

NEW ZEALAND.



TRICESIMO NONO

VICTORIÆ REGINÆ.

[Local and Personal.]

No. IV.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Short Title.</p> <p>2. Corporation may enter upon any lands specified in Schedule I. for purpose of filling in and reclaiming the same. Proviso.</p> | <p>3. Corporation may recover cost of filling in and reclaiming.</p> <p>4. Form of memorial. Schedules.</p> |
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AN ACT to enable the Corporation of the Town of Title.
 Napier to abate a Nuisance caused by the flooding
 of certain lands with stagnant water within the
 Borough of Napier. [12th October, 1875.]

WHEREAS some years since the parcels of land situate in the Preamble.
 Town and Borough of Napier, in the Province of Hawke's Bay,
 as described in the Schedule to this Act, were purchased from
 the Crown: And whereas by reason of the said parcels of land being
 flooded by stagnant water a nuisance dangerous to the health of the
 community hath been created and still subsists: And whereas it is
 expedient that power should be given to the Corporation of the said
 Borough of Napier to cause the said nuisance to be abated:

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 shall be "The Napier Swamp Short Title.
 Nuisance Act, 1875."

2. It shall be lawful for the said Corporation at any time within Corporation may enter upon any lands specified in Schedule I. for purpose of filling in and reclaiming the same.
 two years after the passing of this Act, to enter upon any of the
 parcels of land specified in the Schedule of this Act for the purpose of
 filling in and reclaiming the same: Provided always, that before
 entering upon the said parcels of land notice in writing shall be served
 upon the owner or owners of the said lands personally, or through the
 ordinary course of post, addressed to his or their last-known place or
 places of residence in the Colony of New Zealand, or in the event of
 his or their absence from the said colony, shall be so served upon or
 posted addressed to his or their authorized agent or agents: Provided Proviso.

Napier Swamp Nuisance.

always, that if such owner or owners cannot be ascertained, or in case such owner or owners shall be absent from the colony without having left any authorized agent, it shall be sufficient if such notice be published twice in the *Government Gazette* of the said Province of Hawke's Bay, and twice in one newspaper published in the Town of Napier.

Corporation may
recover cost of filling
in and reclaiming.

3. The said Corporation shall be entitled to recover the actual cost of filling in and reclaiming his or their said land, together with interest thereon after the rate of six pounds per centum per annum, and such actual cost and interest after deducting the expense of filling in and reclaiming the streets marked on the official plan of the Town of Napier as intersecting the several parcels of land described in Schedule I. to this Act, shall in each and every case be recoverable by sale of the same land after notice of such sale shall have been given six months previously in the *New Zealand Gazette*, and in one newspaper published in the Town of Napier. The amount of such cost shall be ascertained and certified in each case by the Resident Magistrate and Collector of Customs at Napier, and their certificate in favour of the said Corporation may be registered as a charge upon the land mentioned therein. The amount to be paid by each of the owners of the said lands shall be in proportion to the quantity of material used in filling in their respective parcels of land.

Form of memorial.

4. For the purpose of registration, the memorial may be in the form in Schedule II. hereto.

Schedules.

SCHEDULES.

SCHEDULE I.

SCHEDULE OF SECTIONS IN THE NAPIER TOWN SWAMP.

No. of Area.				No. of Area.				No. of Area.				No. of Area.			
Section.	A.	R.	P.	Section.	A.	R.	P.	Section.	A.	R.	P.	Section.	A.	R.	P.
174	0	1	0	220	0	2	0	352	0	2	0	369	1	0	0
175	0	1	0	221	0	2	0	353	0	2	0	370	1	0	0
176	0	1	0	222	0	2	0	354	0	1	0	371	0	3	7
177	0	1	0	223	0	2	0	355	0	1	0	372	1	0	0
178	0	1	0	224	0	2	0	356	0	1	0	373	1	0	0
179	0	1	0	225	0	2	0	357	1	0	0	374	0	3	10
180	0	1	0	253	0	1	0	Reserve	1	2	0	375	1	0	0
181	0	1	0	254	0	1	0	358	1	0	0	376	2	0	0
182	0	2	0	255	0	1	0	359	1	0	0	377	1	0	0
183	0	2	0	256	0	1	0	360	1	0	0	378	1	0	0
184	0	2	0	258	0	1	0	361	1	0	0	379	1	0	0
185	0	2	0	259	0	1	0	362	1	0	0	380	1	0	0
186	0	2	0	260	0	1	0	363	1	0	0	381	1	0	0
187	0	2	0	346	0	3	7	364	1	1	18	382	1	0	0
216	0	2	0	348	0	2	17	365	1	0	0	383	1	0	0
217	0	2	0	349	0	2	38	366	1	0	0	384	0	2	28
218	0	2	0	350	0	1	28	367	1	0	0	385	1	2	30
219	0	2	0	351	0	2	0	368	0	3	37				

SCHEDULE II.

By virtue of "The Napier Swamp Nuisance Act, 1875," we hereby certify that the owner of the land described in the Schedule to this memorial became liable to pay the sum of _____ pounds, which is unpaid, whereupon this memorial is made and subscribed by us, the Resident Magistrate and Collector of Customs at Napier, for the purpose of charging the land with such amount.

Dated, &c.

[Describe the land, specifying all the particulars requisite to identify the same.]

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBURY, Government Printer.