

RESERVES AND OTHER LANDS DISPOSAL BILL

EXPLANATORY NOTES

Clause 2: Cancelling the reservation over certain education-endowment land in Gisborne Land District, setting it apart as a reserve for water-conservation purposes, and vesting it in the Corporation of the Borough of Opotiki (file L. and S. 6/1/649).—In 1912 an area of 630 acres was reserved for water-conservation purposes and vested in the Opotiki Borough Council, which has since developed the area as the source of the borough water-supply and has purchased several pieces of private freehold aggregating some 58 acres in order to obtain the best natural boundaries for the reserve. It is now desired that some 62 acres of adjoining primary-education endowment should be included in the reserve so as to complete the catchment area. The land is unsuitable for settlement, and it is considered that it should be set aside for water-conservation purposes. The clause therefore cancels the existing reservation over the 62 acres and vests it in the Corporation of the borough in trust for water-conservation purposes. The proposal has been approved by the Education Department.

Clause 3: Vesting in Christchurch City Corporation certain land at Spreydon in trust for plantation purposes, creating pedestrian rights-of-way thereover and over certain other land owned by the Corporation, and provisions incidental thereto (files L. and S. 30/228/3 and Housing 4/12).—The Department of Housing Construction purchased the block of land in Spreydon, City of Christchurch, known as the Wychbury Block, for housing purposes, and upon new roading and subdivision an agreement was made with the Christchurch City Council whereby the Department was to allocate a strip of land 40 ft. in width and containing 19·2 perches to the purposes of an access pathway, or pedestrian access, and the City Council was to purchase from a private owner a further strip 40 ft. in width in extension of the first-mentioned strip in order to provide a connection between Winsor Crescent (a new street in the Crown subdivision) and Lyttelton Street. This strip was also to be made a pedestrian access, and both strips were primarily intended to give direct access for the school-children from the Crown subdivision to the West Spreydon School in Lyttelton Street. The Christchurch City Council has agreed to form and maintain the access pathway over the two strips concerned. The title to the area set aside by the Housing Department for this purpose is held in the name of His Majesty for the purposes of the Housing Act, 1919, but no legal authority exists for the dedication of the land to the purposes of an access way. The City Council has duly purchased the further area of 39·1 perches as agreed to, and holds title to the area in trust as a plantation reserve. The clause vests the strip of housing land in the City Council in trust for plantation purposes, reserves rights-of-way thereover and over the 39·1 perches to the Crown and its tenants in the Wychbury Block, and secures an access way over the two areas in perpetuity to the inhabitants of the City of Christchurch and the general public. Authority is also given to the City Council to expend moneys out of its funds in the maintenance, &c., of the said pathway.

Clause 4: Cancelling the reservation over an education endowment in the Township of Pongaroa, setting it apart as a reserve for plantation purposes, and vesting it in the Corporation of the County of Akitio (file L. and S. 326).—The land dealt with in this clause is an area of half an acre of primary-education endowment land in Pongaroa. Certain sections of Crown land alongside have lately been reserved for plantation purposes and vested in the Akitio County Council, which proposes to plant a belt of trees to protect the bush on a scenic reserve controlled by the Council from the prevailing wind. The education endowment is required to complete the shelter-belt. It is not of much value as a building-site, and the Education Department has agreed to its being handed over to the local body for plantation purposes.

Clause 5: Closing roads in the District of Suburban South, Nelson Deeds Registration District, incorporating them in certificate of title, Vol. 28, folio 296, Nelson Registry, and validating the said certificate of title (file L. and S. 16/2643).—Inquiries into the position of certain reputedly closed Crown grant roads in the vicinity of Nelson has established the fact that the roads were never closed, although a title has been issued incorporating them with freehold land. The facts are that the lands in the locality were Crown granted between 1852 and 1862. The original roads were found to be on unsuitable lines. They were not formed or used, but other and more suitable routes were adopted. In 1906 the owners had surveys made to bring the land under the Land Transfer Act, and they also resubdivided the area. At the same time a plan was prepared showing proposals for closing portions of the unsuitable original roads and for laying off suitable road-lines. This plan was consented to by all parties and approved by the local authority, but the necessary action was never completed. The Land Transfer subdivisional plan showed the new roads as legal and the portions proposed to be closed as incorporated in the areas of the new subdivisions. The District Land Registrar acted on the approved plan and issued new titles for the lots shown on it. The local body controlling this area has dealt with the used portion of the new roads under the provisions of section 110 (d) of the Public Works Act, 1928, but action is required to establish the position with respect to a certain certificate of title which contains certain portions of unclosed road along with freehold land. The District Land Registrar has requested that the title be validated, and the clause therefore closes the portions of road concerned, incorporates them in the relevant title, and validates the position generally.

Clause 6: Vesting Block III, Town of Opunake, in His Majesty as an addition to the Opunake Domain (file L. and S. 22/359).—The land dealt with in this clause comprises an area of 2 acres 3 roods 13 perches of harbour-endowment land in Opunake. It is at present waste land and has never been revenue-producing. Most of the areas surrounding it are domain land, and other areas in the vicinity are being added to the domain. The harbour-endowment area is required in order to complete the domain reservation in that particular part of the town, and the Borough Council, which acts as the Harbour Board, has asked that the necessary action be taken. The Marine Department has been consulted, and approves of the proposal. The clause therefore declares the area to be vested in the Crown as a recreation reserve under the provisions of Part II of the Public Reserves, Domains, and National Parks Act, 1928, and to form portion of the Opunake Domain.

Clause 7: Authorizing Dunedin City Council to transfer part of the original bed of the Water of Leith (file L. and S. 22/747/174).—This clause deals with a small area of 5.55 perches, being portion of the original bed of the Water of Leith in the City of Dunedin. The land forms the western portion of a residential property of 12.95 perches in Edina Street occupied for over forty years by Mrs. J. S. Hopkins, who acquired it by conveyance in 1898. It has been discovered that the title is defective, and the owner is unable to deal with the property until such time as the title defects are remedied and a Land Transfer certificate of title issued. Application was made under section 19 of the Land Transfer Act, 1915, for the approval of the Surveyor-General and the assent of His Excellency to the land being brought under the provisions of that Act. It was established, however, that the case could not be dealt with under the said section 19 for the reason that the whole of the bed of the Water of Leith in that particular locality had been alienated by grants, and that the titles of the riparian owners extended to the middle of the original bed of the river, a non-tidal and non-navigable stream. There is authority for the issue of a title for the eastern portion of the property concerned up to the middle-line of the original stream-bed, but this leaves the western portion of 5.55 perches under a defective title. This western portion has become vested in the City Council, as the Council's title to the Town Belt on the west extends to the middle-line of the original bed of the Water of Leith. The Council has no objection to Mrs. Hopkins obtaining a title to the area, but has no authority to dispose of the land. The Town Belt was vested in the City Council by the Crown many years ago as a reserve, and after careful consideration of all the circumstances it has been decided that the case is one in which special legislation is justified authorizing the Council to transfer the 5.55 perches to Mrs. Hopkins, and the District Land Registrar to issue a certificate of title accordingly. The small piece of land concerned has never been used and is not required as part of the Town Belt.

Clause 8: Cancelling the reservation for scenic purposes over Reserve 3724, Block IX, Opihi Survey District, and setting the land apart as a recreation reserve (file L. and S. 1/1088).—Last year Major P. H. Johnson, of Raincliff, expressed his intention of donating a considerable area of land there as a memorial to the pioneers of South Canterbury, the area to be known as Pioneer Park. The gift was accepted by the public of the district, and a committee set up to consider ways and means of having the land vested in the Crown as a public reserve for recreation purposes. The original request was that a special Act should be passed, but at the suggestion of the Lands Department the local committee approved of the matter being dealt with under Part II of the Public Reserves, Domains, and National Parks Act, 1928, by making the gift area a public domain to be controlled by a Board representing the donor's family and the various interests concerned. The gift area of 242 acres has lately been surveyed by the Department and is being transferred to the Crown as a recreation reserve. It is well adapted for the purposes of a public domain, and contains two pieces of bush that are well worth preserving. The bush, a winding stream, and steep gullies make it a popular and attractive picnicking ground for the people of the district. Alongside the gift area is a scenic reserve of 62 acres. It is necessary that this reserve should be included in the proposals so as to improve the boundaries and also to pave the way for the acquisition of further

land in the future. A promise has been given that the scenic reserve will be added to the new domain, and the clause therefore cancels the reservation for scenic purposes and declares the area to be a recreation reserve. This will enable it to be added to the domain at the appropriate time by Order in Council to be issued under section 34 of the Public Reserves, Domains, and National Parks Act, 1928.

Clause 9: Adding land to the Hamilton Domain (file L. and S. 1/178).—The land referred to in this clause comprises an area of 33·63 perches, of which 21·51 perches was acquired by exchange from the Hamilton Borough Council. It was intended that the area, which forms a compact town section, should be added to the Hamilton Domain and that the Domain Board should exercise in respect of the land the leasing-powers conferred upon it by section 2 of the Hamilton Domains Act, 1911, thereby enabling the area to be leased under the provisions of the Public Bodies' Leases Act, 1908. As special legislation is required to make land subject to the provisions of section 2 of the Hamilton Domains Act, 1911, this clause makes provision accordingly.

Clause 10: Adding land to the Wyndham Recreation Reserve (file L. and S. 1/363).—The land dealt with in this clause contains an area of 8 acres 2 roods 8 perches, and comprises partly river accretion and partly closed road. As the land adjoins the Wyndham Recreation Reserve, it is desirable that the area should be added to the recreation reserve and vested in the Wyndham Town Board which controls the reserve pursuant to the provisions of the Wyndham Recreation Reserve Act, 1877.

Clause 11: Cancelling reservation as a redoubt-site over Allotment 107, Township of Harapepe (L. and S. file 20/870).—The land referred to in this clause comprises an area of 10 acres which was set aside as a site for a redoubt in 1868. Subsequently, the area was surveyed so as to create Allotments 160 and 160A, Parish of Pirongia, and Allotment 6, Village of Harapepe, which were sold by the Crown. As the land is still, in fact, a reserve as a site for a redoubt, it is necessary to annul the reservation at a date prior to the first sale of part of the area. This action will validate the existing titles to the land.

Clause 12: Validating an agreement between the Wellington City Council, the State Advances Corporation of New Zealand, and the Minister of Public Works in respect of certain lands (file L. and S. 30/228/87).—The land referred to in this clause comprises an area of approximately 21 acres, which was acquired by the Wellington City Council for the purpose of workers' dwellings. The Council has now agreed, subject to certain conditions, to the land being taken for housing purposes under the provisions of the Public Works Act, 1928, and section 32 of the Statutes Amendment Act, 1936. An agreement giving effect to this arrangement has been entered into between the parties concerned. As, however, there is some doubt whether the parties have the necessary statutory powers to enter into the agreement, this clause validates the agreement.

