a perch, being Lots 1 to 5 on Deposited Plan 20399, being part Allotments 213, 214, 282, and 362, Education Reserves, Whau Township South: as the same is more particularly

delineated on the plan marked L. and S. 1/641A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Adjusting
boundary
between
Section 3,
Block VIII,
Thames Survey
District, and
Tupanaki
No. 2 Block.

10. Whereas on the twenty-eighth day of March, nineteen hundred and seven, the Auckland Land Board issued a lease in perpetuity under section one hundred and fifty-seven of the Land Act, 1892, over an area of three hundred acres described as Section 3, Block VIII, Thames Survey District, and the said lease is now held by Henry Percival Hansen, of Thames, farmer: And whereas, on account of the Wharehoe Stream having been mutually adopted as the boundary between the said Section 3 and adjoining Native land, known as the Tupanaki Number 2 Block, three small portions as hereinafter described of that block were included in the land leased as aforesaid: And whereas the said Henry Percival Hansen has made application to purchase the fee-simple of the land described in the said lease: And whereas the interests of the Natives in Tupanaki Number 2 Block have been acquired by Henry Lowe, of Thames, butcher, but a conveyance of the said block has not been registered: And whereas it is desirable that the inclusion of portions of Tupanaki Number 2 Block in Section 3, Block VIII, Thames Survey District, should be validated: And whereas it is also desirable that the said Henry Lowe should be granted as compensation certain adjoining areas of Crown land and that the said areas should be included in the said Tupanaki Number 2 Block: And whereas the said Henry Lowe has agreed to such adjustment of areas: Be it therefore enacted as follows:—

(1) Those portions of Tupanaki Number 2 Block described in subsection three hereof shall be deemed to have been included in and to have formed part of Section 3, Block VIII, Thames Survey District, as from the twenty-seventh day of March, nineteen hundred and seven.

(2) The Crown land described in subsection four hereof shall be deemed to have been included in and to have formed part of Tupanaki Number 2 Block as from the twenty-seventh day of March, nineteen hundred and seven.

(3) The land to which subsection one hereof relates is particularly described as follows:—

All those areas in the Auckland Land District, being parts of Tupanaki Number 2 Block, containing two roods and thirty perches, one acre three roods thirty perches, and ten perches, respectively, more or less, and being parts of the land in Deeds Index 2D, folio 186, Auckland Registry: as the same are more particularly delineated on the plan numbered 30990, deposited in the Office of the Chief Surveyor at Auckland, and thereon coloured purple.

(4) The land to which subsection two hereof relates is particularly described as follows:—

All those areas in the Auckland Land District containing six acres one rood, more or less, being Section 22, Block VIII, and Sections 16, 17, and 18, Block IX, Thames Survey District.

11. Whereas by Proclamation dated the sixteenth day of June, eighteen hundred and eighty-seven, and published in the *Gazette* of the twenty-third day of that month, an area of thirteen acres and four perches at Bastion Point, Auckland, was taken for defence purposes and became vested in His Majesty the King: And whereas by Proclamation dated the seventh day of February, nineteen hundred and thirty, and published in the *Gazette* of the thirteenth day of that month, an area of one rood and four perches of the land taken as aforesaid was proclaimed as a street: And whereas by Proclamation dated the twenty-first day of March, nineteen hundred and thirty-four, and published in the *Gazette* of the twenty-ninth day of that month, an area of one acre and twelve perches of the land taken as aforesaid was declared to be Crown land subject to the Land Act, 1924: And whereas the Governor-General, purporting to act under the authority of the Cemeteries Act, 1908, did by Warrant under his hand dated the twenty-eighth day of March, nineteen hundred and forty, declare portion of the said land as described in the Schedule to the said Warrant to be a private burial-ground to be called and known by the name of "The Private Burial-ground of the Right Honourable Michael Joseph Savage": And whereas it is fitting and

Establishing
Savage Private
Burial-ground
and Memorial
Park at
Bastion Point,
Auckland, and
provisions
incidental
thereto.

See Reprint
of Statutes,
Vol. IV, p. 622
Ibid., Vol. I,
p. 731

desirable that the said Warrant should be validated, that a suitable portion of the said land should remain vested in His Majesty appropriated as a burial-ground for the said Michael Joseph Savage and as a site for a memorial to him, and that another portion of the said land, together with some adjoining Crown land, should be set apart for recreation purposes: And whereas for the better carrying-out of these matters it is expedient and desirable that the reservation for defence purposes of the residue of the land taken by the Proclamation aforesaid should be revoked and that other provision should be made as hereinafter appears: Be it therefore enacted as follows:—

(1) The Warrant dated the twenty-eighth day of March, nineteen hundred and forty, as hereinbefore referred to, shall be and be deemed at all times since the date thereof to have been valid and of full force and effect according to its tenor, but shall from the date of the passing of this Act be deemed to be cancelled.

(2) The reservation for defence purposes of the residue of the land taken by the Proclamation dated the sixteenth day of June, eighteen hundred and eighty-seven, as hereinbefore referred to, is hereby revoked.

(3) The area described in subsection six hereof being portion of the land over which the reservation for defence purposes is revoked by the last preceding subsection, shall be and remain vested in His Majesty as a burial-ground for the said Michael Joseph Savage and as a site for a memorial to him. Section sixty of the Cemeteries Act, 1908, shall not apply to the establishment of the said burial-ground, and no body other than that of the said Michael Joseph Savage shall be buried therein.

(4) The area firstly described in subsection seven hereof, being portion of the land over which the reservation for defence purposes is revoked by subsection two hereof, together with the areas of Crown land secondly and thirdly described in the said subsection, is hereby declared to be reserved for recreation purposes, to be subject to the provisions of Part II of the Public Reserves, Domains, and National Parks Act, 1928, and to form portion of the Orakei Domain.

(5) Notwithstanding anything contained in the last preceding subsection, the areas described in subsections six and seven hereof shall together be called and known by the name of "The M. J. Savage Memorial Park".

(6) The land to which subsection three hereof relates is particularly described as follows:—

All that area in the City of Auckland, North Auckland Land District, containing by admeasurement two perches and four-tenths of a perch, more or less, being part of the land described in Proclamation Number 905, Auckland Registry, and being also part of the Orakei Block: as the same is more particularly shown on the plan numbered 32269, deposited in the Office of the Chief Surveyor at Auckland, and thereon coloured purple.

(7) The land to which subsection four hereof relates is particularly described as follows:—

Firstly, all that area in the City of Auckland, North Auckland Land District, containing by admeasurement ten acres four perches and eight-tenths of a perch, more or less, being part of the land described in Proclamation Number 905, Auckland Registry, and being also part of the Orakei Block: as the same is more particularly shown on the plan numbered 32269, deposited in the Office of the Chief Surveyor at Auckland, and thereon bordered yellow;

Secondly, all that area in the City of Auckland, North Auckland Land District, containing by admeasurement six acres three roods and three-tenths of a perch, more or less, being part of the land comprised in certificate of title, Volume 276, folio 295, Auckland Registry, and being part of Orakei 4B Block; and

Thirdly, all that area in the City of Auckland, North Auckland Land District, containing by admeasurement one acre thirty-two perches and one-tenth of a perch, more or less, being part of the land comprised in certificate of title, Volume 276, folio 295, Auckland Registry, and being part of Orakei 4c Block: the land secondly and thirdly described being more particularly shown on the plan numbered 32269, deposited in the Office of the Chief Surveyor at Auckland, and thereon bordered red.

