

Hon. Mr. Larnach.

Lyttelton Harbour Works Compensation.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Short Title.</p> <p>2. Land described in First, Second, Third, and Fourth Schedules to become vested in respective owners.</p> <p>3. Land in Fifth, Sixth, and Seventh Schedules at same time to become vested in Her Majesty.</p>	<p>4. Right-of-way under this Act.</p> <p>5. Colonial Treasurer shall pay £105 18s. 6d. to "The Church Property Trustees" for legal and other expenses.</p> <p>6. Claims for compensation released hereby.</p> <p>7. Governor may issue grants for purposes of Act. Schedules.</p>
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A BILL INTITULED

AN ACT to carry into effect the terms of Compensation agreed upon by certain Persons deprived of Water Frontage by the Construction of Harbour Works in the Harbour of Lyttelton, pursuant to "The Lyttelton Harbour Works Loan Act, 1872."

Title.

WHEREAS by "The Lyttelton Harbour Works Loan Act, 1872," the Superintendent of the Province of Canterbury was authorized to construct harbour works in the Harbour of Lyttelton, and by the said Act it is provided that all persons being owners or having a lesser estate or interest in any land which might be deprived of frontage upon the waters of Erskine Bay, or be injuriously affected by the said harbour works, shall be entitled to receive compensation for such deprivation of water-frontage or injury, the amount whereof should be ascertained as in the said Act is mentioned: And whereas by the construction of the said harbour works, the owners of sections three hundred and thirty-one, three hundred and thirty-two, three hundred and thirty-three, three hundred and thirty-four, three hundred and thirty-five, three hundred and thirty-six, three hundred and thirty-seven, three hundred and thirty-eight, three hundred and thirty-nine, three hundred and forty, and three hundred and forty-one on the map of the Chief Surveyor of the Province of Canterbury, in the Town of Lyttelton, were deprived of water-frontage to the said sections, or to some of them: And whereas such owners have agreed to accept, as compensation for such deprivation, a road-way or right-of-way over the piece of land described in the *Eighth* Schedule hereto, and the payment of all expenses in respect of legal, engineering, surveying, and otherwise, which they or some of them have been put to in consequence of such deprivation, upon the condition that such way should be constructed by the Minister for Public Works: And whereas, in order to make the said road regular and straight, the owners of the portions of the above-mentioned sections specified in the *Fifth, Sixth, and Seventh* Schedules hereto have agreed that such portions shall be vested in Her Majesty; and it has also been agreed that the pieces of land specified in the *First, Second, Third, and Fourth* Schedules hereto shall be vested in the respective owners of sections three hundred and thirty-one,

Preamble.

three hundred and thirty-two, three hundred and thirty-three, three hundred and thirty-seven, three hundred and thirty-eight, three hundred and thirty-nine, and three hundred and forty: And it is expedient to give effect to such arrangement by an Act of the General Assembly:

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 shall be "The Lyttelton Harbour Works Compensation Act, 1877."

Land described in First, Second, Third, and Fourth Schedules to become vested in respective owners.

2. On this Act coming into operation, the pieces of land described in the *First* Schedule hereto shall become vested in the owner or owners of the said sections three hundred and thirty-one, three hundred and thirty-two, and three hundred and thirty-three; the piece of land described in the *Second* Schedule hereto shall become vested in the owner or owners of section three hundred and thirty-seven; the piece of land described in the *Third* Schedule hereto shall become vested in the owner or owners of sections three hundred and thirty-eight and three hundred and thirty-nine; and the piece of land described in the *Fourth* Schedule hereto shall become vested in the owner or owners of section three hundred and forty respectively, in fee-simple, freed and discharged from all uses, trusts, claims, estates, and interests whatsoever heretofore affecting the same. Such several pieces of land shall become and be subject to such uses, trusts, mortgages, estates, claims, and interest as at the time of this Act coming into operation affect the respective sections in the owner or owners of which such pieces of land are by this Act vested.