Clause 13: Cancelling the reservation over certain education-endowment land in Southland Land District and setting it apart as a reserve for camping purposes (files L. and S. 8/10/113 and E. 10/6/10).—The area of 52 acres 3 roods 6 perches dealt with in this clause is situated at Lake Te Anau

and is being developed as a public camping ground by the Southland Automobile Association. It is education-endowment land, and formed portion of a large pastoral run of some 65,000 acres. The area has recently been surrendered from the pastoral license in order that it may be made available for camping, and the Education Department has agreed to its being set aside for that purpose. The clause declares the land to be set aside as a reserve for camping purposes under and subject to the Public Reserves, Domains, and National Parks Act, 1928, and it is proposed later on to issue an Order in Council vesting control in the automobile association. Shelter-belts and trees for beautifying-purposes will be planted by the association. The site is about half a mile from the Tourist Department's hotel at Lake Te Anau. That Department has been consulted and approves of the establishment of the camping-ground.

Clause 14: Authorizing inclusion of additional clause in certain leases over Sections 25, 26, and 27, Block XV, Kurow Survey District (files L. and S. 9/3099 and P.W. 67/105).—In 1938 six small sections situated near the Waitaki hydro were opened for selection on renewable lease. In the case of certain of the sections the selectors desired to erect residences, and as the buildings might cause difficulties when the Public Works Department finds it necessary in future to erect further transmission lines it was at first proposed to take steps to acquire the interest of the lessees in the land. However, the two lessees concerned wished to retain their leases, and as they both agreed to erect their buildings only on sites approved by the Public Works Department and also to a clause being included in their leases providing for the erection of buildings to be subject to the consent of the Minister of Public Works, it was finally decided that they should be allowed to remain in occupation of the land. Special legislation is necessary for the inclusion of an additional clause in the leases, and the clause gives the authority required.

Clause 15: Authorizing Bank of New Zealand to pay to Pohara Domain Board balance of certain liquidation account (file L. and S. 1/902).—This clause has been drafted to meet the wishes of the shareholders in the Golden Bay Bacon, Pork, and Poultry Curing and Freezing Co., Ltd. (in Liquidation), who desire that the sum of £136 11s. 11d. held by the Bank of New Zealand to the company's credit should be paid to the Pohara Domain Board for expenditure on the domain under its control. The domain has an area of nearly 11 acres, and is situated on the coast near Takaka. It is being developed for general recreation and camping purposes.

Clause 16: Conferring powers on Public Trustee in respect of lands vested in him under the Auckland Education Reserves Act, 1912.—The property known as the old Supreme Court site in Auckland was vested in the Public Trustee as a reserve for education purposes in the Auckland Education District by the Auckland Education Reserves Act, 1912. It comprises an area of 3 roods 28 perches, and is situated in the heart of the business area, being bounded by Queen, Victoria, Elliott, and Darby Streets. The land was subdivided many years ago into fourteen lots, which were leased to various lessees on sixty-six-year building leases. The leases stipulated that the lessees should erect buildings in brick, but there was no right of renewal nor any provision for compensation for improvements. All the leases but one will expire in 1941. Under the Act of 1912 the Public Trustee was charged with the trusteeship of the property for the benefit of specified education

bodies in the Auckland Education District, and ground rents have been collected and distributed as directed by the legislation to the Auckland University College, the Auckland Grammar School, and the Thames, Hamilton, Whangarei, and Rotorua High Schools, and the Auckland Education Board. The net rents so distributed have been approximately £1,675 per annum. The Public Trustee was empowered under the Act only to lease or let the land on the expiry of the present leases in accordance with paragraphs (e), (f), (g), or (h) of section 5 of the Public Bodies' Leases Act, 1908—that is, for terms of twenty-one years, with various rights of renewal. He was not empowered on the expiry of the leases to repair or improve buildings, or to do various other things which an owner of property usually has power to do in order to derive the best return. It is considered that the educational bodies beneficially interested will derive greater financial benefits if at some suitable time in the future the existing buildings are remodelled or rebuilt, and if on the expiry of the present leases the Public Trustee enters into possession of the property for the purpose of arranging tenancies of the shops, offices, and rooms, collecting the whole of the rents, and paying the necessary outgoings. The clause therefore empowers the Public Trustee to resume possession on the expiry or determination of any of the leases, and to lease the land and buildings at will or for such periods and on such terms and conditions as he may think fit. It also gives him general powers of administration and provides that he may erect buildings and repair existing buildings. The Minister of Education is to decide each year what amount is to be distributed between the educational bodies concerned and what amount is to be invested in a reserve fund to be built up for rebuilding purposes.

Clause 17: Special provision with respect to rental payable under license to occupy portion of the Lake Okataina Scenic Reserves (file L. and S. 4/215/1).—Section 15 of the Reserves and other Lands Disposal Act, 1933, authorized the Minister in Charge of Scenery Preservation to grant a lease over an area of approximately 2 acres of the Lake Okataina Scenic Reserves at the northern end of the lake and adjoining the access road for any term not exceeding ten years, and upon such terms and conditions as he might think fit to impose. A license to occupy an area of 2 acres, comprising the site of the building known as the Okataina Fishing Lodge, was subsequently granted to Mr. N. Cole, and is now held by Mrs. M. E. White. Under the license the rental of £26 per annum is payable to the Lake Okataina Scenic Board, and payments have been made and received accordingly. It has lately been ruled that in the absence of any special provision in section 15 of the Reserves and other Lands Disposal Act, 1933, dealing with the disposition of the rent, the rental-money is public money and should have gone to the Consolidated Fund. The Board, however, was definitely advised at the time arrangements were made for the leasing of the area that it would receive the rent, and under these circumstances it is considered that past payments should be validated and proper provision made for future payments to the board. The clause makes the necessary provision in both respects.

Clause 18: Validating leases entered into between His Majesty the King and the Paeroa Borough Council in respect of the Ngahina Wharf, and authorizing the leasing of the wharf for further terms (file L. and S. 13/90/17).—The Ngahina Wharf was constructed by the Crown in connection with works carried out under the provisions of the Waihou and Ohinemuri Rivers Improvement Act, 1910, and it is now chiefly in the interests of the inhabitants of the Paeroa Borough that such wharf should be operated. Under section 78

of the Reserves and other Lands Disposal and Public Bodies' Empowering Act, 1924, His Majesty the King was authorized to lease the wharf to the Paeroa Borough Council for a term of five years, it being anticipated that the Waihou and Ohinemuri River Board would come into existence within five years from that date, and that the wharf and river-works would be placed under the jurisdiction of that Board. The River Board has not yet been constituted, and in the meantime the wharf has been leased to the Borough Council for successive periods of five years. There is no provision in the Waihou and Ohinemuri Rivers Improvement Act, 1910, whereby the wharf may be leased to any local authority prior to the constitution of the Waihou and Ohinemuri River District. This clause accordingly provides for the validating of past leases and authorizes the leasing of the wharf to the Borough Council until such time as the Waihou and Ohinemuri River District is constituted.

Clause 19: Cancelling the reservation over the Pukekaroro Domain and declaring the land to be a scenic reserve (file L. and S. 1/330).—The Pukekaroro Domain comprises an area of 73 acres 32 perches. This area is situated at the top of a mountain and is covered with light bush. The land has never been used for recreation purposes, and it is desired that the area be declared a scenic reserve. This clause accordingly cancels the reservation of the land as a public domain and declares it to be a scenic reserve subject to the provisions of the Scenery Preservation Act, 1908.

Clause 20: Cancelling the reservation over certain education-endowment lands in Otago Land District, and setting them apart as permanent State forest (files L. and S. 4/33, F. 6/7/69, and E. 10/6/25).—The lands dealt with in this clause comprise two primary-education-endowment areas in Rankleburn Survey District, Otago Land District, containing a total area of 278 acres 3 roods 3 perches. These areas have been reserved for many years as endowments for primary education, but have not been leased for farming purposes as they are considered to be unsuitable for settlement. They adjoin the Blue Mountain State Forest in the Tapanui District, and in order to consolidate the State forest it is desirable that they should be administered under the Forests Act. The clause therefore cancels the existing reservation over the areas as endowments for primary education and declares them to be set apart as permanent State forest under and subject to the provisions of the Forests Act, 1921–22. The Education Department has agreed to the proposal.

Clause 21: Authorizing the cancellation of a forfeiture of special-tenure lease of certain land in the Hawke's Bay Land District (file L. and S. 26/267).—Section 3, Block III, Puketapu Survey District, area 451 acres, was held by Harold James Hyde on special-tenure lease for a term of sixty-six years from 13th October, 1916. This lease was forfeited by the Hawke's Bay Land Board on the 13th September, 1928, for non-payment of rent, and notice of forfeiture was duly published in the *Gazette* of the 18th April, 1929. Later the lessee arranged for payment of the amount outstanding and was permitted to continue with his lease. As, however, forfeiture of the lease has been gazetted special statutory authority is required to revive the lease.

Clause 22: Revoking reservations over certain education-endowment lands, and declaring them to be subject to the Scenery Preservation Act, 1908.—The lands dealt with in this clause are education-endowment areas which contain bush of scenic value, and which it is desired should be given the protection of the provisions of the Scenery Preservation Act, 1908. In each case the

Education Department has approved of the land concerned being made a scenic reserve. Brief particulars of the areas as they appear in the Schedule to the Bill are as follows:—

- (a) Allotments 342 and 343, Pirongia Parish, containing together an area of 50 acres, and comprising bush areas adjoining existing scenic reserves on the slopes of Pirongia Mountain:
- (b) Part Section 8, Block XVI, Weber Survey District, area 12 acres. This comprises a fine patch of bush on a bend of the Waihi Stream adjoining the Waihi Falls Scenic Reserve. It has recently been surrendered by the lessee of the education-endowment reserve in order that it may be brought under the provisions of the Scenery Preservation Act.

