

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council.

20th September, 1906.

Hon. Mr. Ormond.

NAPIER HOSPITAL SITE EXTENSION.

[LOCAL BILL.]

ANALYSIS.

Title.

Preamble.

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2. Act to be a special Act.

3. Reserve vested for hospital purposes.

4. Order in Council revoked.

Schedule.

A BILL INTITULED

AN ACT to change the Purposes for which a certain Portion of the Public Reserve known as "Barrack Reserve," situated in the Town of Napier, was vested in the Borough of Napier.

5 WHEREAS the piece or parcel of land described in the Schedule hereto (hereinafter referred to as "the said reserve") forms part of a piece or parcel of land (being portion of a public reserve situated in the Town of Napier commonly known as "Barrack Reserve"), containing four acres three roods thirty-one perches, which was 10 permanently reserved by His Excellency the Governor of the Colony of New Zealand in pursuance of sections one hundred and forty-four and one hundred and forty-five of "The Land Act, 1877," for the purposes of public buildings, as appears by notice published in the 15 New Zealand Gazette of the year one thousand eight hundred and seventy-nine, at pages seventy-two and seventy-three: And whereas by an Order in Council duly made on the tenth day of September, one thousand eight hundred and ninety-one, and published in the New Zealand Gazette No. 66, of the seventeenth day of September, one 20 thousand eight hundred and ninety-one, after reciting that the said reserve was reserved as a site for public buildings, and that it was expedient that the same should be vested in the Napier Borough Council, His Excellency the Governor of the Colony of New Zealand, by and with the advice and consent of the Executive Council of the said colony, and in exercise of the powers and authorities vested in 25 him by section four of "The Public Reserves Act, 1881" (hereinafter called "the said Act"), did thereby declare that from and after the day of the date thereof the said reserve should become vested in the Mayor, Councillors, and Burgesses of the Borough of Napier (hereinafter referred to as "the Borough of Napier") in trust 30 for a site for charitable aid buildings: And whereas at the time of the

making of the said Order in Council of the tenth day of September, one thousand eight hundred and ninety-one, the said reserve came within Class I of the First Schedule to the said Act, and it is doubtful whether the said Order in Council, even if such were its intent, could legally appropriate the said reserve for any of the purposes under that part of Class III of the said First Schedule to the said Act which relates to reserves for education, charitable purposes, or recreation : 5  
 And whereas, even if the legal effect of the said Order in Council of the tenth day of September, one thousand eight hundred and ninety-one, was to appropriate the said reserve for any of the purposes under the said part of Class III of the First Schedule to the said Act, a special Act of the General Assembly is requisite under section eight of the said Act to effect a change in the dedication of the said reserve from the purposes for which the same was so appropriated : And 10  
 whereas the said reserve is not required for any of the purposes set out in the said Class I of the First Schedule to the said Act, and the same having been vested in a body corporate by the said Order in Council of the tenth day of September, one thousand eight hundred and ninety-one, it is not now competent for the Governor under the powers conferred by section two of "The Public Reserves Act Amendment Act, 1889," to declare that it shall be appropriated for the purposes of a reserve under the said part of the said Class III of the First Schedule to the said Act : And whereas the said reserve is adjacent to the Napier Public Hospital site, as described in the First Schedule to "The Napier Hospital Site Act, 1876," and is urgently 25  
 required for hospital purposes, and in particular for the erection of buildings wholly or in sufficient part devoted exclusively to the treatment of incurable cases ; and it is therefore expedient that the purposes for which the same is held by the Borough of Napier should be changed accordingly : 30

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 Napier Hospital Site Extension Act, 1906." 35

Act to be a special Act.

2. In so far as may be necessary for the purposes hereof, this Act shall be deemed to be a special Act within the meaning of section eight of the said Act.

Reserve vested for hospital purposes.

3. The said reserve shall be and the same is hereby vested in the Borough of Napier in trust for a site for hospital buildings and grounds and for general hospital purposes, and in particular for the erection of buildings wholly or in sufficient part devoted exclusively to the treatment of incurable cases. 40

Order in Council revoked.

4. The said recited Order in Council of the tenth day of September, one thousand eight hundred and ninety-one, is hereby revoked and repealed. 45

SCHEDULE.

Schedule.

ALL that parcel of land in the Hawke's Bay Land District, containing by admeasurement two acres and thirteen perches, more or less, being portion of Barrack Reserve, Town of Napier. Bounded towards the north-west by a public road 50 links, 148·2 links, and 596·5 links ; towards the east and south-east by Lawrence Road, 18·2 links, 234·7 links, 97·3 links, 68·8 links, 104·5 links, 58 links, 128·1 links, and 84· links ; towards the west and south by the Powder-magazine Reserve, 107·25 links and 141·75 links ; towards the south-west by a public road, 172 links ; and towards the west by a public road, 13·9 links, 25 links, and 25 links : be all the aforesaid linkages more or less : as the same is delineated on the plan deposited in the office of the Chief Surveyor, Napier.

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By Authority: JOHN MACKAY, Government Printer, Wellington.—1906.