

# Reserves and other Lands Disposal Act 1929

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## Contents

	Page
Title	2
1 Short Title	2
2 Vesting certain land in His Majesty for purposes of Naval Forces	2
3 Section 14 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, repealed	3
4 Validating lease by the Governor-General to Gladys Constance Darrow over portion of Sections 86 and 86A, Parish of Waipa	3
5 Validating certain leases of Auckland University College Endowment land in the Parish of Taupiri	5
6 Cancelling the reservation over a primary-education endowment in Horohoro Survey District, Auckland Land District	6
7 Cancelling the reservation for public-recreation purposes over Section 2, Block XXI, Town of Te Aroha, and validating the issue of a residence-site license over the land	7
8 Adding certain areas to the endowment set apart by Section 12 of the Reserves and other Lands Disposal Act 1928, and authorizing the registration of leases issued under the said section [ <i>Repealed</i> ]	8
9 Cancelling the reservation as a provisional State forest over Section 10, Block IV, Arapawa Survey District, and setting same apart as a scenic reserve	8
10 Cancelling the reservation as a provisional State forest over certain land in Rotoroa Survey District, and setting same apart as a scenic reserve	9
11 Setting apart for scenic purposes certain areas in Wataroa Survey District, Westland Land District	11

12	Authorizing Lyttelton Harbour Board to grant certain land to Lyttelton Borough Council as a recreation reserve	13
13	Vesting in Dunedin Ocean Beach Domain Board part of Section 5, Block XII, Dunedin and East Taieri Survey District [ <i>Repealed</i> ]	14
14	Authorizing lease of certain land in Selwyn Settlement, Auckland Land District, to the Bartholomew Land and Timber Co, Ltd	14
15	Vesting in the Otago Harbour Board certain Railway wharves and Railway land at Port Chalmers	16
16	Validating certain expenditure by Auckland City Council on Motuihi Island, and conferring certain powers on the said Council	16
17	Closing portion of road along Wairoa River, North Auckland Land District, and providing for disposal of land contained therein	17

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**An Act to provide for the Sale, Reservation, and other Disposition of certain Reserves, Crown Lands, Endowments, and other Lands, and to validate certain Transactions.**

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

**1 Short Title**

This Act may be cited as the Reserves and other Lands Disposal Act 1929.

**2 Vesting certain land in His Majesty for purposes of Naval Forces**

Whereas the land hereinafter described is expressed to be vested in **The Commander-in-Chief or Officer Commanding His Majesty's Naval Forces on the Australian Station for the time being**, and to be subject to section three of the Naval Reserves Vesting Act 1890: And whereas it is desirable that the said land should be vested in His Majesty the King for the purposes of the New Zealand Naval Forces: Be it therefore enacted as follows:—

- (1) The land described in the next succeeding subsection is hereby vested in His Majesty the King as a reserve for the purposes of the New Zealand Naval Forces. Notwithstanding anything to the contrary in the Reserves Act 1977, the purposes of the said reserve shall not be changed except by Act.
- (2) The land to which this section relates is the land referred to in the first part of the Schedule to the Auckland Harbour Board Empowering Act 1892, and now comprised in certificate of title, Volume 511, folio 8, Auckland Land Registry, and described therein as being “all that parcel of land containing four acres, more or less, situated in the Borough of Devonport, being portion of the Waitemata Harbour reclaimed from the sea.”

The Public Reserves, Domains, and National Parks Act 1928 (1928 No 36) was substituted, as from 1 April 1954, by a reference to the Reserves and Domains Act 1953 pursuant to section 107(1) Reserves and Domains Act 1953 (1953 No 69). That reference was in turn substituted, as from 1 April 1978, by a reference to the Reserves Act 1977 pursuant to section 125(1) Reserves Act 1977 (1977 No 66).

### **3 Section 14 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, repealed**

Whereas section fourteen of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, authorized, subject to the provisions of that section, the issue of a certificate of title to the Corporation of the Borough of Thames in respect of the land described in that section: And whereas no action has been taken in accordance with that section, and the said Corporation no longer desires to obtain the said land: Be it therefore enacted as follows:—

Section fourteen of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, is hereby repealed.