Clause 23: Authorizing leasing of portion of the Pukeroa Reserve, Rotorua, to the Waikato Hospital Board. (files L. and S. 6/8/6 and H. 119/49).—The land known as the Pukeroa Reserve was originally given by Ngati-Whakaue to the Crown as a reserve for public recreation. It was later set apart by the Government as a park or domain for the public use and enjoyment of the inhabitants of the Town of Rotorua. In 1908 the control of the reserve was vested in the Minister in Charge of Tourist and Health Resorts. During the Great War a military hospital was erected on the reserve, although the occupation of the land for hospital purposes was intended to be of a temporary nature. However, the buildings are now in use as a general hospital under the control of the Waikato Hospital Board. The hospital accommodation available is insufficient to meet the requirements of the district, and further hospital buildings are proposed. It is evident that the site must continue to be used for a good many years to come, and, after full consultation with the Hospital Board, the Borough Council, and the Ngati-Whakaue, it has been decided that the greater portion of the reserve shall be leased to the Board by the Crown in perpetuity at a nominal rental, but subject to the condition that the lease shall be determined should the land cease to be required and used for hospital purposes. The area required has not yet been surveyed, but will probably contain about 28 acres. It is proposed when the survey has been carried out to issue an Order in Council revoking the existing vesting of control in the Minister in Charge of Tourist and Health Resorts of the area required for hospital purposes. The land will then be ordinary public domain land, and as there is no authority to lease such land for hospital purposes special legislation is required. The clause gives the necessary authority to issue the proposed lease and provides also for its registration. Should the land cease to be used for hospital purposes the lease will be determined, and the land revert to the Crown as a public domain under and subject to the provisions of the Public Reserves, Domains, and National Parks Act, 1928. Within the boundaries of the area there are two places sacred to Ngati-Whakaue. These sacred places will be excluded from the lease to be issued to the Hospital Board. The Board will share with Ngati-Whakaue the cost of maintaining fences around these small sacred areas, but otherwise the full cost of their maintenance and management will be met by Ngati-Whakaue. The area proposed to be leased includes the roadway running through the reserve. This roadway is not a legal street, and will be under the control of the Hospital Board. The Government, however, is expressing to the Board its desire that continued facilities be extended for the use of the roadway as a tourist road through the reserve, provided the convenience of the hospital and the comfort of the patients are not adversely affected thereby.

Clause 24: Cancelling the reservation over and reconstituting the Waiho Gorge Domain and reserving certain land for aerodrome purposes (file L. and S. 1/887).—In 1930 an area of 46 acres 2 roods at Waiho Gorge was set

aside as a public domain and placed under the control of a Domain Board. The domain was provided to meet recreation requirements in the district, but that object has not been fully achieved owing to the greater part of the reserve having been used for aerodrome purposes. The needs of the aviation authorities have lately been definitely decided, and it has been found possible to meet recreation requirements as well by adding some unoccupied Crown land and closed road areas to those portions of the old domain which are not required for the aerodrome. The aerodrome will comprise an area of 36 acres 3 roods 10·8 perches, being the greater part of the original domain plus three small pieces of Crown land. The domain as reconstituted will comprise an area of 37 acres 1 rood 33 perches, being three small portions of the original reserve plus four pieces of Crown land and closed road. In view of the complicated nature of the deductions and additions required to lay off the aerodrome and the new domain it has been decided to effect the necessary title adjustments by special legislation.

Clause 25: Special provisions with respect to lands exempted from the provisions of sections 144 to 152 of the Mining Act, 1926 (files L. and S. 1/1034 and M. 6/108).—The Whangamata Township, at the northern end of the Bay of Plenty, consists for the most part of sections over which residence and business site licenses have been granted by the Warden under the Mining Act. In 1938 the township was exempted from the provisions of sections 144 to 152 of the Mining Act (dealing with residence, business, and special sites), and handed over for administration by the Lands Department, subject, however, to all existing mining privileges. There are seventy-seven sections in the township held under residence-site licenses for terms of forty-two years at a uniform rental of 5s. per annum. In a good many cases the license covers more than one section, while in a few cases licensees are holding as many as four sections, and in very few instances is the land being occupied for the purpose for which the license was granted. The position is that although the township is never likely to become a mining centre the best portion of it is held under licenses granted under the Mining Act at a purely nominal rental. This is a definite handicap to the progress of the place as a residential centre, and after full consultation between the Lands and Mines Departments it has been decided to introduce special legislation empowering the Land Board, with the consent of the Minister of Lands, to forfeit existing licenses in cases where the land is not actually being used for business or residential site purposes, or where the land held under a license is larger in area than that actually needed to meet the reasonable requirements of a residence or business site under the Mining Act. The legislation provides that in cases of forfeiture or of voluntary surrender a lease or license under the Land Act may be granted to the person concerned over the whole or any portion of the area formerly held by him. Licensees will have the right of appeal against any decision of the Land Board to declare their licenses forfeited. As there may be other townships in a similar position to Whangamata with respect to mining privileges granted for residence and business sites the clause has been made general in its scope.

Clause 26: Cancelling the reservations over certain education-endowment lands and declaring them to be subject to Part I of the Housing Act, 1919 (file L. and S. 30/228/89).—The lands dealt with in this clause comprise areas of residential land which have been reserved as endowments for primary education. The lands in question are suitable for housing purposes, and the Education Department has approved of the areas being taken over by the Housing Department at a valuation which has already been agreed upon. This clause accordingly cancels the existing reservations over the areas as endowments for primary education and declares them to be set apart for housing purposes under and subject to Part I of the Housing Act, 1919.

Clause 27: Authorizing the granting of a lease to W. H. H. Roche under the provisions of the Public Bodies' Leases Act, 1908 (file L. and S. 26/19261).—The land referred to in this clause comprises an area of 1636 perches and forms part of the Westport Colliery Reserve. On the 1st January, 1895, a lease of the area was granted under the provisions of the Westland and Nelson Coalfields Administration Act, 1877, for a term of forty-two years. This lease expired on the 31st December, 1937, and under the provisions of the Westland and Nelson Coalfields Administration Amendment Act, 1926, the lessee, W. H. H. Roche, had the right to apply to the Land Board for authority to surrender his lease and in lieu thereof to obtain, with the approval of the Minister of Lands, a new lease under the provisions of section 5 (g) of the Public Bodies' Leases Act, 1908. Owing to an oversight in regard to the date of the expiry of his lease Mr. Roche did not exercise his rights under the Westland and Nelson Coalfields Administration Amendment Act, 1926, and he is now unable to take advantage of the provisions of that Act. This clause accordingly authorizes the Nelson Land Board to grant Mr. Roche a lease under the provisions of section 5 (g) of the Public Bodies' Leases Act, 1908, of the land comprised in his former lease.

Clause 28: Abolishing the Wanganui River Trust and Board, and provisions incidental thereto (file L. and S. 1/440).—The Trust was first created in 1891 by the passing of the Wanganui River Trust Act of that year. The Wanganui River Trust Amendment Act, 1922, altered the constitution of the Trust and established the Wanganui River Trust Board. The Trust and the Board were charged with the administration of a large area set apart as a public domain by Proclamation issued under the 1891 Act, and with the duties of a River Board with special powers in connection with the opening-up and improvement for navigation of that portion of the Wanganui River under the Board's control. An endowment of 10,000 acres was set apart in 1892 for the Trust, the administration of the area being placed in the hands of the Wellington Land Board. By later legislation powers were conferred for the leasing of certain portions of the domain lands. The net revenue from these areas and from the endowment lands was payable to the Trust and Board. In 1934 the membership of the Trust and Board was reduced from thirteen to three members, it being recognized that the work of those bodies had materially lessened. It is now considered that there is no need to retain the Trust and Board, and the special clause makes provision for the winding-up of their affairs and the disposition of their property, &c. The administration of the domain lands, which comprise altogether an area of approximately 33,000 acres, will be taken over by the Commissioners of Crown Lands for the Wellington and Taranaki Land Districts. The Public Works Department will undertake the expenditure of any funds voted for the maintenance and improvement of the river. The Minister of Lands will retain certain other statutory powers formerly exercised by the Trust and Board. The clause contains special provisions in connection with the finances of the Trust and Board, and the revenue from leases amounting to about £500 per annum will in future be paid to the Consolidated Fund. Any moneys required in future for river works will be appropriated by Parliament in the ordinary way, while certain moneys derived from debentures held by the Trust will be available for domain purposes, together with any funds that may be voted.

Hon. Mr. Langstone

RESERVES AND OTHER LANDS DISPOSAL

ANALYSIS

- | Title. | |
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| 2. Cancelling the reservation over certain education-endowment land in Gisborne Land District, setting it apart as a reserve for water-conservation purposes, and vesting it in the Corporation of the Borough of Opotiki. | 9. Adding land to the Hamilton Domain. |
| 3. Vesting in Christchurch City Corporation certain land at Spreydon in trust for plantation purposes, creating pedestrian rights of way thereover and over certain other land owned by the Corporation, and provisions incidental thereto. | 10. Adding land to the Wyndham Recreation Reserve. |
| 4. Cancelling the reservation over an education endowment in the Town of Pongaroa, setting it apart as a reserve for plantation purposes, and vesting it in the Corporation of the County of Akitio. | 11. Cancelling reservation as a redoubt-site over Allotment 107, Township of Harapepe. |
| 5. Closing roads in the District of Suburban South, Nelson Deeds Registration District, incorporating them in certificate of title, Vol. 28, folio 296, Nelson Registry, and validating the said certificate of title. | 12. Validating an agreement between the Wellington City Council, the State Advances Corporation of New Zealand, and the Minister of Public Works in respect of certain land. |
| 6. Vesting Block III, Town of Opunake, in His Majesty as an addition to the Opunake Domain. | 13. Cancelling the reservation over certain education-endowment land in Southland Land District and setting it apart as a reserve for camping purposes. |
| 7. Authorizing Dunedin City Council to transfer portion of the original bed of the Water of Leith. | 14. Authorizing inclusion of additional clause in certain leases over Sections 25, 26, and 27, Block XV, Kurow Survey District. |
| | 15. Authorizing Bank of New Zealand to pay to Pohara Domain Board balance of certain liquidation account. |
| | 16. Conferring powers on Public Trustee in respect of lands vested in him under the Auckland Education Reserves Act, 1912. |

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| <p>17. Special provision with respect to rental payable under license to occupy portion of the Lake Okataina Scenic Reserves.</p> <p>18. Validating leases entered into between His Majesty the King and the Paeroa Borough Council in respect of the Ngahina Wharf, and authorizing the leasing of the wharf for further terms.</p> <p>19. Cancelling the reservation over the Pukekaroro Domain and declaring the land to be a scenic reserve.</p> <p>20. Cancelling the reservation over certain education-endowment lands in Otago Land District, and setting them apart as permanent State forest.</p> <p>21. Authorizing the cancellation of a forfeiture of special tenure lease of certain land in the Hawke's Bay Land District.</p> <p>22. Revoking reservations over certain education-endowment lands and declaring them to be subject to the Scenery Preservation Act, 1908.</p> | <p>23. Authorizing leasing of portion of the Pukeroa Reserve, Rotorua, to the Waikato Hospital Board.</p> <p>24. Cancelling the reservation over and reconstituting the Waiho Gorge Domain, and reserving certain land for aerodrome purposes.</p> <p>25. Special provisions with respect to lands exempted from the provisions of sections 144 to 152 of the Mining Act, 1926.</p> <p>26. Cancelling the reservation over certain education-endowment lands and declaring them to be subject to Part I of the Housing Act, 1919.</p> <p>27. Authorizing the granting of a lease to W. H. H. Roche under the provisions of the Public Bodies' Leases Act, 1908.</p> <p>28. Abolishing Wanganui River Trust and Board, and provisions incidental thereto. Repeals. Schedule.</p> |
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A BILL INTITULED

Title. AN ACT to provide for the Sale, Reservation, and other Disposition of certain Reserves, Crown Lands, Endowments, and other Lands, to validate certain Transactions, and to make Provision in respect of certain other Matters. 5

BE IT 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 Reserves and other Lands Disposal Act, 1940. 10

Cancelling the reservation over certain education-endowment land in Gisborne Land District, setting it apart as a reserve for water-conservation purposes, and vesting it in the Corporation of the Borough of Opotiki. 2. Whereas the land hereinafter described is reserved as an endowment for primary education: And whereas the land is required as an addition to the water-conservation areas vested in and owned by the Corporation of the Borough of Opotiki (hereinafter called the Corporation), and it is desirable that the said land should be set apart for water-conservation purposes and vested in the Corporation: Be it therefore enacted as follows:— 15

(1) The reservation as an endowment for primary education over the land hereinafter described is hereby 20

cancelled, and the said land is hereby set apart as a reserve for water-conservation purposes and vested in the Corporation in trust for such purposes.

