

New Zealand.



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1891, No. 2.—*Local.*

AN ACT to empower the Wanganui Harbour and River Conservators Board to convey Part of an Endowment in Exchange for the Signal-station Reserve at the Mouth of the Wanganui River.

[4th August, 1891.]

WHEREAS the land described in the First Schedule hereto forms part of an area of one hundred and eighty acres which on the fifteenth day of May, one thousand eight hundred and seventy-eight, was granted as Lot H to the Wanganui Harbour and River Conservators Board (hereinafter referred to as "the Board"), as an endowment, and the said land is known as section number one hundred and two of the Township of Castlecliff, and a street known as Tod Street, and has heretofore been set apart by the Board as a reserve for the purpose of meat-freezing works: And whereas the land described in the Second Schedule hereto forms part of a signal-station reserve vested in Her Majesty, known as section number one hundred and three of the said Township of Castlecliff, and, being adjacent to the land described in the First Schedule hereto, is from its nature and situation more suitable for the erection of meat-freezing works:

And whereas the Board some time since proposed to effect an exchange of the section number one hundred and two, and a street known as Tod Street, for the said part of section number one hundred and three: And whereas the Governor, on behalf of Her Majesty the Queen, was and is willing to exchange the part of the said reserve as aforesaid, inasmuch as the lands to be obtained in exchange are equally adapted for the purpose of a signal-station; but after he had expressed his willingness to make such exchange as aforesaid it appeared that the Board having no power at law to alienate absolutely any of its endowments was and is unable to give effect to the proposed exchange:

And whereas in the meantime, and acting on the *bond fide* belief that the said exchange could and would be effected without express legislative sanction therefor, the Board, under the powers conferred

on it by "The Harbours Act, 1878," and after calling for tenders and otherwise duly complying with the provisions of the said Act relating to leases by Harbour Boards, has entered into a contract with a certain company known as "The Wanganui Meat-freezing Company (Limited)" (hereinafter referred to as "the company"), to lease to the company, *inter alia*, parts of the said section number one hundred and three, intended to be taken in exchange as aforesaid; and on the faith of the said contract the company has expended large sums of money in the erection of permanent buildings on parts of the said section number one hundred and three intended to be taken in exchange as aforesaid and on certain lands adjacent thereto:

And whereas, for the reasons aforesaid, the Board is unable to carry out the said contract with the company, and, considering the premises, and that the object of the intended exchange is to benefit the Port of Wanganui by an extension of the trade thereof, it is expedient that the Board should be empowered to carry into effect the said exchange, and to execute a lease to the company in terms of the said contract:

And whereas for the purpose of more effectually carrying out the aforesaid objects, and for the greater convenience of the public, it is desirable that a certain road reserve, not being required for the purposes of public traffic, which said road reserve is described in the Third Schedule hereto, should be closed as a public road, and vested in the Board, and that a certain street lying between sections numbered one hundred and two and one hundred and three of the Township of Castlecliff, and included in the land described in the First Schedule hereto, should be closed as a public street and form part of the reserve to be vested in Her Majesty, and that part of the said section number one hundred and three should be dedicated as a public street in lieu thereof:

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

Short Title.

1. The Short Title of this Act is "The Wanganui Heads Signal-station Reserve Exchange Act, 1891."

Interpretation of "grant."

2. In this Act, if not inconsistent with the context, the word "grant," in relation to land subject to "The Land Transfer Act, 1885," includes the issue of a warrant by the Governor under section twelve of the said Act to direct a District Land Registrar to issue a certificate of title under the said Act for such land, and in relation to any other lands includes the issue of a Crown grant of such land or the making of any deed of conveyance or other instrument sufficient to assure the title to such land.

Board may release lands in First Schedule.

3. The Board is hereby authorised and empowered, by deed or transfer, to release to Her Majesty the lands described in the First Schedule, to be held by Her Majesty as a signal-station reserve, subject to the same conditions in all respects as the lands described in the Second Schedule hereto have heretofore been held by Her said Majesty.

Lands in Second and Third Schedules may be granted to Board as endowment.

4. On the due execution and delivery of the aforesaid transfer, the Governor, on behalf of and in the name of Her Majesty, shall grant the lands described in the Second and Third Schedules to the Wanganui Harbour and River Conservators Board as an endowment, subject to the terms and conditions upon which the said Board have

heretofore held the lands described in the First Schedule hereto ; saving and excepting always that as to the lands described in the Third Schedule the Board shall not alienate any portion of the same by sale, mortgage, or otherwise than by lease for any term not exceeding the term specified in "The Harbours Act, 1878," and shall not pledge the said lands or any part thereof, nor any of the proceeds derived therefrom, as security for any money borrowed by the said Board ; and every sale, mortgage, or pledge made in contravention of this section shall be void and of no effect.

Limitation.

The road reserve described in the Third Schedule hereto, which is hereinbefore authorised to be granted to the Board, is hereby closed for public traffic.

5. The public street in the Township of Castlecliff between sections numbered one hundred and two and one hundred and three of the said township, traversing the lands described in the First Schedule hereto, and included in the above-mentioned description of the said lands, is hereby closed for public traffic, and in substitution thereof the lands described in the Fourth Schedule hereto shall be and are hereby dedicated to the public as and for a street in the aforesaid township, to be known as Tod Street.

