

New Zealand.

## ANALYSIS.

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| <p>Title.<br/>Preamble.<br/>1. Short Title.</p> | <p>2. Power to convey land.<br/>Schedule.</p> |
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1906, No. 26.—*Local.*

AN ACT to enable the Napier Athenæum and Mechanics' Institute to vest in the Mayor, Councillors, and Burgesses of the Borough of Napier certain Land in the Town of Napier.

Title.

[29th October, 1906.]

WHEREAS by an Act of the General Assembly of New Zealand known as "The Napier Athenæum and Mechanics' Institute Incorporation Act, 1876," it was enacted that the persons therein described should be and they were thereby constituted a body corporate, by the name of "The Napier Athenæum and Mechanics' Institute" (hereinafter referred to as "the said body corporate"), and by such name should have perpetual succession and a common seal, and by the said Act now in recital (hereinafter referred to as "the said Act") it was further enacted that the piece of land specified in the Second Schedule thereto, being the piece of land described in the Schedule hereto, with the buildings thereon, and all the appurtenances, and the whole legal and equitable estate and interest therein, should by virtue of the said Act be vested in the said body corporate, and certain powers of mortgaging the said piece of land without power of sale, and of leasing the same, were thereby vested in and conferred upon the said body corporate, in exercise of which powers the said body corporate has conveyed and assured the said piece of land, by way of first mortgage, to one James Fulton, by deed of mortgage registered in the Deeds Registry Office, Napier, as No. 18704, to secure one thousand three hundred pounds and interest (upon which the principal sum of one thousand pounds only is now owing), and by way of second mortgage to one Lina Eliza Fulton, by deed of mortgage registered as aforesaid, No. 22311, to secure one hundred and fifty pounds and interest, and has granted leases of certain portions of the said piece of land to certain tenants: And whereas the said body corporate is desirous of vesting the said piece of land in the Mayor, Councillors, and Burgesses of the Borough of

Preamble.

Napier (hereinafter called "the said borough") for purposes coming within the purview of Part XXXII of "The Municipal Corporations Act, 1900," and the amendments thereof, or some one or more of such purposes, but subject to the said deeds of mortgage and all leases granted as aforesaid and now current, and the said borough is desirous of acquiring the said piece of land in manner aforesaid :

BE IT THEREFORE 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 is "The Napier Athenæum and Mechanics' Institute Empowering Act, 1906."

Power to convey land.

2. It shall be lawful for the said body corporate to convey and assure the said piece of land, with the buildings thereon and all appurtenances thereto, unto the said borough absolutely for all the estate and interest of the said body corporate therein as vested in it by the said Act, but subject to the said recited deeds of mortgage, registered Nos. 18704 and 22311 respectively, and to the principal sums of one thousand pounds and one hundred and fifty pounds now due thereon respectively, and to such further sums for current interest on the said mortgages respectively as may now be due or accruing due, and subject also to all current leases and tenancies of the said piece of land or parts thereof entered into by the said body corporate with any person or persons whomsoever, and to execute under the common seal of the said body corporate to or in favour of the said borough such deeds of conveyance or other assurances as shall be necessary for vesting the said piece of land in the said borough for the purposes and in manner aforesaid, but so that the said borough shall in such deeds of conveyance or other assurances enter into a covenant to indemnify the said body corporate from and against all principal moneys and interest secured by the said deeds of mortgage respectively and all liabilities thereunder respectively.

Schedule.

#### SCHEDULE.

ALL that parcel of land in the Borough of Napier, situated in the Hawke's Bay Land District, containing by admeasurement 39·7 perches, more or less, being portion of a block of land granted to the Superintendent of the Hawke's Bay Province in trust for purposes of public utility, included in the grant No. 959, dated the 14th day of April, 1862: bounded towards the north-west by Browning Street, 100 links; towards the south-west by Herschell Street, 251·6 links; towards the south-east by other portion of the said block, 100·2 links; and towards the north-east by other portion of the said block, 245·5 links.