(2) The land to which this section relates is particularly described as follows:—

All that area in the Gisborne Land District, containing by admeasurement sixty-two acres two roods eighteen perches, more or less, being Section 4, Block VIII, Opotiki Survey District (formerly known as Part Section 3 of the said Block VIII), being part of the land comprised in certificate of title, Volume 69, folio 228, Gisborne Registry, and bounded as follows: On the north generally by Part Section 3, Block VIII, Opotiki Survey District; on the east by Section 2, Block XIII, Waiawa Survey District; and on the south generally by Section 12, Block XIII, Waiawa Survey District; and by Lot 1, D.P. 15744 AK, being part Allotment 341, Waioeka Parish: as the same is more particularly delineated on the plan marked L. and S. 6/1/649, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (Gisborne plan 4078, blue).

3. Whereas the land described in subsection *six* hereof is vested in His Majesty the King for the purposes of the Housing Act, 1919, and forms part of the Housing Subdivision in the City of Christchurch known as the Wychbury Block, which said block is described in subsection *eight* hereof: And whereas the land described in subsection *seven* hereof is vested in the Corporation of the City of Christchurch (hereinafter called the Corporation) for the purpose of a plantation reserve: And whereas the areas described in subsections *six* and *seven* hereof together form a connecting strip of land forty feet in width between Lyttelton Street and Winsor Crescent, the latter being a new street in the Wychbury Block aforesaid: And whereas it is desired that the land described in subsection *six* hereof should be removed from the operation of the Housing Act, 1919, and that it should be vested in the Corporation in trust as a plantation reserve: And whereas it is also desired that rights of pedestrian access over the land described in subsection *six* hereof

Vesting in Christchurch City Corporation certain land at Spreydon in trust for plantation purposes, creating pedestrian rights of way thereover and over certain other land owned by the Corporation, and provisions incidental thereto.

See Reprint of Statutes, Vol. III, p. 798

should be reserved to the Crown and the Crown's tenants in the Wychbury Block, that similar rights should be created over the land described in subsection *seven* hereof, and that certain rights and powers in respect of control and maintenance should be granted to the Corporation: Be it therefore enacted as follows:— 5

(1) The land described in subsection *six* hereof is hereby declared to be no longer set apart for the purposes of the Housing Act, 1919, and is hereby vested in the Corporation in trust as a plantation reserve. 10

(2) There are hereby created free and full rights of way and passage at all times, but on foot only, over the lands described in subsections *six* and *seven* hereof in favour of His Majesty the King as owner of the land described in subsection *eight* hereof, and his tenants, servants, employees, and licensees and his successors in title. 15

(3) An access pathway between Lyttelton Street and Winsor Crescent shall be laid out by the Corporation over the lands described in subsections *six* and *seven* hereof for the purpose of providing access and passage at all times to the inhabitants of the City of Christchurch and the general public, and such access pathway shall be used only by foot-passengers and shall be constructed and maintained in such a manner as shall be suitable for that purpose. 20 25

(4) The Corporation may expend moneys from time to time and at all times out of its funds in the improvement, maintenance, repair, and upkeep of the said access pathway. 30

(5) The District Land Registrar for the Land Registration District of Canterbury is hereby empowered and directed to make such entries in the register-books, and generally to do all things necessary to give effect to the provisions of this section. 35

(6) The land vested in the Corporation in trust as a plantation reserve under the provisions of subsection *one* hereof is particularly described as follows:—

All that area in the Canterbury Land District, containing by admeasurement nineteen and two-tenths perches, more or less, and being Part Lot 1, Deposit Plan 10970, and Part Lot 13, Deposit Plan 1944, Part 40

Rural Section 76, situated in the City of Christchurch, and bounded as follows: Towards the north-east by Winsor Crescent, 60·61 links; towards the south-east by other part of Lot 1, Deposit Plan 10970, and other
5 part of Lot 13, Deposit Plan 1944, 197·9 links; towards the south-west by Lot 1, Deposit Plan 11126, 60·61 links; and towards the north-west by other part of Lot 13, Deposit Plan 1944, 197·9 links; as the same is more particularly delineated on the plan marked L. and S.
10 30/228/3, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

(7) The land already vested in the Corporation for the purpose of a plantation reserve as hereinbefore
15 referred to is particularly described as follows:—

All that area in the Canterbury Land District, containing by admeasurement thirty-nine and one-tenth perches, more or less, and being Lot 1, Deposit Plan 11126, Part Rural Section 76, situated in the City of
20 Christchurch, and bounded as follows: Towards the north-east by Part Lot 13, Deposit Plan 1944 (being portion of the land described in the *last preceding* subsection), 60·61 links; towards the south-east by part of Lot 15, Deposit Plan 1944, 403·41 links; towards the
25 south-west by Lyttelton Street, 60·61 links; and towards the north-west by part of Lot 15, Deposit Plan 1944, 403·41 links; as the same is more particularly delineated on the plan marked L. and S. 30/228/3A, deposited in the Head Office, Department of Lands and
30 Survey, at Wellington, and thereon bordered green.

(8) The housing subdivision known as the Wychbury Block is particularly described as follows:—

All that area in the Canterbury Land District, containing by admeasurement thirteen acres one rood
35 thirty-six and five-tenths perches, and being Part Lots 12, 13, 18, 19, 20, 21, and 22, D.P. 1944; Lot 6, D.P. 5318; Lot 1, D.P. 6688; Part Lot 15, D.P. 7388; Lot 4, D.P. 8569; and Part Lot 1, D.P. 10970, all being Part Rural Section 76 situated in the City of Christ-
40 church; as the same is more particularly delineated on the plan marked L. and S. 30/228/3B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered yellow.

Cancelling the reservation over an education endowment in the Town of Pongaroa, setting it apart as a reserve for plantation purposes, and vesting it in the Corporation of the County of Akitio.

4. Whereas the land hereinafter described is reserved as an endowment for primary education: And whereas the said land is required for plantation purposes, and it is desirable that it should be set apart for those purposes and vested in the Corporation of the County of Akitio: Be it therefore enacted as follows:— 5

(1) The reservation as an endowment for primary education over the land hereinafter described is hereby cancelled and the said land is hereby set apart as a reserve for plantation purposes and vested in the Corporation of the County of Akitio in trust for such purposes. 10

(2) The land to which this section relates is particularly described as follows:— 15

All that area in the Wellington Land District, containing by admeasurement two roods, more or less, being Section 4, Block V, Township of Pongaroa, and being all the land comprised in certificate of title, Volume 121, folio 276, Wellington Registry. 20

Closing roads in the District of Suburban South, Nelson Deeds Registration District, incorporating them in certificate of title, Vol. 28, folio 296, Nelson Registry, and validating the said certificate of title.

5. Whereas Crown grants were issued for Sections V, Part VI, 10, 28, and 29, in the District of Suburban South, Nelson Deeds Registration District, between the year eighteen hundred and fifty-two and the year eighteen hundred and sixty-two: And whereas the Crown grants issued for the said sections showed certain roads partly adjoining and partly intersecting the said sections: And whereas in the year nineteen hundred and six a plan was prepared for the purpose of closing portions of the aforesaid roads: And whereas the closing action, although consented to by all the interested parties at the time, was not completed, but the portions of road marked to be closed on the aforesaid plan were included within the area of certain land for which a certificate of title was issued by the District Land Registrar: And whereas doubts have arisen as to the validity of the inclusion of such roads in the certificate of title issued as aforesaid, and it is expedient that such doubts should be removed: Be it therefore enacted as follows:— 30 35 40

(1) The portions of road hereinafter described are hereby declared to be closed, to be incorporated in certificate of title, Volume 28, folio 296, Nelson

Registry, and to have been vested in the respective registered proprietors shown on the said certificate of title as from the sixteenth day of July, nineteen hundred and six, being the date of the issue thereof.

5 (2) The portions of road closed as aforesaid are hereby designated as Sections 90, 91, 92, 93, 94, and 95, in the District of Suburban South.

10 (3) The District Land Registrar for the Land Registration District of Nelson is hereby empowered and directed to amend the description of the land contained in certificate of title, Volume 28, folio 296, by the addition of the said section numbers, and the said certificate of title when so amended shall be deemed to be valid in all respects as from the date of
15 the issue thereof.

(3) The portions of road closed and incorporated in certificate of title, Volume 28, folio 296, as aforesaid, and the section number now allocated to each such portion, are set out hereunder:—

Area of each Portion of Road closed.	Adjoining or passing through	Section Number now allocated.
A. R. P.		
2 2 19	Section 10 and Part Section VI	90
0 0 03	Part Section VI	91
0 0 25	Sections 10 and 28	92
2 2 33	Section 28	93
0 3 08	Sections 28 and V	94
4 0 09	Sections 28 and 29	95

20 Situated in the District of Suburban South, in Blocks IV and VIII, Waimea Survey District, Nelson Land District. As the same are delineated on the plan deposited in the office of the Chief Surveyor at Nelson, under number 9081, and thereon coloured green.

25 **6.** Whereas the land hereinafter described is harbour-endowment land vested in the Mayor, Councilors, and Burgesses of the Borough of Opunake under the provisions of section six of the Opunake Harbour Act, 1938: And whereas the said land is not required
30 as a harbour endowment, and it is desirable that it should be added to the Opunake Domain in order that it may be used for recreation purposes: Be it therefore enacted as follows:—

Vesting
Block III,
Town of
Opunake, in His
Majesty as an
addition to the
Opunake
Domain.
1938 (Local),
No. 6

See Reprint
of Statutes,
Vol. VI, p. 1134

(1) The land described in subsection *three* hereof is hereby declared to be vested in His Majesty the King as a recreation reserve, to be subject to the provisions of Part II of the Public Reserves, Domains, and National Parks Act, 1928, and to form portion of the Opunake Domain. 5

(2) The District Land Registrar for the Land Registration District of Taranaki is hereby empowered and directed to make such entries in the appropriate registers as may be necessary to give full effect to the provisions of this section. 10

(3) The land to which this section relates is particularly described as follows:—

All that area in the Taranaki Land District, containing by admeasurement two acres three roods thirteen perches, more or less, being Sections 1 to 11 (both inclusive), Block III, Town of Opunake. 15

Authorizing
Dunedin City
Council to
transfer
portion of the
original bed
of the Water
of Leith.

