

No. XXVI.

LYTTELTON
HARBOUR BOARD
LAND.

AN ACT to vest certain Lands in the Lyttelton Harbour Board. [20th November, 1877.]

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. The Short Title of this Act shall be "The Lyttelton Harbour Board Land Act, 1877."

Meaning of term "plan."

2. In the construction of this Act and the Schedules hereto the word "plan" means the plan authenticated for the purposes of this Act by the signatures of the Speakers of the Legislative Council and House of Representatives respectively, and deposited in the Office of the Minister for Public Works at Wellington.

Land described in First Schedule vested in Lyttelton Harbour Board.

3. The land described in the First Schedule hereto, and marked "A" on the plan, with all wharves, jetties, and other erections thereon (except as mentioned in the eleventh section hereof), shall be and the same is hereby vested in the Lyttelton Harbour Board (hereinafter called "the Board"), in fee-simple, in trust for the purpose of managing and improving the Harbour of Lyttelton, and as the same may now or at any time hereafter be managed and administered by the Board.

Land described in Second Schedule also vested in Board.

4. The parcel of land described in the Second Schedule hereto, and marked "B" on the plan, with other lands, is now vested in the Mayor, Councillors, and Burgesses of the Borough of Lyttelton, and the Council of the said borough has consented that the said parcel of land shall be and the same is hereby vested in the Board in fee-simple for the purposes of a signal and time-ball station.

Lands described in Third Schedule vested in Board, subject to certain

5. The several parcels of land described in the Third Schedule hereto, marked respectively "C" and "D" on the plan, with all wharves, jetties, stores, and other buildings, or erections thereon, shall

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be and the same are hereby vested in the Board in fee-simple, subject to the provisions of the Ordinances of the Superintendent and Provincial Council of the Province of Canterbury respectively entitled "The Peacock Wharf Ordinance, Session VIII., No. 9," and "The Peacock Jetty Extension Ordinance, 1866," and any leases granted and now subsisting thereunder.

Ordinances of the Province of Canterbury.

But when the Board shall have exercised the rights and powers hereby vested in it, any contract or alleged contract for the carriage of goods on to any wharf or jetty constructed under the said Ordinances or either of them, and made or alleged to have been made with the Superintendent of the Province of Canterbury and any lessee or other occupant of the said lands, or with the Government of the colony and such lessee or occupant, shall wholly cease and determine.

6. The Board shall have and may exercise all powers by the said Ordinances vested in the Superintendent with the advice and consent of the Executive Council, for the purpose of resuming possession of the parcels of land described in the said Third Schedule, and the buildings and improvements thereon, but not further or otherwise.

Certain powers of Superintendent under these Ordinances to vest in Board.

- (1.) It shall not be necessary prior to the exercise of such powers that a general design for the making or completing a line of public wharves along that part of the sea fronting upon the Harbour of Lyttelton shall be or have been approved by the Provincial Council, as mentioned in the first-named Ordinance;
- (2.) Nor shall it be necessary that any act or thing by the said Ordinances, or either of them, required or authorized to be done by or under the authority of an Ordinance of the Provincial Council of the said province, in so far as such act or thing relates to the resumption of the said land, or any authority in respect thereof, shall be or have been done by any such Ordinance as aforesaid.

Provided that in the exercise of such powers as aforesaid the Board shall not have or be entitled to exercise any further or greater powers than might or could have been exercised by the Superintendent with the advice of the Executive Council under the said Ordinances.

7. The Board may, out of the Harbour Fund, expend and lay out such sum or sums as may be necessary for purchase-money or compensation payable by reason of the exercise of the powers hereby conferred upon it; and may also, out of the said fund, purchase or acquire any freehold or other estate or interest in any other lands which may be necessary to afford access to or convenient occupation of any lands vested in or belonging to the Board.

Board may purchase land in certain cases.

8. If the Board shall resume possession of the land mentioned in the Third Schedule, the Governor, on behalf of Her Majesty, may at any time thereafter enter upon and take possession of such part thereof as may be required for any railway, or public works of any kind, or any buildings of any kind connected with such railway or works, in the same manner and, subject to this Act, on the like terms and conditions as he may now take, or under any Act of the General Assembly be hereafter authorized to take, any other lands of the Board for any such purposes as aforesaid.

Power to Crown to resume possession of Land in Third Schedule.

Where any land shall be so taken under the authority of this section, the amount of compensation to be paid to the Board in respect thereof shall not exceed the amount the

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Board may have actually laid out or expended in purchasing or improving the same, together with interest thereon not exceeding seven per centum per annum, or a rateable proportion of such expenditure and interest as aforesaid, as the case may require.

Power to the Governor to lay down railways on wharves, &c.

9. The Governor may from time to time, and at any time hereafter, lay down, construct, and maintain upon any wharf, jetty, pier, quay, or dock, vested in or constructed by the Board, a line or lines of railway connecting with any railway vested in Her Majesty; and may at all times thereafter enter upon any such wharf, jetty, pier, quay, or dock, and use the said line or lines of railway, with all necessary permanent way, rolling-stock, fittings, appliances, and conveniences for the effectual working of the same, in such manner and to such extent as the Governor shall think fit.

Also to erect stores and sheds, &c., thereon.

10. The Governor may from time to time hereafter on behalf of Her Majesty erect and maintain upon any wharf, jetty, pier, quay, or dock, vested in or constructed by the Board, such stores, railway, sheds, offices, and other buildings; as may be necessary for the working or management of any such railway as aforesaid.

No compensation or other allowance shall be payable by the Governor or the Government of the colony for or in respect of the exercise of any right or power reserved under this or the last preceding section.

