

New Zealand.

ANALYSIS.

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1891, No. 17.—*Local.*

AN ACT to provide for vesting certain Land in the Lyttelton Harbour Board, and to amend the Law relating to such Board. Title.
[21st September, 1891.]

WHEREAS the land described in the Schedule hereto was formerly vested in the Lyttelton Harbour Board by "The Lyttelton Harbour Board Land Act, 1877," and was reclaimed, improved, and built upon by the said Board: And whereas the New Zealand Railway Commissioners have, by virtue of certain powers enabling them in that behalf, taken possession of and obtained a certificate of title to the said land, but have paid no compensation therefor, and it is expedient that the said land shall be re-vested in the said Board in accordance with this Act, and that other provision should be made as hereinafter provided: Preamble.

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

1. The Short Title of this Act is "The Lyttelton Harbour Board Land Act, 1891." Short Title.

2. In this Act, if not inconsistent with the context,—

"Board" means the Lyttelton Harbour Board, constituted under "The Lyttelton Harbour Board Act, 1882:"

"Commissioners" mean the New Zealand Railway Commissioners, constituted under "The Government Railways Act, 1887," and include their successors in title or estate: Interpretation.

"Land" means the land described in the Schedule hereto, together with all buildings and erections thereon.

3. On the passing of this Act the land described in the Schedule hereto shall, without any transfer or conveyance, be vested in the Land described in Schedule to vest in the Board.

Board for an estate in fee-simple, and the District Land Registrar at Christchurch is hereby directed and empowered to cancel the certificate of title obtained by the Commissioners for such land, and to make and issue to the Board and its successors a new certificate of title to the same, in accordance with "The Land Transfer Act, 1885;" and the Board shall hold such land under and subject to the terms of "The Lyttelton Harbour Board Land Act, 1877," and as if it had never been taken by the Commissioners.

Lease of land to be granted by Board to Commissioners.

4. Notwithstanding anything contained in "The Harbours Act, 1878," or any amendment thereof, or any other law now in force, the Board shall lease the land to the Commissioners for a term of ten years, to be computed from the first day of July, one thousand eight hundred and ninety-one, at an annual rental of one thousand two hundred and fifty pounds per annum, without first offering or submitting the same to public auction or tender.

Such lease shall be made and executed by the Board within one month from the date of the passing of this Act; the rent thereby reserved shall be payable monthly; and the lease shall contain such usual covenants as are contained in leases of such land and buildings or that may be agreed between the Board and the Commissioners.

Payment to Board for prior use of the shed.

5. The Commissioners shall, out of moneys appropriated by the General Assembly for that purpose, pay to the Board for the use of the land a sum at the rate of one thousand two hundred and fifty pounds per annum, computed from the thirtieth day of June, one thousand eight hundred and eighty-nine, up to the first day of July, one thousand eight hundred and ninety-one, and in case of non-payment by the Commissioners, after such moneys shall have been so appropriated and be available for payment by them, the Board shall be entitled to sue for and recover the amount hereby made payable, and then due or owing, from the Commissioners.

£8,300 to be paid to Board for moneys expended on sheds on Gladstone Pier.

6. The Commissioners shall, out of moneys appropriated by the General Assembly for that purpose, pay to the Board the sum of three thousand three hundred pounds, being the amount expended by the Board in the removal and enlargement of the sheds standing on the Gladstone Pier at Lyttelton, and in case of non-payment by the Commissioners, after such moneys shall have been so appropriated and be available for payment by them, the Board may sue for and recover the said sum from the Commissioners.

The said sum of three thousand three hundred pounds shall be accepted by the Board in full satisfaction of all claims of the Board against Her Majesty or the Commissioners in respect of the removal and enlargement of the said sheds.

Consent of the Crown, &c., to assignment of lease of Grain Agency shed not necessary.

7. It shall not be deemed to have been or to be necessary for the Board to obtain the consent of Her Majesty, or of any other person or body entitled or authorised in that behalf, to the assignment to the Board of a lease of certain lands at Lyttelton forming part of the Lyttelton and Christchurch Railway lands at Lyttelton, originally leased by the Crown to Peter Cunningham, Esquire, and subsequently assigned by the official liquidator of the New Zealand Grain Agency Company, Limited, to the Board, on which land is erected the brick store known as the Number Two or Grain Agency Shed, anything in the said lease to the contrary notwithstanding.

The assignment of such lease to the Board is hereby confirmed, and the Board shall be entitled to all benefits and advantages conferred under or by virtue of the said lease and assignment, and shall henceforth observe and perform all covenants and conditions therein respectively contained or implied so far as the same are now operative or capable of taking effect.

SCHEDULE.

Schedule.

ALL that parcel of land situate in the Harbour of Lyttelton, in the Provincial District of Canterbury, containing 3 roods 27·4 perches, being part of the land vested in the Lyttelton Harbour Board by "The Lyttelton Harbour Board Land Act, 1877," and described in Schedule A thereto, and bounded as follows: Commencing at a point in the boundary-line described in the said Schedule A "as a curvilinear and straight line, for about 315 yards, terminating at a point on the outer edge of the breastwork opposite the Government Goods-shed," and which said commencing-point is distant 70 links in a south-easterly direction from the point of intersection of the above-mentioned boundary-line, with a line parallel to and 532 links distant from and south of the centre-line of Norwich Quay, which said point of intersection is 567·5 links east of the centre-line of Oxford Street produced, measured along the said line parallel to Norwich Quay; thence by a line running south-easterly a distance of 808 links, coinciding with the boundary-line first above mentioned; thence at right angles south-westerly a distance of 114 links; thence at right angles north-westerly a distance of 808 links; and lastly at right angles north-easterly a distance of 114 links to the commencing-point, and bounded on the north-east by the Railway Reserve, and on the three other sides by other land vested in the Lyttelton Harbour Board, and described in the said Schedule A: as the said parcel of land is delineated on a plan numbered 4492, and deposited in the office of the New Zealand Railway Commissioners, at Wellington, and therein coloured blue.