Existing Tod Street closed, and new street opened in lieu thereof.

6. That part of the public street lying between section number one hundred and two and section one hundred and three of the said township hereinbefore declared to be closed, and which is included in the land described in the First Schedule hereto, and so much of section number one hundred and three of the said Township of Castlecliff vested in Her Majesty, and containing one rood and twenty perches, more or less, as lies between the proposed new street described in the Fourth Schedule hereto and the said closed public street, shall be and are hereby included within the lands to be re-conveyed by the Board to Her Majesty, and shall form part of the new Signal-station Reserve, and shall be held by Her Majesty for such purpose, and subject to any law for the time being affecting that class of reserves.

Portions of land added to the land in First Schedule.

7. So much of section number one hundred and three of the Township of Castlecliff vested in Her Majesty, and containing by admeasurement one acre one rood and twenty-five perches, more or less, as lies to the south-west of that portion of section number one hundred and three to be granted to the Board, shall be and the same is hereby included within the land lying adjacent thereto and known as the Flagstaff Reserve, being section number one hundred and four of the Township of Castlecliff, vested in Her Majesty, and shall form part of the said reserve, and shall be held by Her Majesty for such purpose, subject to any law for the time being affecting that class of reserves.

Addition of land to Flagstaff Reserve.

8. The Board is hereby authorised and empowered, with the consent and subject to the approval of the Governor in Council, to execute a lease to the company of the land described in the Fifth Schedule hereto in terms of the contract hereinbefore entered into between the Board and the company, or with such modifications of such contract as the Governor in Council may approve ; and it shall not be necessary for the Board, before executing such lease with such consent and approval as aforesaid, to call for any further tenders or

Board may lease lands to Wanganui Meat-freezing Company.

comply otherwise or further with the provisions of "The Harbours Act, 1878," relating to leases by Harbour Boards, anything in the said Act to the contrary notwithstanding.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ENDOWMENT LAND TO BE SURRENDERED TO THE QUEEN FOR A NEW SIGNAL-STATION. ALL that parcel of land in the Township of Castlecliff, containing by admeasurement 9 acres and 39 perches, more or less. Bounded towards the north-west by Cross Street, 937·2 links; towards the north-east by Ballance Street, 1058·4 links; towards the east by Woon Street, 335·8 links; towards the south generally by Wharf Street, 336·1 links, 384 links, 507·6 links, and 150 links; and towards the west by Section No. 103, 490·3 links.

SECOND SCHEDULE.

PART SIGNAL-STATION RESERVE TO BE GRANTED TO THE BOARD FOR EQUALITY OF EXCHANGE.

ALL that parcel of land in the Township of Castlecliff, containing by admeasurement 6 acres 2 roods 34 perches. Bounded towards the north by Bryce Street, 869·5 links; towards the east generally by Tod Street, 239 links, 419·7 links, and 160 links; towards the south generally by Harbour Board Reserve, 930 links; and towards the south-west by part of Section No. 103, 966·4 links.

THIRD SCHEDULE.

ROAD TO BE ABANDONED AND GRANTED TO THE BOARD.

ALL that portion of the Public Road Reserve, being 100 links wide from and above high-water mark on the right bank of the Wanganui River, containing by admeasurement 4 acres and 15 perches, more or less; commencing at a point in the middle of the said Road Reserve 791 links south-easterly from the south-east corner of the Township of Castlecliff, and extending generally in a westerly direction along the middle of the said road reserve for a distance of 4097 links, more or less.

FOURTH SCHEDULE.

TOD STREET (DIVERTED).

ALL that parcel of land in the Township of Castlecliff, containing by admeasurement 1 acre 1 rood 6 perches, more or less, being part of Section No. 103. Bounded towards the north by Bryce Street, 345·6 links; towards the east by Cross Street, 81·9 links; towards the south-east and again towards the east and north by another part of Section No. 103, 91·4 links, 446·1 links, and 80 links respectively; again towards the east by Wharf Street, 110 links; towards the south by Harbour Board Reserve, 80 links; towards the south-west, west, and again south-west by another part of Section No. 103, 160 links, 419·7 links, and 239 links respectively.

FIFTH SCHEDULE.

LAND TO BE LEASED BY THE BOARD TO THE WANGANUI MEAT-FREEZING COMPANY (LIMITED).

ALL that parcel of land in the Township of Castlecliff, containing by admeasurement 5 acres 1 rood 1 perch, more or less, being part of Harbour Board Reserve. Bounded towards the north by Bryce Street, 152 links; towards the north-east by another part of Harbour Board Reserve, 844 links and 247 links; towards the east by another part of Harbour Board Reserve, 44 links; towards the south generally by another part of Harbour Board Reserve, 347 links, 145 links, 30 links, 90 links, 38 links, 152 links, and 38 links; again towards the south by the Wanganui River, 820 links; towards the west by Public Road Reserve, 100 links; and towards the north and west by Sections Nos. 104 and another part of Section No. 103, 820 links and 966·4 links respectively.

Also all that parcel of land in the Township of Castlecliff, containing by admeasurement 1 acre 1 rood 18 perches, more or less, being part of Harbour Board Reserve. Bounded towards the north by Bryce Street, 302·5 links; towards the north-east and east by Tod Street, 239 links and 344·7 links respectively; towards the south-west and west by another part of Harbour Board Reserve, 578 links and 152 links respectively.