Railway store on Officers' Breakwater to be vested in Crown.

11. The railway store and shed now standing on the erection known as "Officers' Breakwater," in the harbour of Port Lyttelton, shall remain absolutely vested in Her Majesty the Queen, her heirs and successors, who shall at all times have the right of keeping and maintaining such store and shed on the said breakwater, and the right of access into and out of the same, along, across, and upon the said breakwater at all times.

But Her said Majesty shall be liable to make good any damage or injury to the said breakwater caused by overloading the store and shed, and the amount of such damage shall be paid out of moneys appropriated for that purpose by the General Assembly.

Governor in Council may approve of general plan, but detailed plans, &c., to be afterwards submitted.

12. The Governor in Council may approve of a general plan of works intended to be executed by the Board in the Harbour of Lyttelton, but such approval shall not be deemed to exonerate the Board from submitting detailed plans and specifications of each portion of the work shown or mentioned in such general plan; and without the approval of such detailed plans and specifications, no wharf, jetty, pier, dock, quay, or other harbour works shall be commenced or executed in the said harbour by the Board, or by its authority or on its behalf, or by any other person or persons in any manner howsoever.

Power to abate works erected without approval.

13. If any such wharf, jetty, pier, dock, quay, or harbour works shall be commenced or carried on without such approval as last aforesaid, the Governor may cause the same or any of them to be abated and removed without any process of law whatever; and all expenses of such abatement and removal shall be deemed to be a debt of record due to Her Majesty the Queen, and recoverable accordingly.

How lands to be held and dealt with.

14. In addition to any special provisions of this Act affecting the lands hereby vested in the Board, all such lands shall be by it held, dealt with, and managed as any other lands vested in the Board may be dealt with and managed by or under the authority of any Act of the General Assembly; and all such lands shall be subject to the like restrictions, rights, powers, and liabilities, whether affecting the Board or Her Majesty, or the Governor on behalf of Her Majesty, or any other person or authority on her behalf, as fully and to the same extent

Powers respecting same.

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as other lands vested in the Board are or may be liable to under any such Act as aforesaid.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

COMMENCING at a point opposite Screw-pilé Jetty, bearing $182^{\circ} 48'$, and measuring six chains or thereabouts from the centre point in the junction of Norwich Quay and Oxford Street; thence following a line in a westerly direction to the termination of breastwork near Lighter Jetty; thence northerly for about fifteen links above high watermark; thence along a line bearing $277^{\circ} 30'$ to its intersection with the eastern boundary of Peacock's Reserve; thence along the seaward boundary of said reserve to its junction with high watermark; thence following high watermark, as shown on the original map in charge of the Chief Surveyor of Canterbury, setting out and describing the Town of Lyttelton, to the western boundary of Reserve No. 70, known as Naval Point Reserve; thence following the said boundary to its outer termination on the outer face of Naval Point at high watermark; thence following the said high watermark south-westerly for about 110 yards to its junction with a line drawn 200 yards distant from Naval Point and Officers' Point Breakwaters and parallel with the said Breakwaters; thence along the said line till it meets the line of high watermark on the south-eastern or outer edge of Officers' Point; thence following high watermark in a south-westerly direction for about 370 yards to the north-eastern or outer point of commencement of the breakwater; thence crossing said breakwater by a line to its inside point of commencement; thence following its inside edge south-westerly for about 60 yards; thence by a line north-easterly for about 80 yards; thence by a curvilinear and straight line for about 315 yards, terminating at a point on the outer edge of breastwork, opposite the Government Goods Shed; thence along the above breastwork westerly to a point opposite Screw-pilé Jetty; thence at right angles for a distance of 68 links; and thence westerly to the point of commencement; as delineated and edged red on the plan, and marked with the letter "A."

SECOND SCHEDULE.

ALL that parcel of land situate at Port Lyttelton, and containing by admeasurement two roods, more or less, being the centre portion of part of Reserve No. 68, as delineated and tinted blue on the plan, and marked with the letter "B."

The boundaries of the said parcel commencing 155 links south-east from a stack of stones forming the north-east corner of part of Reserve No. 68; thence following a line south-westerly for a distance of 331 links, terminating on a line 50 links from and parallel to the back boundary of Town Sections Nos. 315 and 321; thence along said line in a south-easterly direction for a distance of 141 links; thence north-easterly for 423 links; and thence north-westerly 127 links to starting point.

THIRD SCHEDULE.

Firstly. All that piece or parcel of land situate in and fronting upon Erskine Bay, in the Harbour of Port Victoria; bounded on the North by the Sections Nos. 313 and 314, in the Town of Lyttelton; on the East by a line in continuation with the west side of Dublin Street, in Lyttelton aforesaid; on the West by a line drawn from the south-west corner of Sections No. 313, to the nearest point of the base of the cliffs, and by the base of the said cliffs; and on the South by a line about 100 feet from low watermark, as delineated and edged yellow on the plan, and marked with the letter "C."

Secondly. All that piece or parcel of land commencing at the south-eastern corner of the parcel of land described in the Schedule A to "The Peacock Wharf Ordinance, Session VIII., No. 9;" thence extending southerly in continuation of the eastern boundary of the said parcel of land 200 feet or thereabouts; thence south-westerly in a parallel line with and distant 200 feet from the boundary of the said first-mentioned parcel of land to a line 20 feet beyond the continuation of the western boundary thereof; thence along the said line parallel to the said boundary to the base of the cliffs; thence easterly along the base of the cliff, and along the western and southern boundaries of the said first-mentioned parcel of land, to the commencing point, as delineated and edged green on the plan, and marked with the letter "D."