### **4 Validating lease by the Governor-General to Gladys Constance Darrow over portion of Sections 86 and 86A, Parish of Waipa**

Whereas by memorandum of lease dated the twenty-sixth day of September, nineteen hundred and eight, the land hereinafter described was leased on behalf of His Majesty the King to Sarah Ann Wilson and Charles Eyre for a term of twenty-one years from

the first day of May, nineteen hundred and eight, with a condition that if the lessor should not before the expiration of such term pay to the lessees the amount of valuation of improvements effected by the lessees a new lease of such land for the period of twenty-one years from the expiration of the said term should be put up for sale by public auction at an upset annual rental of five per centum on the then value of such land assessed by valuation as provided in such lease, and containing the same covenants, provisoes, and conditions as were therein contained: And whereas by memorandum of lease dated the eighteenth day of July, nineteen hundred and twenty-nine, following a valuation and auction made and held as prescribed by such prior lease, the Governor-General, on behalf of His Majesty the King, and in pursuance of powers conferred upon him by the Reserves Act 1977, leased the said land to Gladys Constance Darrow, of Auckland, widow, for the term of twenty-one years from the first day of May, nineteen hundred and twenty-nine, at the rental ascertained in manner provided by, and with the same covenants, provisoes, and conditions as were contained in, the said prior lease of the twenty-sixth day of September, nineteen hundred and eight: And whereas doubts have arisen as to the power and authority to grant such new lease upon the terms therein expressed and as to the validity thereof: And whereas it is desirable that the grant of such new lease should be validated and made effectual: Be it therefore enacted as follows:—

- (1) The said lease bearing date the eighteenth day of July, nineteen hundred and twenty-nine, is hereby validated, and shall, notwithstanding anything to the contrary in any Act, be deemed to have been always valid and effectual; and the lessor and the lessee and the Whaingaroa Domain Board respectively therein named are hereby authorized and empowered to do, execute, and perform all such acts, deeds, matters, and things necessary or expedient for the purpose of carrying the said lease or any new lease granted in pursuance thereof into effect.
- (2) The land to which this section relates is particularly described as follows:—

All those parcels of land in the Auckland Land District, containing by admeasurement three hundred and thirty-nine

acres and twenty-one and six-tenths perches, being parts of Sections 86 and 86A of the Parish of Waipa.

The Public Reserves, Domains, and National Parks Act 1928 (1928 No 36) was substituted, as from 1 April 1954, by a reference to the Reserves and Domains Act 1953 pursuant to section 107(1) Reserves and Domains Act 1953 (1953 No 69). That reference was in turn substituted, as from 1 April 1978, by a reference to the Reserves Act 1977 pursuant to section 125(1) Reserves Act 1977 (1977 No 66).

## **5 Validating certain leases of Auckland University College Endowment land in the Parish of Taupiri**

Whereas under the Auckland University College Reserves Act 1885, the lands hereinafter described were vested in the Council of the University of Auckland with power to lease the same: And whereas by Proclamation dated the nineteenth day of February, eighteen hundred and ninety-five, and published in the *Gazette* of the twenty-eighth day of that month, the said lands were declared to be available for sale or leasing under the provisions of Part 3 of the Land Act 1892: And whereas by Proclamation dated the thirtieth day of September, nineteen hundred and five, and published in the *Gazette* of the fifth day of October of that year, the first-mentioned Proclamation was revoked: And whereas leases of portions of the said lands were, after the making of the first-mentioned Proclamation and prior to the thirty-first day of December, nineteen hundred and ten, granted by the Land Board of the Auckland Land District for and on behalf of the Council of the University of Auckland to various persons, such leases being executed in divers ways by the then Commissioner of Crown Lands on behalf of the said Land Board, and being upon the same terms and conditions as those upon which the said Board was empowered by the Land Act 1892, to grant leases in perpetuity: And whereas doubts have arisen as to the validity of the granting and execution of the said leases: Be it therefore enacted as follows:—

- (1) Every lease of the said lands which has been granted and executed as aforesaid shall be and be deemed to have been valid and effectual, but no right or option on the part of the lessee to purchase the freehold of the land comprised in any such lease shall be conferred or implied therein.
- (2) The lands to which this section relates are particularly described as follows:—

All that area in the Parish of Taupiri, in the Auckland Land District, being subdivisions of Section 463—namely, Lot 2, containing one hundred acres; Lot 3, containing one hundred acres; Lot 9, containing ninety-eight acres one rood twenty-nine perches; Lot 10, containing one hundred acres; Lots 11 and 12, containing two hundred acres; Lot 13, containing one hundred acres two roods; Lot 15, containing one hundred acres; Lot 16, containing ninety-eight acres three roods nineteen perches; Lot 17, containing one hundred and nine acres; Lot 18, containing eighty-nine acres one rood twenty-three perches; Lot 19, containing eighty-eight acres one rood eighteen perches; Lot 20, containing sixty-six acres; Lot 21C, containing eleven acres two roods; Lot 23A, containing twelve acres; Lot 23B, containing eighty-nine acres three roods sixteen perches; and Lot 24, containing thirty-eight acres: as the same are comprised in leases numbered 2013, 2014, 2028, 1482, 1451, 1798, 1823, 1643, 1613, 3601, 1420, 1692, and 1399, and Register-book, Volume 168, folios 164 and 165, in the Lands Registry Office at Auckland.