7. Whereas the land hereinafter described forms portion of the original bed of the stream known as the Water of Leith, and has become vested in the Corporation of the City of Dunedin as the owner of the Town Belt adjoining: And whereas the said land has never been used and is not required as part of the Town Belt, but has for many years been in use and occupation as portion of a residential property in Edina Street in the City of Dunedin: And whereas it is desirable that the owner of the residential property aforesaid should be enabled to take title to the said land, but there is no authority enabling the Corporation to execute a transfer of the land: Be it therefore enacted as follows:— 20 25 30

(1) The District Land Registrar for the Land Registration District of Otago is hereby empowered, on the production of such plan and other evidence as he may require, to issue a certificate of title for the land hereinafter described in favour of the Mayor, Councillors, and Citizens of the City of Dunedin. 35

(2) Notwithstanding anything to the contrary in any Act or rule of law, the Corporation of the City of Dunedin is hereby empowered to transfer, with or without consideration as it thinks fit, the said land to the adjoining owner, Jane Smith Hopkins, or her successor in title, freed and discharged from any trusts 40

reservations, and restrictions affecting the same, and the District Land Registrar is hereby empowered to accept and register such transfer.

(3) The land to which this section relates is particularly described as follows:—

All that area in the Otago Land District situated in Block XXXII, Town of Dunedin, containing by admeasurement five and fifty-five hundredths perches, more or less, being part of the original bed of the stream known as the Water of Leith, and bounded as follows: Commencing at a point on the northern boundary of Edina Street in the said town and proceeding thence in a south-easterly direction along the northern boundary of the said street by a line bearing
 15 111° 39' 42", 11.3 links; thence in a northerly direction by lines bearing 64° 20', 32.9 links, 41° 55', 22.3 links, 30° 03', 34 links, 25° 12', 11.9 links, 7° 19', 9.8 links, 1° 57', 14.9 links; thence in a north-westerly direction by a line bearing 291° 39' 42", 17.8 links; thence in a
 20 south-westerly direction by lines bearing 216° 20' 30", 86.42 links, and 201° 39' 42", 30.7 links to the point of commencement: be all the aforesaid linkages a little more or less: As the same is delineated on the plan marked L. and S. 22/747/174, deposited in the Head
 25 Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

8. Whereas the land hereinafter described was by Proclamation published in the *Gazette* of the twenty-second day of June, nineteen hundred and five, taken
 30 for the purposes of scenery preservation under the Public Works Act, 1894, and the Scenery Preservation Act, 1903, and is now subject to the provisions of the Scenery Preservation Act, 1908: And whereas it is desirable that the said land should be set apart as a
 35 recreation reserve in order that it may be added to a public domain which is being provided in the locality out of land donated to the Crown for that purpose: Be it therefore enacted as follows:—

(1) The reservation for scenic purposes over the
 40 land hereinafter described is hereby revoked, and the said land is hereby declared to be a recreation reserve under and subject to the provisions of the Public Reserves, Domains, and National Parks Act, 1928.

Canelling the reservation for scenic purposes over

Reserve 3724, Block IX, Opihi Survey District, and setting the land apart as a recreation reserve.

See Reprint of Statutes, Vol. VIII, p. 613

Ibid., Vol. VI, p. 1134

(2) The land to which this section relates is particularly described as follows:—

All that area in the Canterbury Land District, containing by admeasurement 62 acres and 35 perches, more or less, and being Reserve 3724, situated in Block 5 IX, Opihi Survey District, and bounded as follows: Towards the north generally by Part Rural Section 7554, 334·5 links, 455·4 links, 464·0 links, 575·6 links, 673·2 links, 732·2 links, 770·6 links, 412·4 links, 419·4 links, 470·7 links, 696·0 links, 332·4 links, 549·4 links, 10 375·3 links, and 481·3 links; towards the north-east by the abutment of a road, 52·2 links; towards the south-east generally by Part Rural Section 7554, 501·2 links, 368·9 links, 545·0 links, 355·2 links, 664·4 links, and 15 3467·0 links; and towards the south-west by Part Rural Section 7554, 1575·8 links; as the same is more particularly delineated on the plan marked L. and S. 1/1088, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered 20 red.

Adding land
to the Hamilton
Domain.
1911 (Local),
No. 33

9. Whereas it is desirable that the Crown land hereinafter described should be added to the Hamilton Domain and brought under the provisions of section two of the Hamilton Domains Act, 1911: And whereas 25 there is no statutory authority enabling the said land to be brought under the provisions of the said section two, and it is desirable to provide accordingly: Be it therefore enacted as follows:—

See Reprint
of Statutes,
Vol. VI, p. 1134

(1) The land hereinafter described is hereby 30 declared to form part of the Hamilton Domain subject to Part II of the Public Reserves, Domains, and National Parks Act, 1928, and shall be administered by the Hamilton Domain Board under the provisions of that Act and subject to section two of the Hamilton Domains Act, 1911. 35

(2) The First Schedule to the Hamilton Domains Act, 1911, is hereby extended by incorporating therein a reference to the land hereinafter described.

(3) The land to which this section relates is particularly described as follows:— 40

All that area in the Borough of Hamilton, containing by admeasurement thirty-three perches and sixty-three one-hundredths of a perch, more or less, being

Lots 2 and 3 on plan numbered 27803, deposited in the office of the District Land Registrar, at Auckland, being parts of Allotments 11 and 11A, Hamilton West Town Belt.

- 5 **10.** Whereas the land hereinafter described is Crown land, and adjoins the Wyndham Recreation Reserve: And whereas it is desirable that the said land should be added to the said reserve and vested in the Wyndham Town Board, subject to the provisions of the
- 10 Wyndham Recreation Reserve Act, 1877: Be it therefore enacted as follows:—

Adding land to the Wyndham Recreation Reserve.

1877 (Local), No. 57.

- (1) The land hereinafter described is hereby declared to form part of the Wyndham Recreation Reserve and to be vested in the Wyndham Town Board, subject to the provisions of the Wyndham Recreation Reserve Act, 1877, and all the provisions of that Act shall apply to such land as if it had been included in the Schedule thereto.
- 15

- (2) The land to which this section relates is particularly described as follows:—
- 20

- All that area in the Southland Land District, containing by admeasurement eight acres two roods eight perches, more or less, being Sections 81 and 82, Block VI, Town of Wyndham: as the same is more particularly delineated on the plan marked L. and S. 1/363, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.
- 25

- 11.** Whereas by a Warrant published in the *Gazette* of the twelfth day of August, eighteen hundred and sixty-eight, Allotment 107, Township of Harapepe, Auckland Land District, containing an area of ten acres, was reserved as a site for a redoubt: And whereas it has been ascertained that the whole of the said reserve is comprised within the boundaries of Allotments 160 and 160A, Parish of Pirongia, and Allotment 6, Village of Harapepe: And whereas a Crown grant dated the sixteenth day of December, eighteen hundred and seventy-one, and warrant certificates of title dated the eighteenth day of July, eighteen hundred and
- 30
- 35
- 40
- hundred and ten, respectively, were issued for the said Allotments 160 and 160A, Parish of Pirongia, and the said Allotment 6, Village of Harapepe: And whereas for the purpose of validating the said Crown grant and

Cancelling reservation as a redoubt-site over Allotment 107, Township of Harapepe.

warrant certificates of title it is expedient that the reservation of the said Allotment 107, Township of Harapepe, should be cancelled as from the fifteenth day of December, eighteen hundred and seventy-one: Be it therefore enacted as follows:—

The reservation of Allotment 107, Township of Harapepe, as a site for a redoubt is hereby cancelled as from the fifteenth day of December, eighteen hundred and seventy-one.

Validating an agreement between the Wellington City Council, the State Advances Corporation of New Zealand, and the Minister of Public Works in respect of certain land.

See Reprint of Statutes, Vol. VII, p. 622 1936, No. 58

12. Whereas certain land situated off Wilton Road, in the City of Wellington, and comprising approximately twenty-one acres, is vested in the Mayor, Councillors, and Citizens of the City of Wellington for the purpose of workers' dwellings: And whereas the Wellington City Council, the State Advances Corporation of New Zealand, and the Minister of Public Works have agreed that the said land shall be acquired, subject to certain conditions, for housing purposes pursuant to the provisions of the Public Works Act, 1928, and section thirty-two of the Statutes Amendment Act, 1936: And whereas an agreement, a copy of which is deposited in the office of the Minister of Public Works under No. A 339, has been made between the aforesaid parties: And whereas it is desirable that all doubts as to the powers of the said parties to enter into the agreement be removed: Be it therefore enacted as follows:—

The said agreement is hereby declared to be valid and binding in all respects, and shall have full force and effect according to the tenor thereof, and the parties thereto shall be deemed to have been duly empowered to enter into and execute the same, and to have had full power to do all things necessary to give full force and effect to the said agreement.

Cancelling the reservation over certain education-endowment land in Southland Land District and setting it apart as a reserve for camping purposes.

13. Whereas the land hereinafter described forms a portion of a large area reserved as an endowment for primary education: And whereas a motor-camping ground is being established on the said land, and it is desirable that it should be set apart as a reserve for camping purposes: Be it therefore enacted as follows:—

(1) The reservation for primary-education-endowment purposes over the land hereinafter described is hereby cancelled, and the said land is hereby set apart

as a reserve for camping purposes under and subject to the provisions of the Public Reserves, Domains, and National Parks Act, 1928.

See Reprint
of Statutes,
Vol. VI, p. 1134

(2) The land to which this section relates is particularly described as follows:—

All that area in the Southland Land District, containing by admeasurement fifty-two acres three roods six perches, more or less, being Section 2 (Part Run 301B), Block I, Manapouri Survey District: as the same is more particularly delineated on the plan marked L. and S. 8/10/113, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

14. Whereas the land described in paragraph (a) of subsection *two* hereof is vested in His Majesty, but is subject to a renewable lease dated the fourteenth day of September, nineteen hundred and thirty-eight, issued under the provisions of Part III of the Land Act, 1924, and such lease is now held by Frank Newton, of Kurow, farmer: And whereas the lands described in paragraph (b) of subsection *two* hereof are vested in His Majesty, but are subject to renewable leases dated the thirteenth day of July, nineteen hundred and thirty-eight, issued under the provisions of Part III of the Land Act, 1924, and such leases are now held by George Gardner Wilson, of Kurow, farmer: And whereas the Minister of Public Works has erected over or along the land comprised in the said leases electric lines for the transmission of electrical energy from the Waitaki Power Scheme: And whereas the said Minister proposes at some future date to erect further electric lines over or across the land comprised in the said leases, and it is desirable that the route of such further electric lines should be kept clear of buildings: And whereas for certain considerations the said lessees have agreed with the said Minister that any further buildings which they may desire to construct on the land comprised in their leases will be erected only on sites to be approved by the said Minister, and have further agreed to the insertion in their leases of a clause making suitable provision in that behalf: Be it therefore enacted as follows:—

Authorizing
inclusion of
additional
clause in
certain leases
over Sections
25, 26, and 27,
Block XV,
Kurow Survey
District.

