

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 14th August, 1912.

Mr. Okey.

NEW PLYMOUTH HUATOKI STREAM DIVERSION AND EXCHANGE.

[LOCAL BILL.]

ANALYSIS.

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- Preamble.
- 1. Short Title.
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- 4. Certificate to Collett and Company (Limited) to be in ordinary form, and rights of public to be extinguished. Schedules.

A BILL INTITULED

AN ACT to enable the New Plymouth Borough Council to effect an Exchange of Lands.

Title.

Preamble.

WHEREAS the whole of the lands described in the *First* Schedule hereto is believed to be the property of the Mayor, Councillors, and Burgesses of the Borough of New Plymouth (hereinafter styled the Corporation), and the whole of the lands described in the *Second* Schedule hereto is believed to be vested in Collett and Company (Limited), a private company duly incorporated under the provisions of the Companies Act, 1908, in fee-simple: And whereas the Corporation are desirous of improving Carrington Road and Courtenay Street, and have agreed with Collett and Company (Limited), for an exchange of the lands described in the *First* Schedule for the lands described in the *Second* Schedule: And whereas the Huatoki Stream was diverted over five years ago by the predecessor in title of Collett and Company (Limited) with a view of ultimately effecting the said exchange by mutual conveyances, but such exchange was not proceeded with owing to the parties being advised that the same could not safely be effected without the authority of an Act of Parliament: And whereas doubts have arisen as to the title of the parties to such portions of the land described in the *First*, *Second*, *Third*, and *Fourth* Schedules as originally formed part of the bed of the Huatoki Stream, and it is desirous to remove such doubts:

2 *New Plymouth Huatoki Stream Diversion and Exchange.*

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. This Act may be cited as the New Plymouth Huatoki Stream Diversion and Exchange Act, 1912. 5

Land transfer certificate to be issued to Corporation for lands in Second and Third Schedules, and to Collett and Company (Limited) for lands in First and Fourth Schedules.

2. Upon the joint request in writing under the seal of the Corporation and of Collett and Company (Limited), and upon payment of the sum of *one* pound each, the District Land Registrar of the District of Taranaki shall make and issue to the Corporation a certificate of title under the Land Transfer Act, 1908, for 10 the lands described in the *Second* Schedule and also in the *Third* Schedule, and to Collett and Company (Limited) a similar certificate of title for the lands described in the *First* Schedule and also in the *Fourth* Schedule.

Corporation certificate to be expressed to be for purposes of public street.

3. The certificate of title to the Corporation so to be made 15 and issued as provided in the *last preceding* section shall be expressed to be made to the Corporation as and for the purposes of a public street.

Certificate to Collett and Company (Limited) to be in ordinary form, and rights of public to be extinguished.

4. The certificate of title so to be made and issued to Collett 20 and Company (Limited), as provided in section *two*, shall be in the ordinary form of a certificate of title as if the land the subject of same had never been or formed part of a public street or bed of a stream, the rights of the public (if any) therein being hereby absolutely extinguished.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

CORPORATION LAND TO BE VESTED IN COLLETT AND COMPANY (LIMITED).

Struck out.

ALL that piece of land in the Borough of New Plymouth, being part of the Carrington Road and part of the original bed of the Huatoki Stream, containing by admeasurement 4·4 perches, and being bounded as follows: Commencing from a point 22 links from the north-east corner of Section 941, thence bounded towards the north-east by part of Carrington Road and part of the original bed of the Huatoki Stream, 71·2 links and 29·1 links; thence towards the south by part of the original bed of the Huatoki Stream, 15·3 links and 61·6 links; thence towards the west by part of the original bed of the Huatoki Stream and by part of Section 941, 67 links, to the starting-point.