Validating the
sale by the
Westport
Borough
Council of a
certain
pleasure-ground
area.

1913 (Local),
No. 14

1919 (Local),
No. 12

1924, No. 55

12. Whereas by the Westport Public Parks Vesting Act, 1913, an area of twelve acres one rood and thirty-seven perches was vested in the Mayor, Councillors, and Burgesses of the Borough of Westport as a pleasure-ground: And whereas by the Westport Technical School Site Act, 1919, and section one hundred and forty-two of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1924, certain portions of the said pleasure-ground totalling seven acres three roods and thirty-three perches were vested for school purposes in the Education Board of the District of Nelson (hereinafter referred to as the Board): And whereas the land hereinafter described forms the remaining portion of the said pleasure-ground: And whereas the Westport Borough Council (hereinafter referred to as the Council) has sold the said land to the Board for school purposes and has executed a memorandum of transfer of the said land dated the twenty-first day of January, nineteen hundred and forty-one, and the said memorandum of transfer is lodged for registration in the Land Transfer Office at Nelson as Number 31490: And whereas there is no authority enabling the said land to be sold and it has therefore not been possible to obtain registration of the said memorandum of transfer: And whereas it is desirable that the sale of the said land should be validated and that the District Land Registrar should be empowered to register the said memorandum of transfer: And whereas it is also desirable that the proceeds of sale should be held by the Council and applied towards the purchase of other reserves: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in any Act, the sale by the Council to the Board of the land hereinafter described is hereby validated and the said land is hereby freed and discharged from the trusts, reservations, and restrictions heretofore affecting the same.

(2) The net proceeds of such sale shall be held and applied by the Council towards the purchase of land for recreation purposes.

(3) The District Land Registrar of the Nelson Land Registration District is hereby empowered to register the memorandum of transfer Number 31490 hereinbefore

referred to, and to make such endorsements on the certificate of title in respect of the said land as may be necessary to give effect to the provisions of this section.

(4) The land to which this section relates is particularly described as follows:—

All that area in the Nelson Land District being portion of Section 1002, Town of Westport, containing four acres two roods and four perches, more or less: Bounded towards the north by Section 12, Block III, Kawatiri Survey District, 744 links; towards the east by Domett Street, 625 links; towards the south by Orowaiti Road, 785.6 links; and towards the west generally by another portion of Section 1002, 481.6 links, 76.1 links, and 127.5 links: as the same is more particularly delineated on a plan numbered 3055, deposited in the office of the District Land Registrar at Nelson, and thereon in outline edged green.

13. Whereas by Warrant published in the *Gazette* of the twelfth day of April, eighteen hundred and eighty-three, portion of Block LVIII, Town of Rotorua, was set apart for the purpose of a park or domain for the public use and enjoyment of the inhabitants of the Town of Rotorua: And whereas by Warrant published in the *Gazette* of the twenty-third day of March, nineteen hundred and five, Section 3, Block LVIII, Town of Rotorua, was set apart as a hospital reserve: And whereas both of the said pieces of land were by Order in Council published in the *Gazette* of the twelfth day of March, nineteen hundred and eight, brought under the operation of the Tourist and Health Resorts Control Act, 1906: And whereas by section thirty-two of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1917, and by section ninety-six of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1920, certain portions of both the aforesaid reserves were set apart as additions to the Rotorua Public School site: And whereas it is now desirable that further portions of the said reserves should be added to the said school-site: Be it therefore enacted as follows:—

(1) The reservation for the purpose of a park or domain over the land firstly described in subsection three hereof and the reservation for the purpose of a hospital reserve over the land secondly described in the said

Cancelling reservation over certain lands and setting them apart as additions to Rotorua Public School site.

1917, No. 26

1920, No. 75

See Reprint
of Statutes,
Vol. VIII,
p. 605

subsection are hereby cancelled, and the said lands are hereby declared to be no longer subject to the Tourist and Health Resorts Control Act, 1908.

(2) The said lands are hereby set apart as a site for a public school, and vested in the Education Board of the District of Auckland.

(3) The lands to which this section relates are more particularly described as follows:—

Firstly, all that area in the Auckland Land District, containing by admeasurement one rood twelve perches, more or less, being Part Pukeroa Recreation Reserve and now known as Section 11, Block LVIII, Rotorua Town: as the same is more particularly delineated on the plan marked L. and S. 6/6/254A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (Auckland plan S.O. 31362).

Secondly, all that area in the Auckland Land District, containing by admeasurement two roods thirty-six perches, more or less, being Part Section 3 of Block LVIII, Rotorua Town: Bounded on the east by Rangiuru Street, 151·52 links; on the south by Part Section 3 of Block LVIII, 480 links; on the west by Section 11 of Block LVIII, 151·52 links; and on the north by Part Section 3 of Block LVIII, 480 links: as the same is more particularly delineated on the plan marked L. and S. 6/6/254B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered yellow (Auckland plan S.O. 31362).

14. Whereas the land hereinafter described is reserved as an endowment for primary education: And whereas it is desirable that such reservation should be cancelled and that the said land should be brought under the provisions of Part II of the Public Reserves, Domains, and National Parks Act, 1928, as an addition to the Opua Domain: Be it therefore enacted as follows:—

(1) The reservation as an endowment for primary education over the land hereinafter described is hereby cancelled, and the said land is hereby declared to be reserved for recreation purposes, to be subject to the provisions of Part II of the Public Reserves, Domains, and National Parks Act, 1928, and to form portion of the Opua Domain.

Cancelling the
reservation as
an endowment
for primary
education over
certain land in
the Town of
Opua, and
adding the
said land
to the Opua
Domain.

Ibid.,
Vol. VI, p. 1134

(2) The land to which this section relates is particularly described as follows:—

All that area in the Bay of Islands County, North Auckland Land District, situated in Block V, Russell Survey District, containing by admeasurement one acre and one rood, more or less, being Sections 1, 2, 3, 18, and 19, Block XV, Town of Opuā, and being part of the land comprised in certificate of title, Volume 191, folio 181, Auckland Registry: as the same is more particularly delineated on the plan marked L. and S. 1/1087, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

15. The expenditure by the trustees of the will of the late Sir John Logan Campbell of the sum of five hundred and sixty-two pounds fourteen shillings and tenpence in order to comply with the requirements of the local authority controlling the Waitemata Harbour Aerodrome for the lighting of the obelisk on One Tree Hill erected pursuant to the aforesaid will, is hereby validated and declared to have been lawfully made, and the said trustees are hereby authorized and empowered to expend from the trust funds held by them the further sum of two thousand pounds in the construction and tar sealing of a roadway and footpath from the roadway through the One Tree Hill Domain to the said monument.

16. Whereas the land hereinafter described is portion of the Westport Colliery Reserve, which was set apart by the Westland and Nelson Coalfields Administration Act, 1877, and is now administered in accordance with the provisions of that Act and the Westport Harbour Act, 1920: And whereas the said land was included in a drainage-area license granted on the eighteenth day of September, nineteen hundred and six, to the Westport Coal Company, Limited, under the provisions of the Mining Act, 1905, and registered under Number 1562 at the office of the Mining Registrar at Westport: And whereas the said company has executed a surrender of the said license in so far as it affects the said land, subject, however, to the condition that the right of the company to the use of a certain pipe-line intersecting the said land shall nevertheless enure: And whereas it is desirable that the said land should be reserved as a site for a public

Validating certain expenditure by trustees of will of the late Sir John Logan Campbell and authorizing further expenditure of trust funds.