Ibid.,
Vol. IV, p. 622

(1) The District Land Registrar for the Land Registration District of Otago is hereby empowered and directed—

(a) To insert in the leases over the lands herein-after described the following clause:— 5

“ And the lessee hereby covenants that before erecting any building or part of a building on the land comprised in the within lease he shall obtain the consent in writing of the Minister of Public Works.” 10

(b) To call up the duplicate copies of the said leases and to insert therein the said clause.

(2) The lands to which this section relates are particularly described as follows:—

(a) All that area in the Otago Land District, containing by admeasurement six acres one rood nineteen perches, more or less, being Section 25, Block V, Kurow Survey District, and being all the land comprised in renewable lease number 272, registered in the District Land Registry at Dunedin under Volume 290, folio 37: 15 20

(b) All that area in the Otago Land District, containing by admeasurement five acres three roods thirty-six perches, more or less, being Section 26, Block V, Kurow Survey District, and being all the land comprised in renewable lease number 271, registered in the District Land Registry at Dunedin under Volume 290, folio 40. 25 30

Also all that area in the Otago Land District, containing by admeasurement ten acres and sixteen perches, more or less, being Section 27, Block V, Kurow Survey District, and being all the land comprised in renewable lease number 270, registered in the District Land Registry at Dunedin under Volume 290, folio 39. 35

Authorizing
Bank of New
Zealand to pay
to Pohara
Domain Board
balance of
certain
liquidation
account.

15. Whereas pursuant to a special resolution passed on the twenty-eighth day of January, nineteen hundred and twenty, the Golden Bay Bacon, Pork, and Poultry Curing and Freezing Company, Limited, went into voluntary liquidation, and Arthur Whelan, of Takaka, sawmiller (hereinafter called the liquidator), was appointed liquidator: And whereas the liquidator paid 40 45

dividends to shareholders totalling five shillings and sevenpence in the pound, but died on the nineteenth day of January, nineteen hundred and thirty-nine, without having completed his appointment as liquidator and
5 without having disbursed to shareholders the balance of the funds of the company held on his behalf in the Bank of New Zealand amounting to one hundred and thirty-six pounds eleven shillings and elevenpence: And whereas the expenses in connection with the appoint-
10 ment of a new liquidator would be considerable, and it is the desire of the shareholders that the said sum should be paid to the Pohara Domain Board: Be it therefore enacted as follows:—

The Bank of New Zealand is hereby authorized and
15 directed to pay to the Pohara Domain Board the said sum of one hundred and thirty-six pounds eleven shillings and elevenpence now standing to the credit of the Golden Bay Bacon, Pork, and Poultry Curing and Freezing Company, Limited (in liquidation) to be
20 applied by the Board in accordance with the provisions of Part II of the Public Reserves, Domains, and National Parks Act, 1928.

16. Whereas the land described in the First Schedule to the Auckland Education Reserves Act,
25 1912 (hereinafter called the said land), is vested in the Public Trustee by virtue of section two of that Act as a reserve for education purposes: And whereas the said land is leased to various lessees, and all the leases (with the exception of the memorandum of
30 lease referred to in section five of the said Act) expire during the year nineteen hundred and forty-one: And whereas the said Act gives the Public Trustee certain limited powers of leasing in respect of the said land, but it is expedient, in order that the property should
35 be effectively administered, that his powers of leasing should be extended and further powers in respect of the said land should be conferred: Be it therefore enacted as follows:—

(1) On the expiry by effluxion of time or on the
40 determination in any other manner of any lease affecting any part of the said land the Public Trustee may resume possession of the land affected and may take such legal remedies as may be necessary in order to enable him to take and resume such possession.

See Reprint
of Statutes,
Vol. VI, p. 1134

Conferring
powers on
Public Trustee
in respect of
lands vested
in him under
the Auckland
Education
Reserves Act,
1912.
1912 (Local),
No. 5

(2) In addition to his powers under the Auckland Education Act, 1912, the Public Trustee may:—

- (a) Lease or let the whole or any part of the said land or any buildings or any part of such buildings now or hereafter erected on the said land at will or for such period or periods and subject to such terms and conditions as he thinks fit: 5
- (b) Accept, on such terms and conditions as he thinks fit, a surrender of any lease or tenancy granted under this section: 10
- (c) At any time or times during the currency of a lease or tenancy granted under this section, reduce the rent payable thereunder, or compromise with the lessee or tenant for any rent due by him or in respect of the breach by him of any covenant in the lease or tenancy: 15
- (d) Repair, renovate, or reinstate the whole or any part of any building or erection now or hereafter erected on the said land: 20
- (e) Insure against risk of loss or damage by fire, earthquake, accident, or other contingency, any property of whatever kind administered by him under the Auckland Education Reserves Act, 1912, or this section, or against any other risk of loss or damage to which he may be subject in connection with such administration: 25
- (f) Bring or defend any action or claim in respect of or affecting the said land or any premises now or hereafter erected thereon, or compromise or settle any such action or claim in such manner as he thinks fit: 30
- (g) Pay all costs and expenses involved in the exercise of any of the powers conferred by this subsection out of accumulated rentals paid in respect of leases or tenancies granted thereunder. 35

(3) Notwithstanding the provisions of section four of the Auckland Education Reserves Act, 1912, the Minister of Education shall in each year determine the amount to be disbursed in accordance with the provisions of that section, and the balance of the rents and profits of the said land, after allowing for such disbursement and for the payment of the costs and 45

expenses authorized by the foregoing provisions of this section, shall be held by the Public Trustee as a reserve for rebuilding and improvements on the said land, or for contingencies, or for such other purposes
5 connected with the administration of the property to which this section relates as the Minister of Education shall determine.

(4) The said reserve shall be invested by the Public Trustee in any security in which a trustee may
10 lawfully invest trust funds or in the common fund of the Public Trust Office.

(5) The Public Trustee may build or construct buildings or improvements on the said land, and for that purpose may expend moneys held by him in the
15 said reserve:

Provided that no moneys shall be expended under this subsection without the authority in writing of the Minister of Education.

17. Whereas in pursuance of the powers conferred
20 by section fifteen of the Reserves and other Lands Disposal Act, 1933, a license to occupy an area of two acres of the Lake Okataina Scenic Reserves for a term of ten years from the twenty-seventh day of January, nineteen hundred and thirty-three, has been granted
25 at an annual rental of twenty-six pounds: And whereas it was provided in the said license that the rental should be paid to the Lake Okataina Scenic Board: And whereas doubts have arisen as to the authority of the Board to receive the rental payable under the said
30 license, and it is desirable that such doubts should be removed: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in any Act or rule of law, it is hereby declared that all
35 payments heretofore received by the Lake Okataina Scenic Board in respect of rental payable under the license hereinbefore referred to were lawfully received, and that all future payments under such license may be lawfully made to the said Board and shall be applied
40 by it towards the management, administration, and improvement of the reserves under its control.

Special provision with respect to rental payable under license to occupy portion of the Lake Okataina Scenic Reserves. 1933, No. 45

Validating
leases entered
into between
His Majesty the
King and the
Paeroa Borough
Council in
respect of the
Ngahina
Wharf, and
authorizing the
leasing of the
wharf for
further terms.
1910 (Local),
No. 37

1924, No. 55

18. Whereas in pursuance of the powers conferred by section ten of the Waihou and Ohinemuri Rivers Improvement Act, 1910, the Minister of Public Works constructed a wharf, the property of His Majesty the King, on Lot 1, Thorp's Grant, Block XII, Waihou Survey District, Auckland Land District, in the river district defined in the said Act, known as the Ngahina Wharf (hereinafter referred to as the said wharf): And whereas no provision has been made in the said Act whereby the said wharf may be leased or vested in any local authority prior to the constitution of the Waihou and Ohinemuri River District: And whereas by section seventy-eight of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1924, His Majesty the King was authorized to lease the said wharf to the Paeroa Borough Council for a period of not more than five years commencing not later than the first day of January, nineteen hundred and twenty-five: And whereas further leases have since been granted to the Council: And whereas it is desirable that the said leases should be validated and provision made for the granting of further leases to the Council until such time as the Waihou and Ohinemuri River District is constituted and a River Board elected: Be it therefore enacted as follows:—

(1) All leases relating to the said wharf entered into between His Majesty the King and the Paeroa Borough Council since the thirty-first day of December, nineteen hundred and twenty-nine, are hereby declared to be and to have been valid and binding and of full force and effect according to the tenor thereof.

(2) His Majesty the King is hereby authorized to lease the said wharf to the Paeroa Borough Council, for successive periods of not more than five years, the first of such periods commencing on the first day of January, nineteen hundred and forty, at a rental of two hundred and sixty pounds per annum, and subject to such terms and conditions as may be agreed upon between the Minister of Public Works and the said Council; and such leases when completed shall be valid and binding in all respects.

The power of leasing herein contained shall continue in force until such time as the Waihou and Ohinemuri River District is constituted in accordance with the provisions of section twenty of the Waihou and
5 Ohinemuri Rivers Improvement Act, 1910.

(3) On the constitution of the Waihou and Ohinemuri River District and the election of the Waihou and Ohinemuri River Board any such lease then existing shall vest in the said River Board.

10 **19.** Whereas the land hereinafter described is a reserve subject to Part II of the Public Reserves, Domains, and National Parks Act, 1928, and is known as the Pukekaroro Domain: And whereas the said land is unsuitable and has never been used for the purpose
15 of public recreation: And whereas it is desirable that the said land should be reserved as a scenic reserve subject to the provisions of the Scenery Preservation Act, 1908: Be it therefore enacted as follows:—

Cancelling the reservation over the Pukekaroro Domain and declaring the land to be a scenic reserve. See Reprint of Statutes, Vol. VI, p. 1134 Ibid., Vol. VIII, p. 613

(1) Notwithstanding anything to the contrary in
20 the Public Reserves, Domains, and National Parks Act, 1928, the reservation for the purpose of a public domain over the Pukekaroro Domain as hereinafter described is hereby cancelled, and the said land is hereby declared to be a scenic reserve subject to the
25 provisions of the Scenery Preservation Act, 1908.

(2) The land to which this section relates is particularly described as follows:—

All that area in the North Auckland Land District being Section S. 79, Kaiwaka Parish (Block XIV, Waipu
30 Survey District), and containing by admeasurement seventy-three acres and thirty-two perches, more or less: bounded towards the north-west by Sections N.W. 79, M. 79, E. 79, 4493·4 links; towards the north-east by Section 80, 1638·4 links; towards the
35 south-east by Sections N.E. 76, S. 76, and 113, 4476·7 links; and towards the south-west by Section 78, 1638·4 links, all of Kaiwaka Parish aforesaid: be all the aforesaid linkages more or less: As the same is delineated on the plan marked L. 1324, deposited in the
40 Head Office, Department of Lands, at Wellington, and thereon bordered red.