Also all that piece of land in the Borough of New Plymouth, being part of the Carrington Road and part of the original bed of the Huatoki Stream, containing by admeasurement 4·3 perches, and being bounded as follows: Commencing from a point the intersection of the centre of the bed of the Huatoki Stream with the north side of Vivian Street, thence bounded towards the west and north-west by part of the original bed of the Huatoki Stream, 44·6 links, 77 links, and 46·1 links; thence towards the east by part of the original bed of the Huatoki Stream and part of the Carrington Road, 44·9 links and 112·1 links; thence towards the south by Vivian Street, 31 links, to the starting-point.

New.

ALL that area in the Borough of New Plymouth, containing by admeasurement 4·4 perches, being part of Carrington Road and part of the original bed of the Huatoki Stream: bounded by lines commencing at a point on the north-eastern boundary of Section No. 941, distance 22 links, from the north-eastern corner of that section; thence bearing 102° 19', distance 71·2 links; bearing 122° 50', distance

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New.

29.1 links; bearing $257^{\circ} 52'$, distance 15.3 links; bearing $242^{\circ} 42' 40''$, distance 61.6 links, to a point in line with the north-eastern boundary of Section No. 941, and thence bearing $338^{\circ} 43'$, distance 67 links, to the place of commencement.

Also all that area in the Borough of New Plymouth, containing by admeasurement 4.3 perches, being part of Carrington Road and part of the original bed of the Huatoki Stream; bounded by lines commencing at the intersection of the middle of the bed of the Huatoki Stream by the northern side of Vivian Street; thence bearing $352^{\circ} 36'$, distance 44.6 links; bearing $9^{\circ} 39'$, distance 7.7 links; bearing $355^{\circ} 10'$, distance 46.1 links, bearing $167^{\circ} 46'$, distance 44.9 links; bearing $171^{\circ} 44'$, distance 112.1 links; and bearing $248^{\circ} 44' 32''$, distance 31 links, to the place of commencement.

SECOND SCHEDULE.

LAND BELONGING TO COLLETT AND COMPANY (LIMITED) TO BE VESTED IN THE CORPORATION.

Struck out.

ALL that piece of land in the Borough of New Plymouth, being part of Section 941, and containing by admeasurement 2.1 perches, and being bounded as follows: Commencing from a point the north-east corner of Section 941, thence bounded towards the east by part of the Carrington Road, 22 links; thence towards the south by part of same Section 941, 122.5 links; thence towards the north by Courtenay Street, 120.5 links, to the starting-point.

Also all that piece of land in the Borough of New Plymouth, being part of the original bed of the Huatoki Stream and part of Section 723, containing by admeasurement 3.7 perches, and being bounded as follows: Commencing from a point the eastern corner of that piece of land described in the first part of the First Schedule hereof, thence bounded towards the north and east by part of the original bed of the Huatoki Stream, 30.6 links, 69.2 links, 56.7 links, and 50 links; thence towards the west and south-west by part of the original bed of the Huatoki Stream and part of Section 723, 50.5 links, 55.9 links, 51 links, and 32 links, to the starting-point.

New.

ALL that area in the Borough of New Plymouth, containing by admeasurement 2.1 perches, being part of Section No. 941: bounded by lines commencing at the north-eastern corner of the said Section No. 941; thence along the north-eastern boundary of that section, bearing $158^{\circ} 43'$, distance 22 links; thence bearing $259^{\circ} 10'$, distance 122.5 links, to the southern side of Courtenay Street; and thence along the southern side of that street, bearing $68^{\circ} 49'$, distance 120.5 links, to the place of commencement.

Also all that area in the Borough of New Plymouth, containing by admeasurement 3.7 perches, being part of the original bed of the Huatoki Stream and part of Section No. 723: bounded by lines commencing at the easternmost corner of the area of 4.4 perches described in the first part of the First Schedule hereto; thence bearing $77^{\circ} 52'$, distance 30.6 links; bearing $132^{\circ} 07'$, distance 69.2 links; bearing $146^{\circ} 15'$, distance 56.7 links; bearing $161^{\circ} 14'$, distance 50 links; bearing $332^{\circ} 07'$, distance 50.5 links; bearing $316^{\circ} 45'$, distance 55.9 links; bearing $308^{\circ} 25'$, distance 51 links; and bearing $302^{\circ} 50'$, distance 32 links, to the place of commencement.