APP. 19
No. 2

Setting apart portion of the Westport Colliery Reserve as a site for a public school and creating an easement thereover in favour of the Westport Coal Company, Limited.
1877 (Local), No. 73
See Reprint of Statutes, Vol. III, p. 675

school: And whereas it is also desirable that the said company should be granted the right, by way of easement, to the use of the pipe-line hereinbefore referred to: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the Westland and Nelson Coalfields Administration Act, 1877, or in any other Act, the land hereinafter described is hereby declared to be freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same, and the said land is hereby set apart as a site for a public school, subject to the provisions of the Education Reserves Act, 1928.

(2) The right, by way of easement, is hereby granted to the Westport Coal Company, Limited, and its assigns, to the use of the pipe-line intersecting the said land, and more particularly delineated C-D on plan numbered 9002, deposited in the office of the Chief Surveyor at Nelson, for such period as the supply of water conveyed thereby may be necessary for coal-mining purposes and works connected therewith, together with the right of entry by the company, its officers and workmen, for the purpose of inspecting, repairing, or renewing the said pipe-line over that part of the said land being three feet on each side of the centre of the said pipe-line, and more particularly delineated and coloured yellow on the said plan.

(3) The land to which this section relates is more particularly described as follows:—

All that area in the Nelson Land District, containing by admeasurement two acres and three roods, more or less, being Section 42, Block VI, Kawatiri Survey District.

17. Whereas by the Ross Borough Council Vesting and Empowering Act, 1911, as amended by the Ross Borough Council Vesting and Empowering Amendment Act, 1912, certain Crown land as described in the said Acts was vested in the Mayor, Councillors, and Burgesses of the Borough of Ross (hereinafter called the Corporation) as an endowment: And whereas it was declared that all the provisions of the Mining Act, 1908, and its amendments should apply to and might be exercised over the said land, and also that the vesting of the said land as aforesaid should be subject to all legal rights and mining privileges existing at the commencement of the said Acts:

See Reprint
of Statutes,
Vol. IV, p. 1003

Vesting certain
land in the
Corporation of
the Borough
of Ross for
aerodrome
purposes.

1911 (Local),
No. 27

1912 (Local),
No. 10

And whereas it is desirable that portion of the said land as hereinafter described should be vested in the Corporation for the purposes of an aerodrome, and no mining rights or privileges are in existence over such portion: And whereas the aerodrome area is traversed by a street, and it is desirable that portion of such street as hereinafter described should be closed and vested in the Corporation for aerodrome purposes: And whereas it is expedient that both areas to be vested in the Corporation as aforesaid should be exempted from the operation of the provisions of the Mining Act, 1926: Be it therefore enacted as follows:—

See Reprint
of Statutes,
Vol. V, p. 943

(1) The land described in subsection five hereof, being portion of the endowment hereinbefore referred to, is hereby declared freed from all rights, reservations, and restrictions heretofore affecting the same, and to be vested in the Corporation in trust as a site for an aerodrome.

(2) Notwithstanding anything to the contrary in the Municipal Corporations Act, 1933, or in any other Act, the street described in subsection six hereof is hereby declared to be closed and vested in the Corporation in trust as a site for an aerodrome.

1933, No. 30

(3) Notwithstanding anything to the contrary in the Ross Borough Council Vesting and Empowering Act, 1911, the areas referred to in the two last preceding subsections shall from the passing of this section be exempted from the operation of the provisions of the Mining Act, 1926.

(4) The District Land Registrar for the Land Registration District of Westland is hereby empowered and directed to make such entries in the register-books and generally to do all things necessary to give effect to the provisions of this section.

(5) The endowment land vested in the Corporation in trust as a site for an aerodrome under the provisions of subsection one hereof is particularly described as follows:—

All that area in the Westland Land District, containing by admeasurement one hundred and one acres three roods ten perches and six-tenths of a perch, more or less, being portion of Reserve 1463, Block II, Totara

Survey District, situated in the Borough of Ross, and bounded as follows: Commencing at the northernmost corner of Section 1889, Block II, Totara Survey District, and proceeding in a south-westerly direction along the north-western boundary of the said Section 1889 to its westernmost corner; thence in a south-easterly direction along the north-eastern side of a public street bearing $144^{\circ} 00'$ for 1726·8 links; thence generally in a westerly direction across the said public street, to and along the northern side of the South Road for 2804·4 links; thence by right lines bearing $336^{\circ} 02' 40''$ for 2836·3 links, $54^{\circ} 00'$ for 1425·9 links, $48^{\circ} 22' 40''$ for 1832·0 links, crossing the aforesaid public street to the south-western side of Moorhouse Road; thence in a south-easterly direction along the said south-western side of Moorhouse Road for 2299·5 links to the point of commencement—excluding therefrom the public street intersecting the area: as the same is more particularly delineated on the plan marked L. and S. 6/11/120, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

(6) The street closed and vested in the Corporation in trust as a site for an aerodrome under the provisions of subsection two hereof is particularly described as follows:—

All that area in the Westland Land District, containing by admeasurement three acres three roods twenty perches and four-tenths of a perch, more or less, being portion of a public street situated in the Borough of Ross, and bounded as follows: Commencing at the westernmost corner of Section 1889, Block II, Totara Survey District, and proceeding by right lines bearing $144^{\circ} 00'$ for 1726·8 links, $256^{\circ} 29' 20''$ for 108·2 links, $324^{\circ} 00'$ for 1685·4 links, $323^{\circ} 59'$ for 2166·5 links, $48^{\circ} 22' 40''$ for 100·5 links, and $143^{\circ} 59'$ for 2176·3 links to the point of commencement: as the same is more particularly delineated on the plan marked L. and S. 6/11/120A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured green.

18. Whereas the lands described in the Schedule to this Act are vested in the Crown as endowments for primary education: And whereas the said lands carry native bush which should be preserved, and it is therefore desirable that they should be reserved as scenic reserves under and subject to the provisions of the Scenery Preservation Act, 1908: Be it therefore enacted as follows:—

Revoking reservations over certain education-endowment lands and declaring them to be subject to the Scenery Preservation Act, 1908.

Notwithstanding anything to the contrary in any Act, the existing reservations over the lands described in the Schedule to this Act are hereby revoked, and the said lands are hereby declared to be scenic reserves under and subject to the provisions of the Scenery Preservation Act, 1908.

See Reprint of Statutes, Vol. VIII, p.613

19. Whereas the land hereinafter described was permanently reserved for recreation purposes by Warrant dated the seventeenth day of September, eighteen hundred and ninety-one, and published in the *Gazette* of the twenty-fourth day of that month, and is subject to the provisions of Part I of the Public Reserves, Domains, and National Parks Act, 1928: And whereas the said land is of considerable scenic value, and for the better protection of the bush growing thereon it is desirable that the said land should be reserved as a scenic reserve subject to the provisions of the Scenery Preservation Act, 1908: Be it therefore enacted as follows:—

Cancelling the reservation for recreation purposes over Reserve A, Dart Survey District, Otago Land District, and declaring the land to be a scenic reserve.