Cancelling the reservation over certain education-endowment lands in Otago Land District, and setting them apart as permanent State forest. See Reprint of Statutes, Vol. IV, p. 1003 Ibid., Vol. III, p. 425

20. Whereas the lands hereinafter described are reserved as endowments for primary education: And whereas the said lands are not particularly suitable for farming purposes, and it is therefore not expedient that they should be leased under the provisions of the Education Reserves Act, 1928: And whereas for the consolidation and better management of the Blue Mountains State Forest adjoining the said lands it is desirable that the said lands should be brought under the provisions of the Forests Act, 1921-22, so that they may be administered and dealt with in all respects as permanent State forest: Be it therefore enacted as follows:—

(1) The reservation as endowments for primary education over the lands hereinafter described is hereby cancelled, and the said lands are hereby set apart as permanent State forest under and subject to the provisions of the Forests Act, 1921-22.

(2) The lands to which this section relates are particularly described as follows:—

All that area in the Otago Land District containing two hundred and seventy-eight acres three roods and three perches, more or less, being Section 1, Block V, and Section 1, Block VI, Rankleburn Survey District, and being all the land contained in certificate of title, Volume 177, folio 179, Otago Registry, and bounded as follows: Towards the north by Run 503, 2371·8 links, and a public road, 4455 links, towards the east by a public road and Sections 6 and 2, Block VI aforesaid, 4050 links; towards the south by a public road, 3378 links, and Allotment 11, D.P. 1958, 3592 links; and towards the west by a public road and Section 2, Block V aforesaid, 2126·7 links, across a public road; and again towards the west by said Section 2, 1851 links; be all the aforesaid linkages more or less, and excepting out of the above-described area two public roads and one closed road, all 100 links wide, allowance for which has been made in the area: as the same is delineated on the plan marked L. and S. 4/33, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

21. Whereas the Land Board of the Hawke's Bay Land District, by resolution dated the thirteenth day of September, nineteen hundred and twenty-eight, forfeited the interest of Harold James Hyde in his lease of the
 5 land described in subsection *three* hereof for failure to comply with the conditions of the said lease, and notice of such forfeiture was duly published in the *Gazette* of the eighteenth day of April, nineteen hundred and
 10 cancel the said forfeiture: Be it therefore enacted as follows:—

(1) The Minister of Lands is hereby empowered by notice in the *Gazette* to cancel the forfeiture of the
 15 lease and all mortgages and encumbrances (if any) affecting the same shall operate and be deemed to have continued to operate as if the lease had not been forfeited as aforesaid.

(2) On presentation to him of a copy of the *Gazette*
 20 containing a notice under this section the District Land Registrar for the Hawke's Bay Land Registration District shall make such entries in the Register and on any outstanding instruments as are necessary to give effect to the provisions of this section.

(3) The land to which this section relates is more particularly described as follows:—

All that area in the Hawke's Bay Land District containing four hundred and fifty-one acres, more or less, being Section 3, Block III, Puketapu Survey
 30 District, and being part of the land comprised in Register Book H.B. Volume 40, folio 144, Hawke's Bay Land Registry.

22. Whereas the lands described in the Schedule to this Act are vested in the Crown as endowments
 35 for primary education: And whereas the said lands carry native bush which should be preserved, and it is therefore desirable that they should be reserved as scenic reserves under and subject to the provisions of the Scenery Preservation Act, 1908: Be it therefore
 40 enacted as follows:—

Notwithstanding anything to the contrary in any Act, the existing reservations over the lands described in the Schedule to this Act are hereby revoked, and

Authorizing the cancellation of a forfeiture of special tenure lease of certain land in the Hawke's Bay Land District.

Revoking reservation over certain education-endowment lands and declaring them to be subject to the Scenery Preservation Act, 1908.

See Reprint of Statutes, Vol. VIII, p. 613

the said lands are hereby declared to be scenic reserves under and subject to the provisions of the Scenery Preservation Act, 1908.

Authorizing
leasing of
portion of the
Pukeroa
Reserve,
Rotorua, to the
Waikato
Hospital Board.
See Reprint
of Statutes,
Vol. VIII,
p. 605

23. Whereas the land known as the Pukeroa Domain at Rotorua is a public domain set apart for the public use and enjoyment of the inhabitants of Rotorua: And whereas the control of the said domain is vested in the Minister in Charge of Tourist and Health Resorts pursuant to the provisions of the Tourist and Health Resorts Control Act, 1908: And whereas between the years nineteen hundred and fourteen and nineteen hundred and eighteen a military hospital was established on the said domain: And whereas it was intended at the time that the domain should eventually again become wholly available for recreation purposes: And whereas the hospital erected on the domain is now used as a general hospital, and is controlled by the Waikato Hospital Board: And whereas existing circumstances are such that the greater portion of the domain must continue to be used for hospital purposes for an indefinite time: And whereas there is no statutory authority for the continued use of the domain for hospital purposes: And whereas it has been arranged between the Crown and those concerned that the greater portion of the domain should be leased in perpetuity to the Waikato Hospital Board on special terms and conditions: Be it therefore enacted as follows:—

(1) Notwithstanding the provisions of any Act, the Governor-General may by Order in Council declare that such part of the Pukeroa Domain as is required for hospital purposes shall no longer be subject to the control of the Minister in Charge of Tourist and Health Resorts, and on the making of such Order the Governor-General may lease the said part of the domain for a term of nine hundred and ninety-nine years to the Waikato Hospital Board at a peppercorn rental and on such terms and conditions as he may think fit:

Provided that should at any time the land so leased be no longer required and used for hospital purposes, then the lease thereover shall immediately determine

and the land revert to the Crown for use as a public domain freed from all rights, title, and interest therein on the part of the Waikato Hospital Board.

(2) The District Land Registrar for the Land Registration District of Auckland is hereby empowered and directed, on the production of such plans and other particulars as he may require, to register any lease executed under the provisions of this section and submitted to him for registration.

10 **24.** Whereas an aerodrome has been established on portion of the Waiho Gorge Domain: And whereas it is desirable that the said portion, together with certain areas of adjoining Crown land, should be set apart as a reserve for aerodrome purposes: And whereas it is
15 desirable that those portions of the domain not required for the aerodrome should continue to be used for recreation purposes, and that certain areas of adjoining Crown land should be made available for those purposes: And whereas it is expedient that special
20 provision should be made accordingly: Be it therefore enacted as follows:—

Canceling the reservation over and reconstituting the Waiho Gorge Domain, and reserving certain land for aerodrome purposes.

(1) The reservation for the purposes of a public domain over the land described in subsection *four* hereof (being the Waiho Gorge Domain) is hereby
25 cancelled, and the appointment of the Waiho Gorge Domain Board is hereby revoked.

(2) The land described in subsection *five* hereof (being portions of the domain referred to in the *last preceding* subsection, together with certain areas of
30 adjoining Crown land and closed road) is hereby declared to be a reserve for recreation purposes under and subject to the provisions of Part II of the Public Reserves, Domains, and National Parks Act, 1928, and to be the Waiho Gorge Domain.

See Reprint of Statutes, Vol. VI, p. 1134

35 (3) The land described in subsection *six* hereof (being portion of the domain as referred to in subsection *one* hereof, together with certain areas of adjoining Crown land) is hereby declared to be a reserve for aerodrome purposes under and subject to
40 the provisions of Part I of the Public Reserves, Domains, and National Parks Act, 1928.

(4) The land to which subsection *one* hereof relates is particularly described as follows:—

All that area in the Westland Land District, containing by admeasurement forty-six acres two roods, more or less, being Reserve 1015, Block XI, Waiho Survey District: as the same is delineated on the plan marked L. and S. 1/887, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red. 5

(5) The land to which subsection *two* hereof relates is particularly described as follows:— 10

All that area in the Westland Land District, containing by admeasurement thirty-seven acres one rood and thirty-three perches, more or less, being Reserve 1015 (formerly part original Reserve 1015, Crown land, and closed road), situated in Block XI, Waiho Survey District: as the same is more particularly delineated on the plan marked L. and S. 1/887A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red. 15 20

(6) The land to which subsection *three* hereof relates is particularly described as follows:—

All that area in the Westland Land District, containing by admeasurement thirty-six acres three roods and ten perches and eight-tenths of a perch, more or less, being Reserve 1804 (formerly part original Reserve 1015, and Crown land), situated in Block XI, Waiho Survey District: as the same is more particularly delineated on the plan marked L. and S. 1/887B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red. 25 30

25. Notwithstanding anything to the contrary in the Mining Act, 1926, or in any other Act, in all cases where Crown land has been exempted from the provisions of sections one hundred and forty-four to one hundred and fifty-two of the Mining Act, 1926, and where portions of land which has been so exempted are held under residence-site or business-site licenses issued under the provisions of the Mining Act, 1926, or any former Mining Act, the following provisions shall apply:— 35 40

(a) Whenever the Land Board of the district in which the land is situated is satisfied either that the licensee of any land to which the

Special provisions with respect to lands exempted from the provisions of sections 144 to 152 of the Mining Act, 1926.

See Reprint of Statutes, Vol. V, p. 943

license relates is not using the land for the purposes specified in the license, or that the land to which the license relates comprises an area larger than that actually required to meet the reasonable requirements of a residence or business site, as the case may be, the Board may, with the consent of the Minister of Lands, by resolution declare the license to be forfeited either as to the whole or part of the land comprised in such license, and for the purposes of such forfeiture the provisions of sections fifty-seven to sixty-three of the Land Act, 1924, shall, with the necessary modifications, apply:

See Reprint
of Statutes,
Vol. IV, p. 622

- 5
- 10
- 15 (b) The production of a copy of the *Gazette* containing a notice, purporting to be signed by the Minister of Lands, of the total or partial forfeiture of any such license as aforesaid shall be conclusive evidence that such license has been lawfully forfeited according to the terms of the notice:
- 20
- 25 (c) In every case of the total or partial forfeiture of any license under this section, the Commissioner of Crown Lands of the district concerned shall send to the Mining Registrar a notice of such forfeiture, which shall be sufficient authority for the said Registrar to enter upon the register and other records in his office a note of the said forfeiture, and he shall make such entry accordingly:
- 30
- 35 (d) In any case of total or partial forfeiture of a license under this section, or in any case where the licensee surrenders his license, either wholly or partially, the Land Board, with the consent of the Minister of Lands, may, on application, grant to the former licensee a lease or license of the whole or any portion of the land formerly held by him under the license. Such lease or license may be granted without competition under any of the provisions of the Land Act, 1924, and subject to such special conditions as the Land Board with the consent of the Minister of Lands may impose.
- 40

Cancelling the reservation over certain education-endowment lands and declaring them to be subject to Part I of the Housing Act, 1919.