THIRD SCHEDULE.

LAND (PART OF THE ORIGINAL BED OF THE HUATOKI STREAM) TO BE VESTED IN THE CORPORATION AS A STREET.

Struck out.

ALL that piece of land in the Borough of New Plymouth, being part of the original bed of the Huatoki Stream, containing by admeasurement 8 perches, and being bounded as follows: Commencing from a point the east corner of that piece of land described in the first part of the First Schedule hereof, thence bounded towards the south-west by part of this same piece of land; thence towards the north, east, and south-east by the Carrington Road; thence towards the west and south by part of that piece of land described in the last part of the First Schedule hereof and the piece of land described in the last part of the Second Schedule hereof, to the starting-point.

New.

ALL that area in the Borough of New Plymouth, containing by admeasurement 8 perches, being part of the original bed of the Huatoki Stream: bounded by lines commencing at the easternmost corner of the area of 4.4 perches described in the first part of the First Schedule hereto; thence bearing $302^{\circ} 50'$ to Carrington Road; thence north-easterly, south-easterly, and southerly along the south-eastern, south-western, and western boundaries of Carrington Road to the eastern boundary of the area described in the second part of the First Schedule hereto; thence along the eastern boundary of that area, and the north-eastern and northern boundaries of the area described in the second part of the Second Schedule hereto, to the place of commencement.

FOURTH SCHEDULE.

LAND (PART OF THE ORIGINAL BED OF THE HUATOKI STREAM) TO BE VESTED IN COLLETT AND COMPANY (LIMITED) ABSOLUTELY.

Struck out.

ALL that piece of land, being part of the original bed of the Huatoki Stream, containing by admeasurement 1.9 perches, and bounded as follows: Commencing from a point the south-west corner of that piece of land described in the first part of the First Schedule hereof, thence bounded towards the north by this same piece of land 61.6 links and 15.3 links; thence towards the north-east by part of that piece of land described in the last part of the Second Schedule hereof; thence towards the south by parts of Sections 723 and 722; thence towards the west by part of the bed of the Huatoki Stream, 14 links, to the starting-point.

Also all that piece of land, being part of the original bed of the Huatoki Stream, containing by admeasurement 5 perches, and being bounded as follows: Commencing from a point the intersection of the north side of Vivian Street with the west side of the Huatoki Stream, thence bounded towards the west by part of Section 723; thence towards the north-east and south-east by part of that piece of land described in the last part of the Second Schedule hereof and that piece of land described in the last part of the First Schedule hereof; thence towards the south by Vivian Street to the starting-point.

New.

ALL that area in the Borough of New Plymouth, containing by admeasurement 1.9 perches, being part of the original bed of the Huatoki Stream: bounded by lines commencing at a point in the middle of the original bed of the Huatoki Stream, being the southernmost corner of the area described in the first part of the First Schedule hereto; thence along the south-eastern boundary of the aforesaid area, 61.6 links and 15.3 links; thence along the south-western boundary of the area described in the second part of the Second Schedule hereto, 26 links; thence along the north-western boundaries of Sections Nos. 723 and 722 to a point in line with the north-eastern boundary of Section No. 941; and thence bearing $338^{\circ} 43'$, distance 14 links, to the place of commencement.

Also all that area in the Borough of New Plymouth, containing by admeasurement 5 perches, being part of the original bed of the Huatoki Stream: bounded by lines commencing at the southernmost corner of the area of 4.3 perches described in the second part of the First Schedule hereto; thence along the north-western side of Vivian Street to Section No. 723; thence along the eastern boundary of that section to the south-western boundary of the area described in the second part of the Second Schedule hereto; thence along the south-western boundary of the aforesaid area, and the western and the north-western boundaries of the area described in the second part of the First Schedule hereto, to the place of commencement.