Ibid., Vol. VI, p. 1134

Ibid., Vol. VIII, p. 613

(1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act, 1928, the reservation for recreation purposes over the land hereinafter described is hereby cancelled, and the said land is hereby declared to be reserved for scenic purposes and to be subject to the provisions of the Scenery Preservation Act, 1908.

(2) The land to which this section relates is particularly described as follows:—

All that area in the Otago Land District, containing seven hundred and eight acres, more or less, being Reserve A, Dart Survey District: as the same is delineated on the plan marked L. and S. 1/998, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Further provisions with respect to mining privileges for the supply of water to lands in the Downs Settlement and other lands in Otago Land District.

1932, No. 24

1936, No. 49

See Reprint of Statutes, Vol. V, p. 943

20. Whereas by section fifteen of the Reserves and other Lands Disposal Act, 1932, and by section two of the Reserves and other Lands Disposal Act, 1936, special provisions were made with respect to certain mining privileges acquired by His Majesty the King for the supply of water to the Downs Settlement and certain other lands: And whereas it is desirable to make further provision in relation thereto in manner hereinafter appearing: Be it therefore enacted as follows:—

(1) Subject to the provisions of this section and notwithstanding the provisions of section one hundred and twenty-three of the Mining Act, 1926, all or any of the water authorized to be diverted under the said mining privileges may be used for mining purposes during the period between the thirtieth day of April and the thirtieth day of September in any year either within any area that may be defined under paragraph (a) of subsection two of the said section fifteen or outside the boundaries of such area.

(2) The use of any such water for the purposes aforesaid may be authorized either by the Minister of Lands (hereinafter called the Minister) or by any committee to which any delegation not expressly excluding such power may have been made in pursuance of the said sections, but no authority for the use of any such water shall in any case be granted except upon such terms and conditions and for such consideration as may from time to time be approved by the Minister.

(3) All moneys from time to time received in payment for any water used as aforesaid shall be paid to the Receiver of Land Revenue for the Land District of Otago, and shall, subject to the approval of the Minister, be applied in payment of such matters and things (other than ordinary maintenance and repairs) as may from time to time be requisite or necessary in relation to the water-races, pipe-lines, and other works for the time being subsisting under or in respect of the said mining privileges and the water authorized to be diverted thereunder, and may also, subject to the approval of the Minister, be applied from time to time in payment of ordinary maintenance and repairs in respect of the matters aforesaid. Any such moneys may from time to time be deposited

by the said Receiver of Land Revenue in the Post Office Savings-bank, and the interest thereon shall be applicable for the same purposes.

(4) For the purposes of this section the expression "mining purposes" shall have the meaning assigned thereto by the Mining Act, 1926.

(5) No duty, fee, or charge payable under any Act shall be payable in respect of any agreement for the supply of water under paragraph (d) of subsection two of the said section fifteen, whether such agreement was executed before or is executed after the passing of this section, or in respect of any document of delegation under paragraph (e) of the said subsection two, or in respect of any agreement for the supply of water under this section.

(6) Subsection seven of the said section fifteen is hereby amended by omitting the words "and Rachel Wilson Beattie".

21. Whereas the Rotorua Borough Council (hereinafter called the Council) has agreed with the Crown that portion of the Rotorua Domain and portion of certain stopped streets as hereinafter described shall be made available as a site for a convalescent hospital for soldiers: And whereas the proposals contemplate a lease from the Council to the Crown at a peppercorn rental of the portion of stopped streets aforesaid: And whereas there is no authority for the granting of such a lease, and it is expedient and desirable that special provision should be made in that respect: And whereas it is also expedient that special provision should be made for the temporary use for hospital purposes of portion of the Rotorua Domain as aforesaid: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act, 1928, it is hereby declared that portion of the Rotorua Domain as described in subsection six hereof may be used as a site for a hospital for convalescent soldiers. The period of such use shall be for the duration of the present war with Germany and for ten years thereafter, and during such period the land shall be deemed to be Crown land appropriated for hospital purposes.

Special provisions with respect to a site for a convalescent hospital for soldiers at Rotorua.

No. 1134

See Reprint of Statutes, Vol. VI, p. 1134

1933, No. 30

(2) Notwithstanding anything to the contrary in the Municipal Corporations Act, 1933, it shall be lawful for the Council to lease to the Crown at a peppercorn rental the portion of stopped streets described in subsection seven hereof. The term of such lease shall be for the duration of the present war with Germany and for ten years thereafter, and the terms and conditions thereof shall be such as may be mutually agreed upon between the Council and the Crown.

(3) Notwithstanding anything contained in the last two preceding subsections the Crown may terminate its occupancy of the lands hereinafter described at any time, and in that event the lease hereinbefore referred to shall immediately determine.

(4) On the expiration or sooner determination of the lease the buildings then existing on the lands described in subsections six and seven hereof shall remain the property of the Crown, and the Council shall have the right to purchase all or any of those buildings. Such right may be exercised at any time within four calendar months of the date of expiration or sooner determination of the lease, and the price to be paid shall be such as may be agreed upon between the Council and the Crown, or as may be decided by arbitration in the event of a failure to agree, but in no case shall the price exceed the actual cost of the buildings less depreciation calculated at the rate of five per centum per annum. If the Council fails to exercise its right of purchase of all or any of those buildings the Crown shall within a reasonable time remove all buildings and structures erected and remaining on the land and not so purchased, and shall fill in any excavations that may have been made, and shall leave the land in good and proper order and condition.

(5) On the expiration or sooner determination of the lease as aforesaid the land described in subsection six hereof shall again form portion of the Rotorua Domain, and the land described in subsection seven hereof shall again be held and administered by the Council in accordance with the provisions of the Municipal Corporations Act, 1933.

(6) The portion of the Rotorua Domain to which this section relates is particularly described as follows:—

All that area in the Borough of Rotorua, Auckland Land District, situated in Block I, Tarawera Survey District, containing by admeasurement one acre twenty-four perches and eight-hundredths of a perch, more or less, being Block VI, Town of Rotorua, and bounded as follows: Towards the west, north, and east by stopped street, 200 links, 575·32 links, and 200 links respectively, and towards the south by Whakaue Street, 575·32 links: as the same is more particularly delineated on the plan marked L. and S. 6/8/67, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured red.

(7) The portion of stopped streets to which this section relates is particularly described as follows:—

All that area in the Borough of Rotorua, Auckland Land District, situated in Block I, Tarawera Survey District, containing by admeasurement three acres fourteen perches and eight-tenths of a perch, more or less, being part of stopped streets under the Municipal Corporations Act, 1920, shown on a plan lodged in the Office of the Chief Surveyor at Auckland under Number 24514: Bounded by lines commencing at the north-western corner of Block VI, Town of Rotorua, bearing true north 385 links; thence bearing $89^{\circ} 58'$, 725·32 links; thence bearing due south 585 links to Whakaue Street; thence bearing $269^{\circ} 58'$, 150 links along the northern side of the said street to the south-eastern corner of the aforesaid Block VI; thence by the eastern and northern boundaries of that block to the point of commencement; be all the aforesaid linkages a little more or less: as the same is more particularly delineated on the plan marked L. and S. 6/8/67, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured green.

22. Whereas the Education Board of the District of Auckland (hereinafter called the Board) has subdivided a school-site in the Borough of Huntly which was no longer required for school purposes, and has sold a number of allotments within the subdivision to various purchasers under the powers conferred by section seventy-one of the Reserves and other Lands Disposal and Public

Special provisions with respect to disposal of a school-site in the Borough of Huntly.