See Reprint of Statutes, Vol. III, p. 798

26. Whereas the lands hereinafter described are reserved as endowments for primary education: And whereas it is desirable that the reservation over the said lands should be cancelled and the lands set apart for housing purposes subject to the provisions of Part I of the Housing Act, 1919: Be it therefore enacted as follows:—

(1) The reservations as endowments for primary education over the lands hereinafter described are hereby cancelled, and the said lands are hereby set apart for housing purposes subject to the provisions of Part I of the Housing Act, 1919.

(2) The lands to which this section relates are particularly described as follows:—

Firstly, all that area in the North Auckland Land District, containing two acres two roods thirty-three perches and seven-tenths of a perch, more or less, being Lots 14 to 23 on Deposited Plan Number 24664, being portion of Allotments 209, 210, 211, 237, and 244 of Section 16 of the Suburbs of Auckland, and being part of the land comprised in certificate of title, Volume 646, folio 209, Auckland Registry.

Secondly, all that area in the North Auckland Land District containing by admeasurement three roods fifteen perches and six-tenths of a perch, more or less, being Lots 1, 2, and 3 on Deposited Plan Number 26920, being subdivision of Allotments 1, 2, 3, and 4 of Section 10, Village of Papakura, and being part of the land comprised in certificate of title, Volume 5, folio 136, Auckland Registry.

Thirdly, all that area in the Gisborne Land District containing seven acres three roods two perches, more or less, being Section 212, Gisborne Suburban, situated in the Borough of Gisborne, and being the whole of the land comprised in certificate of title, Volume 46, folio 174, Gisborne Registry.

Fourthly, all that area in the Wellington Land District, containing one rood, more or less, being Section 13, Block XIV, Town of Levin, and being part of the land comprised in certificate of title, Volume 242, folio 172, Wellington Registry:

Fifthly, all that area in the Wellington Land District, containing one rood, more or less, being Section 2, Block III, Town of Levin, and being part of the land comprised in certificate of title, Volume 268, folio 129, Wellington Registry.

Sixthly, all that area in the Wellington Land District, containing one rood, more or less, being Section 2, Block VI, Town of Levin, and being part of the land comprised in certificate of title, Volume 268, folio 130, Wellington Registry.

Seventhly, all that area in the Wellington Land District, containing twenty-eight acres and eight perches, more or less, being suburban sections 1022, 1024, 1026, 1028, 1030, and 1032, Township of Palmerston, and being the balance of the land comprised in certificate of title, Volume 10, folio 141, Wellington Registry.

Eighthly, all that area in the Wellington Land District, containing one acre one rood twenty perches, more or less, being Section 74, Town of Foxton, and being part of the land comprised in certificate of title, Volume 6, folio 64, Wellington Registry.

27. Whereas the land hereinafter described was held on lease by William Heinrich Hansen Roche, of Westport, storekeeper, for a term of forty-two years from the first day of January, eighteen hundred and ninety-five, subject to the provisions of the Westland and Nelson Coalfields Administration Act, 1877: And whereas provision is made in the Westland and Nelson Coalfields Administration Amendment Act, 1926, whereby the lessee of any land situated within the Westport Colliery Reserve may apply to the Land Board of the Nelson Land District for authority to surrender his lease and for the grant in lieu thereof of a new lease for the unexpired term of the surrendered lease in accordance with the provisions of paragraph (g) of section five of the Public Bodies' Leases Act, 1908: And whereas the said William Heinrich Hansen Roche failed through inadvertence to exercise his rights under the Westland and Nelson Coalfields Administration Amendment Act, 1926, within the prescribed time: And whereas it is desirable that

Authorizing the granting of a lease to W. H. H. Roche under the provisions of the Public Bodies' Leases Act, 1908. 1877 (Local), No. 73 1926, No. 66

See Reprint of Statutes, Vol. IV, p. 1031

the said William Heinrich Hansen Roche should be granted a new lease of the said land: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in section two or section three of the Westland and Nelson Coalfields Administration Amendment Act, 1926, the Land Board of the Nelson Land District may grant to William Heinrich Hansen Roche, of Westport, store-keeper, a new lease of the land hereinafter described in accordance with the provisions of paragraph (g) of section five of the Public Bodies' Leases Act, 1908, the term of the said lease to date from the first day of January, nineteen hundred and thirty-seven. The said lease shall be deemed to have been granted in pursuance of the powers conferred by sections two and three of the Westland and Nelson Coalfields Administration Amendment Act, 1926, as fully and effectually as if the provisions of those sections had been specifically complied with, and the provisions of the last-mentioned Act shall, in so far as the same are applicable, apply to the said lease.

(2) The land to which this section relates is particularly described as follows:—

All that area in the Nelson Land District, containing sixteen perches and thirty-six one-hundredths of a perch, more or less, being Section 139, Westport Colliery Reserve.

Abolishing
Wanganui
River Trust
and Board,
and provisions
incidental
thereto.

1891 (Local),
No. 18

1922 (Local),
No. 15

28. (1) On a date to be fixed in that behalf by the Governor-General by Order in Council (hereinafter referred to as the said date), the Wanganui River Trust (hereinafter referred to as the Trust) constituted by the Wanganui River Trust Act, 1891, and the Wanganui River Trust Board (hereinafter referred to as the Board) constituted pursuant to section four of the Wanganui River Trust Amendment Act, 1922, shall be deemed to be abolished, and all the property of the Trust and of the Board, both real and personal, shall be deemed to be vested in His Majesty the King.

See Reprint
of Statutes,
Vol. VI, p. 1134

(2) As from the said date, and unless a Domain Board is hereafter appointed to control such lands, the lands under the control and administration of the Trust as a public domain shall be controlled and administered in accordance with the provisions of section sixty-four and section sixty-five of the Public Reserves, Domains, and National Parks Act, 1928.

(3) Except as otherwise provided in this section, the statutory or other rights, powers, and authorities vested in the Trust or in the Board, as the case may be, at the passing of this Act may from the said date
5 be exercised by the Minister of Lands.

(4) As soon as possible after the said date the debentures issued by the Wanganui City Council and acquired by the Trust under the authority of subsection
10 four of section twenty-one of the Reserves and other Lands Disposal Act, 1926, shall be delivered to the Minister of Lands. All proceeds from such debentures shall be paid into a special account as provided by
15 section fifty-seven of the Public Reserves, Domains, and National Parks Act, 1928, and shall be applied in or towards the purchase of land for addition to the domain lands hereinbefore referred to, or in accordance with section sixty-five of the said Act.

(5) All rents or other moneys which are received after the said date in respect of the lands described in
20 section fifty-eight of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1919, and in section one hundred and thirty-one of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1924, and which would otherwise have been
25 payable to the Trust or to the Board, shall be disposed of in accordance with the appropriate provisions of section twenty of the Land Act, 1924. Any moneys held by the Receiver of Land Revenue, Wellington, on behalf of the Trust or of the Board in respect of the
30 said lands as at the said date shall be disbursed as the Minister of Finance shall direct for the purpose of meeting the obligations of the Trust or of the Board, and any balance shall be disposed of in accordance with the appropriate provisions of the said section
35 twenty.

(6) As from the said date the setting-apart of the land referred to in an Order in Council dated the twenty-first day of June, eighteen hundred and ninety-two, and published in the *Gazette* of the twenty-third day of that
40 month, as amended by an Order in Council dated the seventh day of January, eighteen hundred and ninety-five, and published in the *Gazette* of the tenth day of that month, as an endowment for the Wanganui River

1926, No. 62

1919, No. 54

1924, No. 55

See Reprint
of Statutes,
Vol. IV, p. 622

Trust pursuant to section six of the Wanganui River Trust Act, 1891, shall be deemed to be revoked and thereafter the land shall be and become Crown land subject to the Land Act, 1924.

(7) As from the said date rents and other moneys received in respect of the land referred to in the last preceding subsection shall be disposed of in accordance with the appropriate provisions of section twenty of the Land Act, 1924. Any moneys held by the Receiver of Land Revenue, Wellington, on behalf of the Trust or Board in respect of the said lands as at the said date shall be disbursed as the Minister of Finance shall direct for the purpose of meeting the obligations of the Trust or Board, and any balance shall be disposed of in accordance with the appropriate provisions of the said section twenty.

(8) Any other moneys which are held by the Trust or by the Board on the said date or which, if this section had not been passed, would be payable to the Trust or to the Board, shall be disposed of in such manner as the Minister of Finance shall direct.

(9) From and after the said date the Minister of Public Works may from time to time do all things necessary for opening up or improving that portion of the Wanganui River formerly within the jurisdiction of the said Trust and Board and for the removal of all obstructions impeding or preventing navigation of the said river, and for this purpose may exercise all or any of the powers and authorities formerly conferred on the Trust and Board.

(10) On the said date section two of the Wanganui River Trust Act, 1891, sections three and four of the Wanganui River Trust Amendment Act, 1920, sections two, four, and five of the Wanganui River Trust Amendment Act, 1922, section sixty of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1923, and section eighteen of the Reserves and other Lands Disposal Act, 1934, shall be deemed to be repealed.

Repeals.

1891 (Local),
No. 19

1920 (Local),
No. 14

1922 (Local),
No. 15

1923, No. 35

1934, No. 32

SCHEDULE.

Schedule.

LANDS TO WHICH SECTION 22 RELATES.

Auckland Land District.

ALL that area in Raglan County, containing by admeasurement 25 acres, more or less, being Allotment 343, Parish of Pirongia, and being all the land comprised in certificate of title, Volume 61, folio 8, Auckland Registry.

Also all that area in Raglan County, containing by admeasurement 25 acres, more or less, being Allotment 342, Parish of Pirongia, and being all the land comprised in certificate of title, Volume 61, folio 9, Auckland Registry.

Hawke's Bay Land District.

All that area in Weber County, containing by admeasurement 12 acres, more or less, being part of Section 8 (E.R.), Block XVI, Weber Survey District, and being part of the land comprised in certificate of title, Volume 84, folio 75, Hawke's Bay Registry. Bounded commencing at a point on the north-eastern corner of Section 12, Block XVI, Weber Survey District, thence towards the north-west by Section 11, Block XVI, Weber Survey District, bearing $34^{\circ} 11'$, distance 824.2 links, to the right bank of the Waihi Stream; thence towards the north generally by the right bank of the said stream to its intersection with a produced roadside bearing $209^{\circ} 34'$; thence by the said produced roadside bearing $29^{\circ} 34'$, distance approximately 100 links, to the left bank of the said stream; thence towards the east generally by the left bank of the said stream to its intersection with the northern boundary produced of the aforesaid Section 12; thence towards the south-west by the crossing of the said stream and by other part of the aforesaid Section 8, bearing $287^{\circ} 17'$, distance 875.9 links, to the point of commencement: be all the aforesaid measurements a little more or less: As the same is more particularly delineated on the plan marked L. and S. 726A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.