

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 20th October, 1942.

Mr. Cotterill

WANGANUI CITY COUNCIL VESTING AND
EMPOWERING AMENDMENT

[LOCAL BILL]

ANALYSIS

Title.	5. Revesting other lands upon original purposes.
Preamble.	6. Amendment of section 7 of the principal Act.
1. Short Title.	7. Retention of other lands for purposes set out in principal Act.
2. Interpretation.	8. Repeal of power to grant leases. Schedules.
3. Repeal of sections 3, 4, and 5 of principal Act.	
4. Revesting certain lands upon original trusts.	

A BILL INTITULED

AN ACT to amend the Wanganui City Council Vesting Title.
and Empowering Act, 1924.

WHEREAS by deed of trust dated the eighth day of Preamble.
5 February, nineteen hundred and eleven, a copy of
which is deposited in the Land Registry Office at
Wellington as No. 222, made between David Peat,
of Wanganui, farmer, of the one part, and the
Mayor, Councillors, and Burgesses of the Borough of
10 Wanganui, of the other part, the lands particularly
described in the First Schedule to the *Wanganui City
Council Vesting and Empowering Act, 1924*, were
declared to be vested in the Mayor, Councillors, and
Burgesses of the Borough of Wanganui as from the said
15 eighth day of February, nineteen hundred and eleven,
upon trust as a place for the recreation and enjoyment
of the children attending the primary schools of the said
Borough of Wanganui, in the way of affording them
recreation, enjoyment, pleasure, and instruction, and
20 other similar benefits and advantages of that nature,
as the Mayor, Councillors, and Burgesses of the
Borough of Wanganui should from time to time con-
sider best: And whereas by section three of the
~~Wanganui City Council Vesting and Empowering Act,~~

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~~1924, said Act, part of the said lands, particularly described in the First Schedule—namely, the lands particularly described in the Second Schedule to the said Act, were, as from the date of the passing of such the Act, and are now, vested in the Corporation of the City of Wanganui for an estate in fee-simple for the purposes of public recreation and instruction freed and forever discharged from all or any trusts created or intended to be created by such deed of trust;~~ ~~And whereas by section four of the said Act the District Land Registrar authority was given for the~~ 5 10

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land registration district in which the said lands are situate was authorized and empowered on application in that behalf made by the Wanganui City Council to issue to the Corporation of the City of Wanganui of a title under the Land Transfer Act, 1915, for the lands particularly described in the said Second Schedule 15 20

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For an estate in fee-simple for the purposes of public recreation and instruction: And whereas the Wanganui City Council has not applied for the issue of such title: 20

but no such title has been issued: And whereas by section five of the Wanganui City Council Vesting and Empowering Act, 1924, the residue of the lands described in the said First Schedule—namely, the lands described in the Third Schedule to the said Act—were as from the date of the passing of such the Act, and are now, vested in the Corporation of the City of Wanganui as a place for the recreation, enjoyment, pleasure, and instruction of the children of the inhabitants for the time being of the City of Wanganui: And whereas by section six of the said Act the lands particularly described in the Fourth Schedule to the said Act were declared to be set aside as from the date of the passing of the said Act to be held by the Corporation of the City of Wanganui as a place for the recreation, enjoyment, pleasure, and instruction of the children of the inhabitants for the time being of the City of Wanganui: 25 30 35 40

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And whereas by section seven of the Wanganui City Council Vesting and Empowering Act, 1924, it was enacted that the provisions of Part XXVIII of the Municipal Corporations Act, 1920, should, save where inconsistent with the provisions of the said Act, apply to the lands described in the *Second, Third, and Fourth Schedules* to this Act, and also to other lands secondly. 45

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thirdly, fourthly, and fifthly described in the *Fourth*
Schedule to the said Wanganui City Council Vesting
and Empowering Act, 1924:

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New.

And whereas it is desirable
that the lands referred to in the said deed of trust be
held upon the trusts contained in the deed and that
certain of the lands described in the said Fourth
10 Schedule be held by the Corporation for the purposes
for which it was held prior to the passing of the said
Act:

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

1. This Act may be cited as the Wanganui City Short Title.
Council Vesting and Empowering Amendment Act,
1942, and shall be read together with and ~~form~~ deemed
part of the Wanganui City Council Vesting and
20 Empowering Act, 1924 (*hereinafter referred to as the*
principal Act).

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2. In this Act "Corporation" means the Corpora- Interpretation.
tion of the City of Wanganui; "Council" means the
25 Wanganui City Council.

3. Sections three, four, and five of the principal Act
are hereby repealed. Repeal of
sections 3, 4,
and 5 of
principal Act.

4. (1) The lands particularly described in the First
Schedule to the *principal Act* shall, as from the date of
30 the passing of this Act, revert in the Corporation for
an estate in fee-simple upon trust as a place for the
recreation and enjoyment of the children attending the
primary schools of the City of Wanganui, in the way
of affording them recreation, enjoyment, pleasure, and
35 instruction, and other similar benefits and advantages
of that nature, as the Council shall from time to time
consider best, and in all respects upon ~~the trusts and~~
subject to the terms and provisions set out and declared
40 in the deed of trust dated the eighth day of February,
nineteen hundred and eleven, a copy of which is
deposited in the Land Registry Office at Wellington as
No. 222, made between David Peat, of Wanganui,
farmer, of the one part, and the Mayor, Councillors,
and Burgesses of the Borough of Wanganui, of the
45 other part.