1922, No. 50

Bodies Empowering Act, 1922: And whereas for the better disposal of the allotments the Board with the consent of the Minister of Education (hereinafter called the Minister) has granted certain rights-of-way which were necessary for the most effective utilization of the land: And whereas there was no authority for the granting of such rights-of-way, and it is expedient and desirable that the action of the Board should be validated: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in any Act or rule of law the Board shall have and be deemed at all times to have had power with the consent of the Minister to grant rights-of-way upon such terms and subject to such conditions as may be or may have been agreed upon over and along the land hereinafter described, and such rights-of-way shall be appurtenant to Lots 1 to 12 (inclusive) on Deeds Plan Number 577, Auckland Registry, and also appurtenant to Lots 1 to 6 (inclusive) on the plan deposited in the Office of the District Land Registrar at Auckland under Number 21810.

(2) The Minister shall have and shall be deemed to have had power to consent to the granting by the Board of such rights-of-way as aforesaid.

(3) The rights-of-way area to which this section relates is particularly described as follows:—

All that area in the Borough of Huntly, Auckland Land District, containing by admeasurement eleven perches and seventy-four one-hundredths of a perch, more or less, being portion of Allotment 51, Parish of Taupiri, comprised in certificate of title, Volume 502, folio 257, Auckland Registry, and being part of the land marked right-of-way on the plan lodged in the Office of the Registrar of Deeds at Auckland under Number 577: as the same is delineated on the plan marked L. and S. 6/6/353, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Special provisions with respect to disposal of a school-site in the Borough of Newmarket.

23. Whereas the Education Board of the District of Auckland (hereinafter called the Board) has subdivided a school-site in the Borough of Newmarket which was no longer required for school purposes, and with the consent of the Minister of Education (hereinafter called the

Minister) given pursuant to section six of the Education Reserves Act, 1908, and section six of the Education Reserves Act, 1928, has sold a number of allotments within the subdivision to various purchasers: And whereas for the better disposal of the allotments the Board with the consent of the Minister has granted certain rights-of-way which were necessary for the most effective utilization of the land: And whereas there was no authority for the granting of such rights-of-way, and it is expedient and desirable that the action of the Board should be validated: Be it therefore enacted as follows:—

See Reprint
of Statutes,
Vol. IV, p. 1003

(1) Notwithstanding anything to the contrary in any Act or rule of law the Board shall have and shall be deemed at all times to have had power with the consent of the Minister to grant rights-of-way upon such terms and subject to such conditions as may be or may have been agreed upon over and along the lands hereinafter described.

(2) The Minister shall have and shall be deemed to have had power to consent to the granting by the Board of such rights-of-way as aforesaid.

(3) The rights-of-way areas to which this section relates are particularly described as follows:—

Firstly, all that area in the Borough of Newmarket, North Auckland Land District, containing by admeasurement four perches and six-tenths of a perch, more or less, being portion of Lot 6 on a plan deposited in the Office of the District Land Registrar at Auckland under Number 19382 and marked thereon right-of-way, which said area of land is now comprised in certificate of title, Volume 447, folio 54, Auckland Registry, and over which rights-of-way have been created appurtenant to Lots 1 to 4 (inclusive) of the said deposited plan: as the same is delineated on the plan marked L. and S. 6/6/441, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured red.

Secondly, all that area in the Borough of Newmarket, North Auckland Land District, containing by admeasurement twenty perches and twenty-three one-hundredths of a perch, more or less, being portion of Lot 2 on a plan deposited in the Office of the District Land Registrar at Auckland under Number 25382, and marked thereon right-of-way, together with a further portion of the said Lot 2 being of a uniform width of 23·79 links: Bounded to the

south by Part Lot 8 and Lots 9 to 14 on Deposited Plan 19382; towards the west by Lot 15, Deposited Plan 19382; towards the north by part of the aforesaid Lot 2; and towards the east by the other part of Lot 2, marked right-of-way on Deposited Plan 25382, the said area of land being comprised in certificate of title, Volume 145, folio 262, Auckland Registry: as the same is delineated on the plan marked L. and S. 6/6/441, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured blue and yellow.

Providing
for cutting of
milling-timber
on lands
subject to
pastoral
licenses in
Karamea and
Westland
Mining
Districts.

24. Whereas, pursuant to certain regulations more particularly hereinafter referred to, pastoral licenses have been granted over Crown lands within the Karamea and Westland Mining Districts: And whereas the said regulations expressly provided, in respect of licenses granted pursuant thereto, that the licensee should have the right to the surface soil only of the demised land, and that the licensee should have no right, either himself or through any other person, to fell, cut, remove, or otherwise dispose of any milling-timber or silver pine on the land included in his license except in conformity with the regulations for the time being in force in relation thereto under the Mining Act, and that the licensee should not be entitled to cut, fell, or remove any timber growing on the land comprised in his license except for his domestic use or for fencing or clearing for cultivation: And whereas doubts have arisen as to whether a licensee may not fell, cut, or remove milling-timber or silver pine for domestic use or for fencing or clearing for cultivation, and it is desirable to resolve those doubts: And whereas, as all milling-timber and silver pine has been reserved to the Crown, it is desirable to define expressly the rights which may be exercised by the Crown or by any purchaser of the milling-timber or silver pine for the purpose of felling, cutting, and removing the same: Be it therefore enacted as follows:—

(1) The regulations to which this section refers (in this section called the said regulations) are as follows:—

(a) Regulations for the occupation of pastoral lands in the Karamea and Westland Mining Districts dated the fifth day of December, nineteen hundred and eleven, and published in the *Gazette* of the fourteenth day of the same month:

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- (b) Regulations for the occupation of pastoral lands within the Karamea and Westland Mining Districts dated the twenty-sixth day of March, nineteen hundred and thirteen, and published in the *Gazette* on the third day of April, nineteen hundred and thirteen :
- (c) Part IX of the Crown Lands Regulations 1941 :
- (d) Any regulations corresponding to the regulations referred to in paragraph (a) hereof, and enacted prior thereto, for the issue of pastoral licenses for any Crown land within the Karamea or Westland Mining Districts.
- (2) It is hereby expressly declared that—
- (a) No licensee under any pastoral license granted pursuant to any of the said regulations shall be entitled by virtue of his license or the said regulations to cut, fell, remove, or otherwise dispose of any milling-timber or silver pine on the land comprised in his license except as provided in paragraph (c) of this subsection :
- (b) Every licensee shall be entitled to cut, fell, or remove any other timber growing on the land comprised in his license for his domestic use, or for fencing, or in the course of clearing the land for cultivation :
- (c) With the prior consent in writing of the Commissioner of Crown Lands, and subject to such conditions as he may impose, any licensee may cut, fell, or remove any milling-timber on the land comprised in his license for the purpose of fencing that land or erecting farm buildings thereon.
- (3) The Commissioner of Crown Lands (hereinafter referred to as the Commissioner) may grant licenses to any person to cut, fell, and remove milling-timber or silver pine growing, standing, or lying on any land subject to a pastoral license granted pursuant to any of the said regulations upon and subject to such terms and conditions, subject to the provisions of this section, as the Commissioner thinks fit.
- (4) The Commissioner, or any person authorized by him in writing in that behalf, or any person to whom a license has been granted under the last preceding

subsection may enter upon any land comprised in a pastoral license issued under any of the said regulations for the purpose of cutting, felling, or removing all or any of the milling-timber or silver pine growing, standing, or lying thereon, the Commissioner or other person doing as little damage as is reasonably possible:

Provided that where it is found necessary to remove or cut any fences for the purpose of working the timber, the fences shall be restored as near as may be to their original condition by the Commissioner or other person as soon as possible, and substantial gates or cattle-stops shall be erected and maintained in place thereof by the Commissioner or other person during the removal of the timber for the purpose of preventing the straying of stock.

