

## New Zealand



### ANALYSIS.

<p>Title. Preamble, 1. Short Title. 2. Land in First Schedule vested in the Queen. 3. Corporation of City of Wellington to have control thereof as for public recreation. 4. Corporation to construct street through entire length of reserve, and may extend streets through land in Schedule B. 5. Corporation to maintain sea-wall in face of esplanade.</p>	<p>6. City Council may make by-laws to regulate traffic on the above streets. 7. Corporation to vacate land if required for railway. 8. Corporation to remove all obstructions on land. 9. No compensation to be paid in respect of resumption of land. 10. Land to be deemed within boundaries of City of Wellington. 11. Council may expend moneys on planting, &amp;c. Schedules.</p>
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### 1891, No. 16.—*Local*.

AN ACT to vest the Control and Management of certain Lands at Thorndon in the Mayor and Council of the City of Wellington.  
[21st September, 1891.]

WHEREAS the land described in the First Schedule hereto, being portion of the land reclaimed from the sea under the authority of "The Thorndon Reclamation Act, 1882," was not disposed of under the provisions of "The Thorndon Reclamation Act 1882 Amendment Act, 1888," and it is expedient to make provision in respect thereof and as to the land described in the Second Schedule hereto, and otherwise in relation thereto respectively, as hereinafter provided :

BE IT THEREFORE 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 Thorndon Esplanade Act, 1891."

2. The parcel of land described in the First Schedule hereto, being portion of the land reclaimed from the sea under the authority of "The Thorndon Reclamation Act, 1882," is hereby declared to be, and from the date of the passing of that Act to have been, vested in Her Majesty the Queen.

3. Subject to the provisions of this Act, the control and management of the said parcel of land is hereby vested in the Mayor and Councillors for the time being of the City of Wellington (hereinafter referred to as "the Council"), for the use of the inhabitants of the said city as a place of public recreation within the provisions of sections four hundred and six and four hundred and seven of "The

Municipal Corporations Act, 1886," and the said land shall be and be deemed to be subject to the said provisions accordingly.

Corporation to construct street through entire length of reserve, and may extend streets through land in Schedule B.

4. The Council shall, as soon as conveniently may be after the passing of this Act, and subject to the provisions herein set forth, do and perform the following things:—

- (1.) Lay off and construct, and from time to time maintain, a continuous street not less than fifty feet wide throughout the entire length of the land described in the First Schedule hereto along the seaward boundary thereof, and connecting at the northern end with the Hutt Road :
- (2.) From the southern end of the said land shall continue and maintain a street not less than thirty-three feet wide along and upon the parcel of land described in the Second Schedule hereto, and marked A on the plan thereof, mentioned in such Schedule, so as to connect with Davis Street produced :
- (3.) At its option continue such last-mentioned street from Davis Street along and upon the parcel of land described in the said Second Schedule, marked B on the said plan thereof, so as to connect with Waterloo Quay ; such last-mentioned street to be made along and outside the existing railway-fence in the direction indicated on the plan mentioned in the said Second Schedule :
- (4.) The said parcels of land marked A and B are the property of the New Zealand Railway Commissioners (hereinafter referred to as "the Commissioners"); and for the purposes of the street to be made on or through such lands the Council may use and occupy such parts of the said lands marked A and B as may be requisite for that purpose, and where necessary may reclaim from the sea any area of land required to make up the width of the said street or to continue Davis Street, and add the same to the land required for such street.

Corporation to maintain sea-wall in face of esplanade.

5. The Council shall from time to time repair and maintain the wall on the seaward boundary of the land described in the First Schedule, and also from time to time may make, construct, and maintain such other walls or works of any kind as may be necessary in respect of the lands described in the First or Second Schedules hereto, and authorised to be used and occupied as aforesaid, and shall out of the borough fund of the said city expend and apply all such money as may be required for the several purposes in this Act mentioned.

City Council may make by-laws to regulate traffic on the above streets.

6. Subject to this Act, the several streets herein provided for shall at all times be open for public traffic of such nature and subject to such restrictions, limitations, and conditions as the Council may from time to time determine in and by by-laws, which the said Council is hereby empowered to make for the purposes aforesaid under the powers and authorities in that behalf vested in them by "The Municipal Corporations Act, 1886."

Corporation to vacate land if required for railway.

7. If at any time hereafter the whole or any part of the lands described in the First or Second Schedules hereto shall be required for railway-purposes by the lawful authority in whom the same is

vested, then the Council shall, on the written demand of such authority, vacate and give up possession of the whole or part of such land, as the case may be, occupied by it under this Act, but only when land of equal area to the seaward of the land so desired to be vacated is or has been provided by such authority for the use and occupation of the Council for the purposes of this Act, and in substitution for such part of the first-mentioned land as may be so required as aforesaid.

