

This LOCAL BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

*Legislative Council,
25th August, 1893.*

Hon. Mr. W. C. Walker.

LYTTELTON ORPHANAGE LANDS VESTING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to vest in "The Ashburton and North Canterbury Charitable Aid Board," constituted under the Provisions of "The Hospital and Charitable Institutions Act, 1885," certain Lands in the Borough of Lyttelton belonging to the Charitable Institution known as the Lyttelton Orphanage, and to authorise the Borough Council of the said Borough of Lyttelton to convey to, or otherwise arrange with, the said Board for the Occupation of Lands adjoining the aforesaid Lands, and used for the Purposes of the said Orphanage.

Title.

WHEREAS the charitable institution mentioned in the Second Schedule to "The Hospital and Charitable Institutions Act, 1885," as the "Lyttelton Orphanage," and hereinafter called "the said institution," was, upwards of twenty years since, established in the Borough of Lyttelton: And whereas, prior to the passing of the said Act, the said charitable institution was under the charge of and managed by a Committee or other persons or body duly appointed for that purpose: And whereas by section thirty-six of the said Act it was enacted that the institutions enumerated in the Second Schedule thereto should be subject to the provisions and operation of the said Act, but that the Committee or other persons or body having the charge and management of the affairs thereof should continue to have the charge and management thereof until the same became vested in a District Board or Trustees under the said Act: And whereas by section seventy-nine of the said Act it was enacted that all the estate and interest in any real or personal property belonging to any institution at the time of the commencement of the said Act, or held by or vested in any persons in trust for and on behalf of any such institution, should be vested in the Board of the district wherein the institution is situate, if such institution was under the con-

Preamble.

trol of the Board: And whereas the said institution called the Lyttelton Orphanage is under the control of the Ashburton and North Canterbury Charitable Aid Board, hereinafter called "the said Board": And whereas the lands described in the First Part of the Schedule hereto belonged to the said institution at the time of the commencement of the said Act, but the precise title under which the same were held by the said institution, or by the Committee or other persons or body having the charge and management thereof, is not known, although the same have been so held and have been occupied for the purposes of the said institution for upwards of twenty years now last past: And whereas the lands described in the Second Part of the Schedule hereto form part of a certain road leading from the Town of Lyttelton to Governor's Bay, but have for many years past been occupied and used, with the lands described in the First Part of the said Schedule, for the purposes of the said institution, but the said institution has occupied and used the same without legal title thereto: And whereas it is expedient that the lands described in the First Part of the Schedule hereto should be absolutely vested in the said Board, freed from all estates, rights, titles, and interests of any other persons or body therein or thereto: And that the Borough Council of the said Borough of Lyttelton should have power to deal with the lands described in the Second Part of the said Schedule, as hereinafter provided:

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 Lyttelton Orphanage Lands Vesting Act, 1893."

Certain lands in First Part of Schedule to be vested in Ashburton and North Canterbury Charitable Aid Board.

2. From and after the passing of this Act the lands described in the First Part of the Schedule hereto shall be deemed to be absolutely vested, without conveyance or other instrument of title, in the said Board, to be from henceforth held by the said Board for the purposes of the said institution.

Compensation to be made to persons interested.

3. Any person or body having at the date of the passing of this Act any estate or interest in the lands described in the First Part of the Schedule hereto, shall be entitled to compensation for the same, to be claimed and ascertained as if the said lands had been duly taken for public purposes under the provisions of "The Public Works Act, 1882," but no claim for compensation under this provision shall be made or be available after a period of twelve months after the passing of this Act, and all right and title to any compensation in respect of such lands shall, after the expiration of twelve months after the passing of this Act, absolutely cease.

Parts of Governor's Bay Road to be conveyed to Board or otherwise dealt with by Borough Council.

4. Notwithstanding anything contained in "The Municipal Corporations Act, 1886," or Acts amending the same or substituted therefor, relating to roads or streets within a borough, it shall be lawful for the Borough Council of the Borough of Lyttelton absolutely to convey to the said Board, with or without compensation, the lands described in the Second Part of the Schedule hereto, or, in the alternative, to make and enter into any agreement that it shall think fit and expedient with the said Board for the use and occupation thereof by the said Board for the purposes of the said institution.

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SCHEDULE.

Schedule.

PART I.

ALL those pieces or parcels of land situated in the Borough of Lyttelton, and being the whole of the sections numbered respectively 207, 208, 209, 210, 211, 212, 213, 214, and 238 on the plan of the Town of Lyttelton; and also all those parts of the sections numbered 215 and 216 on the said plan which lie between Brittan Terrace and the Governor's Bay Road; and also all that part of rural section numbered 247 in the said borough which is bounded on the eastward by the said sections numbered 207 to 214, inclusive, on the northward and westward by the eastern side of the Governor's Bay Road, and on the southward by a line in extension of the southern boundary of Section 207 from the south-western corner thereof to the Governor's Bay Road.

PART II.

A parcel of land forming part of the Governor's Bay Road and which formerly formed part of the reserve numbered 67 within the Borough of Lyttelton, as the same is now occupied for the purposes of the said institution; and also a parcel of land forming part of the said Governor's Bay Road and extending from the south-western boundary of the last-mentioned parcel of land through the said sections numbered 215 and 216, and from thence along the boundary of that part of rural section numbered 247, which is described in the First Part of this Schedule, to a fence, and is bounded on the northward also by a fence enclosing the lands now occupied for the purposes of the said institution; and also a parcel of land forming part of the said Governor's Bay Road extending southward along the western boundary of that part of rural section numbered 247, which is described in the First Part of this Schedule, and is bounded on the westward and south-westward by the fence enclosing the lands now occupied for the purposes of the said institution: as the said several parcels of land described in this Part of the Schedule are shown upon a plan deposited in the office of the Borough Council of the said Borough of Lyttelton, and sealed with the seals of the said borough and the said Board respectively.