(5) The right to enter upon the land comprised in any pastoral license granted pursuant to any of the said regulations, for the purpose of cutting, felling, and removing the timber, shall include the right to construct such tramways and roadways, and to do such other works as may be necessary for the proper cutting, felling, or removal of the timber in accordance with the accepted practices for the milling of timber.

(6) The licensee under any pastoral license who suffers any damage done to buildings, crops, pastures, or fences or other substantial improvements by the Commissioner or by the person holding any license granted under subsection three of this section, or who suffers damage by reason of the neglect of the Commissioner or other person to comply with the requirements of the proviso to subsection four of this section shall be entitled to receive reasonable compensation therefor from the Commissioner or other person, as the case may be, but save as aforesaid the licensee shall not be entitled to receive any compensation in respect of the exercise by the Commissioner or any other person of the rights referred to in subsections three, four, and five of this section.

(7) If any question arises as to the amount of any compensation payable under this section and the parties are unable to agree thereon, the question shall be referred to one arbitrator, if the parties can agree upon one, and otherwise to two arbitrators, one to be appointed by each.

party, under the provisions of the Arbitration Act, 1908, and the obtaining of an award shall be a condition precedent to the commencement of legal proceedings in any Court for the recovery of the amount claimed.

(8) The provisions of section three hundred and fifty-seven of the Land Act, 1924, shall not apply to the revenue received by the Receiver of Land Revenue in respect of royalty under any license for cutting timber granted under the authority of this section, but one-fifth of that revenue shall be payable to the local authority within whose district the timber is obtained and the revenue derived, and shall be applied by such local authority exclusively in constructing, repairing, and maintaining roads.

25. Whereas numerous leases of land administered by Land Boards contain provision for the renewal thereof, or for the grant of new leases in substitution therefor, at rentals to be agreed upon or assessed in the manner prescribed: And whereas owing to the uncertain conditions at present prevailing it is difficult to find a fair and reasonable basis upon which to assess the rentals: And whereas negotiations for the renewal of leases or for the granting of new leases frequently commence three years before the expiry of existing leases: And whereas it is desirable to extend existing leases which are about to expire for a period sufficient to allow conditions to become stable: Be it therefore enacted as follows:—

(1) For the purposes of this section the term "lease" includes a license, and the term "lessee" includes a licensee.

(2) Except as hereinafter provided, this section shall apply to every lease of land administered by a Land Board if the lessee has a right, whether absolute or not, to have on or before the expiration of the lease a renewal thereof or a new lease of the same land or any part of the same land upon the same or any other terms and conditions.

(3) The term of each lease to which this section applies and which, but for the passing of this section, would expire by effluxion of time after the passing of this Act and on or before the first day of January, nineteen hundred and forty-seven, is hereby extended for a period of five years from the date of the expiry thereof subject

See Reprint
of Statutes,
Vol. I, p. 346

Ibid.,
Vol. IV, p. 622

Extending for
five years the
term of
certain leases
and licenses
administered
by Land
Boards.

19
No. 2.

AMD. 19
No. 8.

AMD. 19
No. 8.

to the same covenants, conditions, and restrictions as are contained and implied in the lease, and the estate of the lessee thereunder shall continue to be subject to all encumbrances, liens, and interests to which it is subject on the date of the expiry of the lease.

(4) In any case where the provisions of any lease, the term whereof is extended by the last preceding subsection, require any proceedings relating to the renewal of the lease or the granting of a new lease in substitution therefor to be taken before a specified date, those provisions shall be read and interpreted as if a date five years later than the specified date were substituted therefor.

AMD. 19
No. 21 s.

AMD. 19
No. 21 s.

(5) Where in the case of any lease the term whereof is extended by subsection three of this section the lessee has, before the date of the passing of this Act, agreed to accept a renewal of the lease or a new lease in substitution therefor, the lessee shall have the option, to be exercised within three months after that date, of either accepting an extension of the existing lease as provided in this section or accepting the renewal or new lease as already agreed upon as if this section had not been passed.

(6) In any case where a lease of land administered by a Land Board has expired between the first day of June, nineteen hundred and forty-one, and the passing of this Act, and the lessee has a right to have a renewal of the lease or a new lease in substitution therefor but the terms of the renewal or new lease have not been agreed upon before the passing of this Act, the term of the expired lease shall be extended, and be deemed to have been extended, for a period of five years from the date of the expiry thereof subject to the same covenants, conditions, and restrictions as were contained and implied in the lease, and the estate of the lessee thereunder shall continue, and be deemed to have continued, to be subject to all encumbrances, liens, and interests to which it was subject on the date of the expiry of the lease.

(7) Where on the expiration of any lease, the term whereof is extended by subsection three or subsection six of this section, a renewal of the lease or a new lease of the same land is granted to the lessee at a

rental less than the rental payable under the expired lease, the amount by which the rent paid under the expired lease for the period of the extension exceeds rent for the same period at the rate payable under the renewal or new lease, as the case may be, shall be credited towards the rent accruing due under the renewal or new lease.

(8) Notwithstanding anything to the contrary in this section, any lessee under a lease the term whereof is extended by this section may, with the consent of the Minister given on the recommendation of the Land Board and upon and subject to such terms and conditions as may be imposed, surrender the lease.

(9) On receipt of a certificate signed by the Commissioner of Crown Lands setting forth particulars of the extension of the term of any lease under this section, the District Land Registrar shall, without fee, endorse a memorial thereof on the lease.

AMD. 19
No. s.

(10) Nothing in this section shall apply in respect of any lease if the lessee thereunder has, before the passing of this Act, given notice pursuant to section two hundred of the Land Act, 1924, that he does not require a renewed lease, unless the lessee notifies the Land Board in writing not later than three months after the passing of this Act or three months before the expiry of his lease (whichever is the later) that he desires this section to apply to the lease.

See Reprint
of Statutes,
Vol. IV, p. 622

26. (1) Subject to the provisions of the next succeeding subsection, the powers with respect to the revaluation of lands contained in section two hundred and sixteen of the Land Act, 1924, as extended by sections eleven, twelve, and thirteen of the Land Laws Amendment Act, 1927, and any other enactment, shall not be exercised during the period commencing on the date of the passing of this Act and expiring on the thirty-first day of December, nineteen hundred and forty-three. The said period shall not at any time thereafter be taken into account for the purposes of computing any period of time within which any application for revaluation under the said section two hundred and sixteen as so extended may be made.

Suspending
operation of
section 216
of Land Act,
1924 (relating
to revaluations
of Crown and
settlement
land).
Ibid.,
pp. 723, 828

AMD. 19
No. s.

(2) Nothing in the last preceding subsection shall apply in any case where a lessee or licensee has before the

REF. 19
No. s.

passing of this Act made application in the prescribed form for the revaluation of the land comprised in his lease or license and paid the prescribed fee.