On compliance with this enactment the land so required shall cease to be subject to the provisions of this Act, and shall revert to the lawful authority as of its former estate.

8. The Council shall use and occupy the land so provided by the lawful authority in substitution as aforesaid for the purposes of recreation or as a street as hereinbefore provided, and with, under, and subject to all the powers, liabilities, and authorities hereinbefore mentioned and prescribed in respect of the several parcels of land described in the First and Second Schedules, as the case may be.

Corporation to remove all obstructions on land.

And the Council may also, at its own expense, take away and remove, from any land of which possession shall be required by the lawful authority, any house or other erection then standing or being on the said land, or any tree, shrub, or plant then growing or being thereon.

9. No compensation shall be payable to the Council, or the Corporation which it represents, in respect of the resumption of any such land by the lawful authority, and such authority may reclaim from the sea any land required for the purpose of giving effect to this Act, and may, out of any moneys appropriated for that purpose by the General Assembly, form and lay out so much of such land so reclaimed for recreation-purposes or as a street (as the case may require), with protective walls, approaches, and other works necessary for the purposes of this Act; and, after the same shall have been completed, shall put the Council in possession of so much of the said land so reclaimed as may be requisite for the purposes aforesaid.

No compensation to be paid in respect of resumption of land.

For the purposes of this and the last two preceding sections the expression "lawful authority" shall mean Her Majesty the Queen or the Commissioners, according to the estate or interest Her Majesty or the Commissioners may have in the land described in the said Schedules, or that may at any time be subject to the provisions of this Act.

10. The land described in the First and Second Schedules hereto, or that may hereafter be subject to the provisions of this Act, shall respectively be and be deemed to be part of, and within the boundaries of, the Thorndon Ward of the City of Wellington, or of such other ward of the said city as may then be in existence, in lieu of the said Thorndon Ward.

Land to be deemed within boundaries of City of Wellington.

11. It shall be lawful for the Council to pay out of the borough fund any sum or sums of money not exceeding together forty-five pounds towards defraying the expenses already incurred in planting, ornamenting, and utilising the lands comprised in the said First and Second Schedules.

Council may expend moneys on planting, &c.

## Schedules.

## SCHEDULES.

## FIRST SCHEDULE.

ALL that parcel of land, containing by admeasurement 6 acres 1 rood 8 perches, more or less, being a portion of the area of 28 acres 2 roods 30 perches described in the Schedule to "The Thorndon Reclamation Act, 1882," such portion being a strip of the reclaimed land within the said area, and bounded by a line commencing at the south-easternmost corner or angle of said area, and proceeding thence south-westerly along the south-eastern boundary-line of said area, 442 links; thence north-easterly in a straight line, 270 links; thence northerly in a straight line, 234 links; thence north-westerly in straight lines, 2960, 176, 164, and 80 links; thence south-easterly in a straight line, 90 links, to the north-eastern boundary-line of said area; and southerly along the said north-eastern boundary-line, 3700 links, to the point of commencement: be all the aforesaid linkages more or less; as the same is delineated and shown in pink colour on a plan marked W.R., P.W.D. 16335, deposited in the office of the Minister for Public Works, at Wellington.

## SECOND SCHEDULE.

## A.

ALL that parcel of land, containing 10 perches, more or less, being part of an area of 19 perches, lying north of Davis Street, included in a certificate of title to the New Zealand Railway Commissioners, registered, Vol. li., folio 15, in the office of the District Land Registrar, Wellington. Bounded by a line commencing at the south-eastern corner of the said area, on northern side of Davis Street; and proceeding thence westerly alongside Davis Street, a distance of 76 links; thence northerly along the railway-fence, a distance of 74 links; thence north-easterly along the south-eastern boundary of the land described in the First Schedule, a distance of 98 links; and thence southerly, 111 links, to the commencing-point: be all the aforesaid linkages more or less.

## B.

All that parcel of land, containing 2 roods 20 perches, more or less, being part of an area of 3 acres and 5 perches, lying south of Davis Street, included in a certificate of title to the New Zealand Railway Commissioners, registered, Vol. li., folio 15, in the office of the District Land Registrar, Wellington. Bounded by a line commencing at the north-east corner of the said area, and proceeding westerly along the south side of Davis Street, 74 links; thence southerly and south-easterly in straight lines, 160, 158, 150, 250, 54, 96, and 58 links respectively, to the south-western boundary-line of the said area; thence south-easterly along the said south-western boundary-line to its south-eastern extremity, a distance of 92 links; thence along the eastern boundary of the said area by the curved line 517 links, and the straight line 475 links respectively, to the commencing-point: be all the aforesaid linkages more or less;

As the same are delineated and distinguished by letters A and B on the aforesaid plan, marked W.R., P.W.D. 16335, deposited in the office of the Minister for Public Works, at Wellington.