

(Hon. Dr. Pollen.)

# Piako Land Exchange (No. 2).

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## A BILL INTITULED

AN ACT to enable Thomas Russell to relinquish certain lands in the Piako District, and the Governor to grant other Lands in exchange.

Title.

WHEREAS William Eppes Cormack, in the year one thousand eight hundred and forty-one, pursuant to "The Land Claim Ordinance No. 2," Session 1, preferred claims to certain lands in the Piako district, being Land Claims Numbers seventy-three and seventy-three-B (Nos. 73 and 73-B.), in respect of a purchase made by him from the aboriginal natives prior to the foundation of New Zealand as a British colony: And whereas the said claims became duly vested in Arthur Willis: And whereas by Crown grant purporting to be made under "The Land Claims Settlement Act, 1856," bearing date the seventeenth day of May, in the year one thousand eight hundred and sixty-six, under the hand of Sir George Grey, then Governor of the Colony of New Zealand, and under the Public Seal thereof, Her Majesty Queen Victoria did grant unto the said Arthur Willis, in respect of the said claims, all that piece or parcel of land containing by admeasurement two thousand and nine acres situate on the Piako River, in the Province of Auckland: And whereas by deed bearing date the eighteenth day of February, in the year one thousand eight hundred and sixty-seven, made between the said Arthur Willis of the one part, and James Farmer of the other part, all that said piece or parcel of land was conveyed to the said James Farmer, his heirs and assigns: And whereas by deed bearing date the first day of March, one thousand eight hundred and sixty-seven, made between the said James Farmer of the one part, and William Brown, John Logan Campbell, Robert Waterston, and James Tannock Mackelvie, of the other part, all that said piece or parcel of land was conveyed to the said William Brown, John Logan Campbell, Robert Waterston, and James Tannock Mackelvie, their heirs and assigns: And whereas the said William Brown, John Logan Campbell, Robert Waterston, and James Tannock Mackelvie, having sold the said land to the said Thomas Russell on the ninth day of September, one thousand eight hundred and seventy-one, made application under the Land Transfer Act for a certificate of title for the said land to be granted to him, and on the thirtieth day of November, one thousand eight hundred and seventy-one, a certificate of title was granted to the said Thomas Russell accordingly: And whereas the said Crown grant of the

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seventeenth May, one thousand eight hundred and sixty-six, was made by mistake, the land thereby granted not being part of Land Claims numbers seventy-three and seventy-three-B, (Nos. 73 and 73B), but a certain portion thereof being a part of Land Claim number three hundred and five-K, (No. 305K), and the remainder thereof land the property of aboriginal natives: And whereas the said Thomas Russell has been applied to by the Government of New Zealand to accept in lieu of the said land comprised in the said certificate of title other land in the Province of Auckland, and he has consented to do so:

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 shall be "The Piako Land Exchange Act 1875 (No. 2)."

Thomas Russell may relinquish by deed certain lands in the Piako district.

2. It shall be lawful for the said Thomas Russell, either personally, or by his attorney duly constituted by a general power, to execute a deed whereby he shall declare that he renounces and relinquishes all estate right title and interest in and to the land so vested in him as aforesaid, and such deed shall have the effect of divesting the said Thomas Russell of such estate right title and interest, and restoring to and vesting in Her Majesty and all other persons whomsoever severally, and their assigns, the same rights title and interests as Her Majesty and such other persons were respectively possessed of or entitled to prior to the date of the said recited grant, of the seventeenth day of May, one thousand eight hundred and sixty-six, as though such grant had not been made.

Deed to be deposited in Land Transfer Office.

3. The deed so executed by the said Thomas Russell shall be deposited in the Land Transfer Office, in the Province of Auckland, and thereupon the said certificate of title shall be null and void, and all entries in the books of the said office in respect of the said land shall be thereby cancelled, and be of no force or effect whatsoever.

Governor may grant land in exchange for land relinquished.

4. In exchange for the land so renounced and relinquished by the said Thomas Russell, it shall be lawful for the Governor in the name of Her Majesty to grant to the said Thomas Russell such other land being waste land of the Crown in the Province of Auckland as the said Thomas Russell shall agree to accept, and such grant shall vest in the said Thomas Russell, his heirs and assigns, a good and valid title to the land so granted in fee simple, free from incumbrance.