Authorizing
the Timaru
Borough
Council to
sell portion
of a reserve
and provisions
incidental
thereto.

27. Whereas the land described in subsection three hereof forms portion of a reserve vested in the Mayor, Councillors, and Burgesses of the Borough of Timaru in trust for municipal and other buildings by Order in Council published in the *Gazette* of the second day of November, nineteen hundred and five: And whereas the said land is not required and is not suitable for municipal buildings: And whereas the Timaru Borough Council (hereinafter called the Council) has acquired the freehold of a more suitable area, being the land described in subsection four hereof, and has entered into an agreement for the purchase of certain other lands for municipal purposes: And whereas the Council desires to sell that portion of the reserve hereinbefore referred to, and to retain the proceeds of such sale in partial repayment of its expenditure in the purchase of the freehold area: And whereas it is expedient that the Council should be authorized so to do, provided that the said freehold area is declared to be a public reserve for municipal purposes subject to the provisions of the Public Reserves, Domains, and National Parks Act, 1928: Be it therefore enacted as follows:—

See Reprint
of Statutes,
Vol. VI, p. 1134

(1) Notwithstanding anything to the contrary in any Act, at any time after the gazetting of a resolution passed by the Council pursuant to section five of the Public Reserves, Domains, and National Parks Act, 1928, declaring the land described in subsection four hereof to be a public reserve for municipal purposes, the Council may sell the land described in subsection three hereof by public auction, public tender, or private contract, and either in one lot or in subdivisions as the Council may in its discretion decide, freed and discharged from the trusts, reservations, and restrictions affecting the same.

(2) Any sale of the land or of any subdivision thereof authorized by the last preceding subsection may be for cash or upon such terms as the Council may in its discretion decide, and the net proceeds from such sale shall be retained by the Council as a partial repayment of its expenditure in the purchase of the land described in subsection four hereof:

(3) The land which the Council is authorized to sell as aforesaid is particularly described as follows:—

All that area in the Canterbury Land District, containing by admeasurement one rood thirty perches and seven-tenths of a perch, more or less, being part Reserve 147, situated in the Borough of Timaru, and bounded as follows: Towards the north by Section 22, Town of Timaru, 250 links; towards the east by Sections 16 and 17, Town of Timaru, 105·30 links; towards the south and again towards the east by other part of Reserve 147, 61·1 links and 94·7 links respectively; again towards the south by Mill Street, 188·9 links; and towards the west by High Street, 200 links: as the same is more particularly delineated on the plan marked L. and S. 53727A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

(4) The freehold land acquired by the Council is particularly described as follows:—

All that area in the Canterbury Land District, containing by admeasurement twenty-four perches, more or less, being Reserve 4445 (formerly part Lot 4, D.P. 1490) situated in the Borough of Timaru, and bounded as follows: Towards the north-west by Lots 1, 2, and 3, D.P. 1490, 251·6 links; towards the north-east by Lot 1, D.P. 3147, and Lot 165, D.P. 1, 60 links; towards the south-east by other part of Lot 4, D.P. 1490, 251·6 links: and towards the south-west by Latter Street, 60 links: as the same is more particularly delineated on the plan marked L. and S. 53727B, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon bordered red.

28. Whereas the land firstly described in subsection two hereof is reserved as an endowment for secondary education: And whereas the lands secondly and thirdly described in the said subsection are reserved as endowments for primary education: And whereas it is desirable that the reservations over the said lands should be cancelled and the lands set apart for housing purposes subject to the provisions of Part I of the Housing Act, 1919: Be it therefore enacted as follows:—

(1) The reservation as an endowment for secondary education over the land firstly described in subsection two

Cancelling the reservations over certain education-endowment lands and declaring them to be subject to Part I of the Housing Act, 1919.
See Reprint of Statutes, Vol. III, p. 798

hereof, and the reservations as endowments for primary education over the lands secondly and thirdly described in the said subsection are hereby cancelled, and the said lands are hereby set apart for housing purposes subject to the provisions of Part I of the Housing Act, 1919.

(2) The lands to which this section relates are particularly described as follows:—

Firstly, all that area in the Borough of One Tree Hill, North Auckland Land District, containing by admeasurement six acres thirty-three perches and eighty-five one-hundredths of a perch, more or less, being Lots 1 and 3 on Deposited Plan Number 30623, Lots 14 and 16 to 20 on Deposited Plan Number 21888, and Lots 1 to 6 and 9 to 11 on Deposited Plan Number 21889, and Lots 18, 24, 26, 27, and 28 on Deposited Plan Number 18933, being parts of Allotment 13 of Section 12, Suburbs of Auckland, and being portions or the whole of the lands comprised in certificates of title, Volume 600, folios 44, 45, 48, and 53, and Volume 428, folios 277, 283, 285, 286, and 287, Auckland Registry: as the same is more particularly delineated on the plan marked L. and S. 20/185A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Secondly, all that area in the Wellington Land District containing by admeasurement five acres three roods and eighteen perches, more or less, being Suburban Section 46, Township of Levin, and being portion of the land comprised in certificate of title, Volume 29A, folio 82, Wellington Registry: as the same is more particularly delineated on a plan numbered 12913, lodged in the Office of the Chief Surveyor at Wellington, and thereon coloured purple.

Thirdly, all that area in the Otago Land District, containing by admeasurement one rood, more or less, being Section 362, Town of Port Chalmers.

29. Whereas the land hereinafter described is Crown land which in the year nineteen hundred and thirty was to have been sold to a company, to be known as the Ohakune Saleyards Company, Limited: And whereas the purchase-money was duly paid, but no title has been issued as the company did not complete registration: And whereas saleyards were erected on the land by prospective shareholders of the company: And whereas

Vesting certain land in the Corporation of the Borough of Ohakune for saleyards purposes and provisions incidental thereto.

certain moneys are owing to various prospective shareholders and to various persons who supplied labour and materials for the erection of the saleyards: And whereas the Ohakune Borough Council is desirous of taking over the property and of paying out of moneys to be derived from the operation or leasing of the saleyards the sum of eighty pounds to the prospective shareholders and creditors hereinbefore mentioned in full settlement of their claims and interests, if any: And whereas the said shareholders and creditors have agreed to the proposals: And whereas there is no authority for the said Council to pay the sum of eighty pounds as aforesaid and it is desirable that special provision should be made in that behalf: Be it therefore enacted as follows:—

(1) The land hereinafter described is hereby vested in the Corporation of the Borough of Ohakune, and the said land shall be held by the Corporation as a site for a saleyards under and subject to the provisions of the Municipal Corporations Act, 1933.

1933, No. 30

(2) Notwithstanding anything to the contrary in any Act or rule of law, it shall be lawful for the Ohakune Borough Council, out of moneys to be derived from the operation of the saleyards on the land vested as aforesaid or from the leasing of that land and the saleyards thereon, to pay the sum of eighty pounds to the creditors of and shareholders in the proposed company as hereinbefore mentioned in full satisfaction of their claims and interests, if any. The proportionate amount of the said eighty pounds to be paid to each person under the authority of this subsection shall be as agreed upon between the Council and those interested and as indicated in a document dated the twenty-third day of November, nineteen hundred and forty, signed by the creditors and shareholders aforesaid, the said document being deposited in the Head Office, Department of Lands and Survey, at Wellington, under Number L. and S. 4/340.