Land in Fifth, Sixth, and Seventh Schedules at same time to become vested in Her Majesty.

3. The pieces of land described in the *Fifth*, *Sixth*, and *Seventh* Schedules hereto shall, on this Act coming into operation, become and be vested in Her Majesty in fee-simple, freed and discharged from all uses, trusts, claims, estates, and interests whatsoever heretofore affecting the same.

Right-of-way under this Act.

4. It is hereby declared that, on this Act coming into operation, there shall be vested in the several and respective persons or bodies corporate being the owner or owners of sections three hundred and thirty-one, three hundred and thirty-two, three hundred and thirty-three, three hundred and thirty-four, three hundred and thirty-five, three hundred and thirty-six, three hundred and thirty-seven, three hundred and thirty-eight, three hundred and thirty-nine, three hundred and forty, and three hundred and forty-one, in the Town of Lyttelton, his, its, or their heirs, successors, or assigns, and the persons or bodies corporate being the owners or occupiers for the time being of the said sections or any part thereof, their, his, her, or its servants, tenants, and workmen, full liberty, right, and privilege to go upon, pass and repass, either on foot or on horseback, and either with carts or carriages or vehicles of any description, and either with cattle, horses, sheep, or other animals, either by night or day, into over and upon the piece of land described in the *Eighth* Schedule hereto. The Minister for Public Works shall forthwith cause to be constructed, over the piece of land described in the said *Eighth* Schedule, such a proper and sufficient roadway as may be necessary for the purposes aforesaid.

Colonial Treasurer shall pay £105 18s. 6d. to "The Church Property Trustees" for legal and other expenses.

5. The Colonial Treasurer shall pay to "The Church Property Trustees," being a body corporate incorporated by two Ordinances of the Province of Canterbury, intituled "The Church Property Trust Ordinance, Session II., No. 3," and "The Church Property Trust Amendment Ordinance, 1867," and being the owners of sections three hundred and thirty-one to three hundred and thirty-five inclusive, out of the Consolidated Fund, the sum of one hundred and five pounds eighteen shillings and sixpence, and to the owners of sections three hundred and thirty-six to three hundred and forty-one, both inclusive, the sum of fifty-five pounds fifteen shillings, in full satisfaction of all legal, engineering, surveying, and other expenses which the body corporate and the said owners have been put to by reason of or in consequence of such deprivation as aforesaid.

6. The respective owners of the said several sections shall not be entitled to any further compensation in consequence of being so deprived of water-frontage; and all actions, suits, claims, and demands whatsoever which they or any of them respectively now have, in respect of such deprivation, shall be and they are hereby released and discharged.

Claims for compensation released hereby.

7. For the purpose of fully and effectually carrying the provisions of this Act into operation the Governor may issue such grants or execute such assurances as he may think necessary.

Governor may issue grants for purposes of Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that parcel of land containing by admeasurement 3·31 perches, more or less, commencing at the westernmost corner of Section No. 331, in the Town of Lyttelton, Colony of New Zealand; thence south-westerly by a line in continuation of the north-western boundary of that section, nine (9) links; thence south-easterly at a right angle, two hundred and twenty-seven (227) links; thence north-easterly and north-westerly along the south-western boundary of the Town Section No. 333, formed by the original high watermark, to the southernmost corner of Town Section No. 332, and from thence returning north-westerly along the south-western boundary of that section and the aforesaid Town Section No. 331, one hundred and eighty (180) links, to the commencing point.

SECOND SCHEDULE.

ALSO all that parcel of land, in the Town of Lyttelton, Colony of New Zealand, containing by admeasurement forty-three thousandths (0·43) of a perch, commencing at the southernmost point of parcel of land described in Sixth Schedule; thence following the original line formed by high watermark in a southerly direction along the south-western boundaries of Section No. 337 (portion of), to the southernmost corner of Section No. 337 aforesaid; thence in a line in continuation of the southern boundary of section aforesaid until it intersects the eastern boundary of new road, three (3) links or thereabouts; thence in a north-westerly direction along the said boundary of new road, 18·65 links, to point of commencement.