New.

(2) Sections three, four, and five of the principal Act Repeal.
and the Second and Third Schedules to the principal
Act are hereby repealed.

50 5. (1) The land particularly described in the ~~Fourth~~ Repealing other
Schedule to this Act shall, as from the date of the lands upon
passing of this Act, revert in the Corporation for an original
estate in fee-simple, to be held by the Corporation for purposes.

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the purposes for which it was held prior to the passing of the principal Act, and freed and forever discharged from the purposes declared by section six of the principal Act.

New.

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(2) The Fourth Schedule to the principal Act is hereby amended by omitting therefrom all words before the word "Secondly".

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Amendment of section 7 of principal Act.

6. Section seven of the principal Act is hereby amended by excluding from the operation thereof the land particularly described in the *Fourth* Schedule—that is to say, the land first described in the *Fourth* Schedule to the principal Act—and by omitting the words "Second, Third, and" therefrom.

15

New.

Application of Part XXIV of Municipal Corporations Act, 1933.

6A. (1) The provisions of Part XXIV of the Municipal Corporations Act, 1933, shall, save where inconsistent with the principal Act, apply to the lands secondly, thirdly, fourthly, and fifthly particularly described in the *Fourth* Schedule to the principal Act.

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Repeal.

(2) This section is in substitution for section seven of the principal Act, and that section is hereby accordingly repealed.

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Retention of other lands for purposes set out in principal Act.

7. The lands secondly, thirdly, fourthly, and fifthly particularly described in the *Fourth* Schedule to the principal Act shall be retained by the Corporation for the purposes mentioned in section six of the principal Act.

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Repeal of power to grant leases.

8. Section four of the Wanganui City Council Empowering and Enabling Act, 1925, enabling the Council to grant leases of the lands particularly described in the *Second* Schedule, is hereby repealed.

Schedule.

SCHEDULES.

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FIRST SCHEDULE.

ALL that piece of land, containing 13 acres 2 roods 29.5 perches, more or less, being part of Sections Nos. 17 and 18 on the plan of the right bank of the Wanganui River, and comprising Lots Nos. 19 to 28, 43 to 52, 83 to 93, 101 to 104, and 108 (inclusive of all numbers above mentioned), and parts of Lots Nos. 82, 105, and 107, all on deposited plan No. 260; and also other part of the said Section No. 17 on the plan of the right bank of the Wanganui River, bounded by the said Lots Nos. 19 and 52 and two public roads, and being the whole of the land comprised and described in certificate of title, Register-book, Volume 202, folio 174.

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SECOND SCHEDULE.

ALL that piece of land, containing 7 acres 1 rood 38·2 perches, more or less, being part of Sections Nos. 17 and 18 on the plan of the right bank of the Wanganui River, and being Lots Nos. 43 to 52 (both inclusive), and Lots 83 to 93 (both inclusive), and Lot 108 and parts of Lots Nos. 82 and 107, on deposited plan No. 260; and also other part of the said Section No. 17 on the plan of the right bank of the Wanganui River, bounded by Lots 19 and 52 on the said deposited plan and by two public roads, and being part of the land comprised and described in certificate of title, Register-book, Volume 202, folio 174.

THIRD SCHEDULE.

FIRSTLY, all that piece of land, containing 2 acres 1 rood 31·3 perches, more or less, being part of Sections Nos. 17 and 18 on the plan of the right bank of the Wanganui River, and being Lots Nos. 19 to 28 (both inclusive) on deposited plan No. 260, and being part of the land comprised and described in certificate of title, Register-book, Volume 202, folio 174.

Secondly, all that piece of land containing 3 acres 3 roods, more or less, being part of Sections Nos. 17 and 18 on the plan of the right bank of the Wanganui River and comprising Lots Nos. 101 to 104 (both inclusive), and part Lot No. 105, on deposited plan No. 260, and being part of the land comprised and described in certificate of title, Register-book, Volume 202, folio 174.

FOURTH SCHEDULE.

ALL that piece of land situate in the City of Wanganui, containing by admeasurement 1 acre 3 roods 10 perches, more or less, being part of Lots Nos. 1, 5, and 6, and the whole of Lots Nos. 2, 3, and 4, ~~on the plan of the City of Wanganui, formerly known as the Corn Market Reserve.~~

New.

on Deposited Plan 1120, being part of Reserve "J," Town of Wanganui, and being part of the land comprised and described in certificate of title, Volume 21, folio 111.

Bounded on the north-west by Dublin Street, commencing at a distance of 21·21 links from the junction of Dublin and Pitt Streets, 370 links; on the north by other part of the said Lot No. 5, 100 links; on the north-east by Somme Parade, commencing at a distance of 90 links from the junction of Dublin Street and Somme Parade, 765 links; on the south-east by other part of the said Lot 1, 28 links; on the south-west by Pitt Street, commencing at a distance of 45 links from the junction of Somme Parade and Pitt Street, 676 links; and on the west by other part of the said Lot No. 6, 30 links.