(3) The land to which this section relates is particularly described as follows:—

All that area in the Borough of Ohakune, Wellington Land District, containing by admeasurement an area of two roods and four-tenths of a perch, more or less, being Section 32, Block VIII, Makotuku Survey District: As

the same is more particularly delineated on the plan deposited in the Office of the Chief Surveyor at Wellington under Number 18886, and thereon bordered red.

Extending application of provisions of section 26 of Reserves and other Lands Disposal Act, 1938.
1938, No. 19

30. Whereas by section twenty-six of the Reserves and other Lands Disposal Act, 1938, special provisions were made for the care, management, and protection of certain national park areas along the route of the Te Anau-Milford Sound Road: And whereas it is expedient and desirable that those special provisions as aforesaid, or such of them as may be considered necessary, should be applicable to other land reserved or set apart for national park purposes in the Southland Land District: And whereas it is also desirable that further provision should be made as hereinafter appearing for the care, management, and protection of national park areas within the said district: Be it therefore enacted as follows:—

(1) The Governor-General may by Order in Council, from time to time, declare that all or any of the provisions of section twenty-six of the Reserves and other Lands Disposal Act, 1938, shall apply with respect to such part or parts as may be specified in such Order of any land now reserved or set apart for national park purposes within the Southland Land District, or of any land that may hereafter be so reserved or set apart. Every such Order in Council shall take effect according to its tenor, and may in like manner be amended or revoked.

(2) The Minister of Lands may appoint such honorary rangers as he thinks fit to assist in the protection of the reserve referred to in section twenty-six of the Reserves and other Lands Disposal Act, 1938, and of any other land that is now reserved or set apart for national park purposes in the Southland Land District or that may hereafter be so reserved or set apart.

(3) Any honorary ranger appointed as aforesaid, or any constable, or any Field Inspector of the Department of Lands and Survey, or any person employed in the national park areas as aforesaid may, without further warrant or authority than this section, summarily interfere to prevent any actual or attempted breach of the provisions of section twenty-six of the Reserves and other Lands Disposal Act, 1938, within the boundaries of the reserve referred to in that section, or within the

boundaries of any other land of such of those provisions as may by Order in Council under this section be declared applicable to such other land.

31. Whereas the land hereinafter referred to is Crown land reserved from sale or other disposition pursuant to section one hundred and twenty-nine of the Land Act, 1924: And whereas a public school has been erected on the said land: And whereas it is desirable and expedient that the said land should be reserved as a site for a public school: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the Land Act, 1924, the Governor-General may by notice in the *Gazette* declare such land to be set apart as a site for a public school and to be vested in the Education Board of the Education District of Auckland.

(2) On the publication of such notice the said land shall be deemed to be vested in the Education Board of the Education District of Auckland as a site for a public school.

(3) The land to which this section relates is described as follows:—

All that area in the Whangarei County, North Auckland Land District, containing by admeasurement approximately two and one-half acres, being Section 44, Block VI, Opuawhanga Survey District: as the same is shown in Survey Office Plan 32379 (blue) deposited in the North Auckland Survey Office, and thereon edged red.

32. Whereas pursuant to the powers contained in Part I of the Unemployment Amendment Act, 1932, certain lands vested in the Whangarei Harbour Board (hereinafter referred to as the Board) were made available to the Minister charged with the administration of the said Act for the settlement of unemployed workers: And whereas in the administration of the said Act the Minister has expended certain public moneys for the purpose of improving the said lands and in establishing tenants thereon: And whereas it has been found that an unformed public road intersecting the said lands has been used as portion of such lands, and it is desirable that such road should be closed and vested in the Board: And whereas the Board and the Whangarei County Council have consented to such closing: And whereas by an agreement dated the sixteenth day of September, nineteen hundred and forty-one, and made between the Board of

Authorizing the setting-apart of certain land in the North Auckland Land District as a site for a public school.
See Reprint of Statutes, Vol. IV, p. 622

Validating an agreement between the Whangarei Harbour Board and the Crown, and provisions incidental thereto.
1932, No. 2

the one part and His Majesty the King of the other part (a copy of which is deposited in the Head Office, Department of Lands and Survey, Wellington, under Number 5149), it was agreed that the Board should pay to the Crown the value of the improvements effected by the Minister on the said lands, and that the Board should take over and administer the said lands as from the first day of January, nineteen hundred and forty: And whereas the said agreement is conditional on the passing of validating legislation: And whereas the parties to the agreement have agreed to the provisions hereinafter contained: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the Land Act, 1924, or in any other Act, the road described in subsection six hereof is hereby declared to be closed and vested in the Board.

(2) Subject to the provisions of this section, the said agreement is hereby validated and declared to have been lawfully made, and the Board is hereby authorized to perform and carry out all and every the terms and conditions contained and implied therein.

(3) The Board is hereby authorized to borrow, without a poll of the ratepayers of the Harbour District, the sum of three thousand five hundred pounds, and to pay the said sum, together with interest thereon as provided in the said agreement, to the Crown.

(4) The Board is hereby authorized to enter into leases with the tenants named in the second schedule to the said agreement and to enter into covenants with the said tenants for the payment of compensation for improvements as provided in the said agreement and in the schedules thereto.

(5) This section shall be deemed to be a special Act within the meaning of the Harbours Act, 1923.

(6) The road closed and vested in the Board under the provisions of subsection one hereof is described as follows:—

All that area of road in the Whangarei County, North Auckland Land District, containing approximately four acres one rood and twenty-two perches, the easternmost corner of which is located on the south-western boundary of Section 9, Block IX, Whangarei Survey District, 142 links south-east of the westernmost corner of that

See Reprint
of Statutes,
Vol. IV, p. 622

AMD. 19
No. s.

Ibid.,
Vol. III, p. 568

section, and proceeding generally in a westerly direction for a distance of approximately 43.9 chains: as the same is more particularly delineated on a plan marked L. and S. 36/75, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured green.

SCHEDULE.

Schedule.

LANDS TO WHICH SECTION 18 RELATES.

Section 18

North Auckland Land District.

ALL those areas in the Rawene Town District, containing together by admeasurement 2 acres 3 roods 35 perches, more or less, being Allotments 52, 57, and 61, Suburbs of Hokianga, and being part of the land comprised in certificate of title, Volume 5, folio 61, Auckland Registry: as the same are more particularly delineated on the plan marked L. and S. 4/944, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (North Auckland plan S.O. 877).

Also all that area in the Manukau County containing by admeasurement 10 acres 2 roods 4 perches, more or less, being Allotment 52, Wairoa Parish, and being part of the land comprised in certificate of title, Volume 263, folio 178, Auckland Registry: as the same is more particularly delineated on the plan marked L. and S. 4/199g, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (North Auckland plan S.O. 19054).

Taranaki Land District.

All that area in Clifton County, containing by admeasurement 621 acres 3 roods 10 perches, more or less, being Parts Section 5, Block X, Waro Survey District, and being part of the land comprised in certificate of title, Volume 59, folio 99, Taranaki Registry: as the same is more particularly delineated on the plan marked L. and S. 4/942, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Wellington Land District.

All that area in Horowhenua County, containing by admeasurement 447 acres, more or less, being Section 60, Block X, Kaitawa Survey District, and being all the land comprised in certificate of title, Volume 84, folio 171, Wellington Registry: as the same is more particularly delineated on the plan marked L. and S. 4/106, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.