THIRD SCHEDULE.

ALSO all that parcel of land in the Town of Lyttelton, Colony of New Zealand, containing by admeasurement two perches and eighty-two hundredths (2·82) of a perch, commencing at the easternmost corner of the parcel of land described in the Second Schedule; thence following original line of high-watermark to the southernmost boundary of Section No. 339; thence in a south-westerly direction in continuation of the said boundary of section aforesaid until it intersects the eastern boundary of new road, 8·5 links; thence along the said boundary of new road, 166·66 links, to the southernmost corner of parcel of land described in Second Schedule; thence in a north-easterly direction, three (3) links, to point of commencement.

FOURTH SCHEDULE.

ALSO all that parcel of land in the Town of Lyttelton, Colony of New Zealand, containing by admeasurement thirteen hundredths (1·3) of a perch, commencing at the eastern corner of the parcel of land described in the Third Schedule; thence following original line of high watermark in a southerly direction until it intersects the eastern boundary of new road; thence in a north-westerly direction along said boundary of new road 18·65 links to the southernmost corner of parcel of land described in Third Schedule; thence following said boundary in a north-easterly direction, 8·5 links, to point of commencement.

FIFTH SCHEDULE.

ALL that parcel of land containing by admeasurement 3·31 perches, more or less, being part of Sections Nos. 333, 334, and 335, in the Town of Lyttelton, Colony of New Zealand, the boundaries whereof are as follows:—Commencing at the southernmost corner of Town Section No. 335; thence north-easterly along the south-eastern boundary of that section, twenty-two (22) links; thence north-westerly at a right angle, two hundred and twenty-three (223) links, to the south-western boundary of Town Section No. 333, formed by the original high watermark, and from thence returning south-easterly along the south-western boundary of that section, Town Section No. 334, and the aforesaid Town Section No. 335, formed by the said high watermark, to the commencing point.

SIXTH SCHEDULE.

ALL that parcel of land containing by admeasurement 475 perches, more or less, commencing at a point on the original line formed by high watermark on the westernmost corner of Section No. 336, in the Town of Lyttelton, Colony of New Zealand, and proceeding thence along the north-western boundary of said section in a north-easterly direction, twenty-two (22) links or thereabouts; thence in a southerly direction, one hundred and forty-five (145) links or thereabouts, to a point on the south-western boundary of Section No. 337, formed by said high watermark; thence returning in a north-westerly direction along the south-western boundaries of Sections Nos. 337 (portion of) and 336, formed by said high watermark, to point of commencement.

SEVENTH SCHEDULE.

ALSO all that parcel of land in the Town of Lyttelton, Colony of New Zealand, containing by admeasurement 58 perches, more or less, commencing at the southernmost point of parcel of land described in Fourth Schedule, and proceeding thence in a generally southerly direction along the south-western boundaries of Sections Nos. 340 (portion of) and 341, forming the original line of high watermark, to the southern corner of Section No. 341; thence along the southern boundary of said section in a north-easterly direction, thirty-six (36) links or thereabouts; thence at an angle of $95^{\circ} 07'$, one hundred and forty-eight (148) links or thereabouts, to point of commencement.

EIGHTH SCHEDULE.

ALL that parcel of land in the Town of Lyttelton, Colony of New Zealand, commencing at a point on the westernmost corner of Section No. 322, and eastern boundary of St. Davids Street, and proceeding thence in a generally south-easterly direction along the western boundaries of Sections Nos. 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 341, and terminating at a point on the southern boundary of said Section No. 341, thirty-six (36) links north-easterly of the original line formed by high water; thence by a line in continuation of the said boundary of said Section No. 341 in a south-westerly direction, for a distance of fifty-three (53) links, more or less; thence in a generally north-westerly direction, fifty (50) links distant and parallel to the aforesaid sections, to a point on the eastern boundary of St. Davids Street; thence along said last-mentioned boundary to the point of commencement.