

PROVINCE OF WELLINGTON.



HARBOUR RESERVES  
AMENDMENT.

IN THE TWENTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION VIII.—No. 3.

ANALYSIS.

*Title.*

*Preamble.*

1. *Reference to former Grant.*
2. *Superintendent empowered to sell.*
3. *Superintendent empowered to reclaim previous to sale.*
4. *Clause 3 of Act, Session III., No. 14, repealed.*
5. *Three months notice of Sale to be given.*
6. *Land having been put up for sale and*

*unsold, may be sold within two years at the upset price.*

7. *Superintendent empowered to raise money by mortgage for reclaiming Land or erecting Wharf.*
8. *Clause 8, Superintendent empowered to convey a certain piece of Land to three Lodges of Society of Odd Fellows.*
9. *Certain clauses limited as to time of coming into operation.*

*AN ACT to explain and amend Harbour Reserves Act, Session III., No. 14.*

*Title.*

[Assented to May 29, 1861.]

**W**HEREAS in virtue of the Public Reserves' Act, 1854, the Governor of the Colony by Grant sealed with the Public Seal of the Colony and dated the 16th day of October, 1855, granted to the Superintendent of the Province and his successors certain land below high water mark in the Harbour of Port Nicholson, AND WHEREAS in Session III, of the Provincial Council an Act, No. 14, was passed whereby the Superintendent was authorised with the

advice of his Executive to manage and administer the land comprised in the said grant in such manner and according to such plan as he might deem most advantageous; provided that such reserves for public purposes should be made as to the Superintendent might seem advisable, and that all land alienated except that therein referred to should be sold absolutely and that by public auction.

And whereas the Superintendent in exercise of the power vested in him by the said Act caused a portion of the land so granted to him to be reclaimed and sold.

And whereas it was the intention of the said Provincial Council by such Act to invest the Superintendent with full power to sell the land so granted to him, subject to the provisions therein mentioned.

And whereas in the said Act the date of the Grant referred to was wrongly stated as of the 18th day of October, 1855, instead of the 16th day of October, 1855, the correct date of the said Grant.

And whereas doubts have been suggested as to whether the provisions of the said recited Act authorised the Superintendent to sell any land, or could refer to the land vested in him by the said Grant of the 16th day of October, 1855, on account of the error aforesaid.

And it is expedient to determine such doubts and also to amend the said Act,

BE IT THEREFORE ENACTED by the Superintendent of the Province of Wellington, with the advice and consent of the Provincial Council thereof, as follows:—

1 The Act, Session III. No. 14, shall be deemed to refer to the Block of Land granted to the Superintendent by Grant, dated the 16th day of October, 1855, issued under the Public Reserves' Act, 1854.

2. The Superintendent with the advice and consent of his Executive Council has full power to sell the land comprised in such Grant, subject to the restriction mentioned in the said Act, and all sales and agreements

Reference to  
former Grant.

Superinten-  
dent empower-  
ed to sell.

for sale heretofore made and purporting to have been made by him under the provisions of the said Act are hereby declared valid and effectual.

3. The Superintendent may with such advice as aforesaid cause any portion of the land comprised in such Grant to be reclaimed previous to being put up to sale.

Superintendent empowered to reclaim previous to sale:

4. Clause, No. 3 of the said Act, is repealed.

Clause 3 of Act, Sess. III, No.14 repealed

5 No sale of any land so as aforesaid vested in the Superintendent shall take place until at least Three months notice thereof shall have been advertised in the *Provincial Gazette*.

Three months notice of sale to be given.

6. After any such land shall have been put up to public auction and withdrawn from sale on account of the upset price not having been bid for the same, the same land may at any time within a period of two years thereafter and previous to being again advertised for sale by auction be sold at such upset price without being again put up to auction or any further notice that it is open for purchase.

Land having been put up for sale and unsold may be sold within two years at the upset price.

7. The Superintendent is hereby also authorised from time to time as he may deem it expedient so to do to raise by mortgage on the security of the land so granted to him as aforesaid and remaining unsold any sum of money which may be required for reclaiming and rendering fit for occupation and sale any portion of such land, and for the erection of a Wharf fitted for the embarkation and disembarkation of passengers, and loading and discharging of merchandise into and from vessels of a large size, and out of the proceeds from the sale of any such land to pay off any sum so raised.

Superintendent empowered to raise money by mortgage for reclaiming Land or erecting Wharf.

8. Whereas the Britannia Lodge, No. 3833, the Antipodean Lodge, No. 4320, and the Wellington Lodge, No. 4494, three branches established in the Town of Wellington, in the Province of Wellington, of a Society called the "Manchester Unity of the Independent Order of Odd Fellows"

Superintendent empowered to convey a certain piece of Land to three Lodges of Society of Odd Fellows.

have with the consent of the Superintendent, and at their own expense reclaimed a piece of Land lying between high and low water marks in the Harbour of Port Nicholson, part of the said block of Land granted to the Superintendent by the Governor of the Colony in virtue of the "Public Reserves Act, 1854," and have erected thereon a building for the purposes of the said three Lodges of such Society.

And inasmuch as such Society is conducive to great good and of public benefit, and it is therefore expedient to encourage the exertions thereof.

The Superintendent may convey to the said three Lodges of the said Society of the "Manchester Unity of the Independent Order of Odd Fellows" or to such Trustees as they may appoint the piece of Land abutting upon Lambton Quay, bounded on the North side by unreclaimed Land, measuring 138 feet, on the South side by unreclaimed Land measuring 101 feet, on the West side by Lambton Quay, opposite Town Acre No. 485, measuring 102 feet frontage, and on the East side by unreclaimed Land measuring 92 feet and more particularly described and delineated in the plan of Harbour Improvements of the Town of Wellington, so as before mentioned, reclaimed by them, and on which the Building aforesaid has been erected by the said Lodges.

Provided however that there shall be inserted in such conveyance a condition that in case the said Lodges shall at any time hereafter dispose of the said Land or Building or any portion of either of them, or if the rent thereof and proceeds therefrom shall be appropriated for any other purposes than those of the said Lodges, then the Land shall thereupon become and be charged with payment to the Government of such a sum as the price of the said Land as may be determined by reference to three persons, one to be appointed by the Superintendent, one by the said three Lodges, and a third by the two so to be chosen, the determination of any two of them to be binding, the sum so determined to be paid within one month after the determination as aforesaid to the Treasurer of the Province.

9. Clause 5, 6, 7, and 8 of this Act shall not come into operation until the Tenth day of September following the passing hereof.

Certain clauses limited as to time of coming into operation.

CHARLES WILLIAM SCHULTZE,

*Speaker.*

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,

*Chairman of Committees.*

Passed the Provincial Council this Twenty-seventh day of May, in the year of our Lord one thousand eight hundred and sixty one.

WILLIAM BEST,

*Clerk of Council.*

I assent to this Act on behalf of the Governor of New Zealand on this Twenty-ninth day of May, One thousand eight hundred and sixty-one,

ISAAC EARL FEATHERSTON,

*Superintendent.*