References to the “Council of the University of Auckland” were substituted, as from 16 October 1957, for references to the “Auckland University Council” by section 5 University of Auckland Amendment Act 1957 (1957 No 25).

## **6 Cancelling the reservation over a primary-education endowment in Horohoro Survey District, Auckland Land District**

Whereas the land hereinafter described was set apart as an endowment for primary education by Proclamation published in the *Gazette* of the twelfth day of January, nineteen hundred and five: And whereas it is desired to carry out certain development work to prepare the said land for settlement: And whereas it is expedient for the more effective carrying-out of such work and for the better disposal of the land thereafter that the area should be dealt with in all respects as ordinary Crown land: Be it therefore enacted as follows:—

- (1) The reservation as an endowment for primary education over the land hereinafter described is hereby cancelled, and such land is hereby declared to be Crown land available for disposal under the Land Act 1948.

- (2) The land to which this section relates is particularly described as follows:—

All that area in the Auckland Land District, containing by admeasurement two thousand two hundred and thirty-two acres, more or less, being Section 1, Block XV, Horohoro Survey District: as the same is delineated on plan marked L and S 34/1, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon bordered red.

The Land Act 1924 (1924 No 31) was repealed, as from 1 April 1949, by section 185(1) Land Act 1948 (1948 No 64).

**7 Cancelling the reservation for public-recreation purposes over Section 2, Block XXI, Town of Te Aroha, and validating the issue of a residence-site license over the land**

Whereas by Warrant dated the eighteenth day of August, nineteen hundred and six, and published in the *Gazette* of the twenty-third day of that month, Section 2, Block XXI, Town of Te Aroha, containing an area of one acre and twenty-five perches, was reserved for public-recreation purposes, and the said section now forms portion of the Herries Memorial Park Domain: And whereas on the sixteenth day of September, nineteen hundred and thirteen, the Warden of the Hauraki Mining District issued a residence-site license for a term of forty-two years from that date under the provisions of the Mining Act 1908, to Michael Quane over an area described as Section 2, Block XXI, Te Aroha Town, containing an area of one acre, and such license has since become vested in John Nathaniel Wood and Horace Harold Wood: And whereas the area comprised in the aforesaid residence-site license is identical with Section 2, Block XXI, Town of Te Aroha, containing an area of one acre and twenty-five perches, and forming portion of the Herries Memorial Park Domain as aforesaid: And whereas the issue of the residence-site license hereinbefore referred to was invalid, and it is desired to validate the same: Be it therefore enacted as follows:—

- (1) The reservation for the purposes of public recreation over Section 2, Block XXI, Town of Te Aroha, containing an area of one acre and twenty-five perches, is hereby cancelled, and such land is hereby excluded from the Herries Memorial Park Domain.

- (2) The residence-site license granted by the Warden of the Hauraki Mining District under the provisions of the Mining Act 1908, over Section 2, Block XXI, Te Aroha Town, is hereby validated as from the date of the granting thereof.
- (3) The price payable with respect to any acquisition of the fee-simple of the land comprised in the aforesaid residence-site license in accordance with the provisions of the Te Aroha Crown Leases Act 1920, shall, notwithstanding the provisions of subsection (2) of section 20 of the Land Act 1924, be paid into the Herries Memorial Park Domain Account, and shall be used by the Domain Board controlling the domain in accordance with the provisions of section fifty-eight of the Public Reserves, Domains, and National Parks Act 1928.

**8 Adding certain areas to the endowment set apart by Section 12 of the Reserves and other Lands Disposal Act 1928, and authorizing the registration of leases issued under the said section**

*[Repealed]*

Section 8 was repealed, as from 1 April 1949, by section 185 Land Act 1948 (1948 No 64).

**9 Cancelling the reservation as a provisional State forest over Section 10, Block IV, Arapawa Survey District, and setting same apart as a scenic reserve**

Whereas Section 10, Block IV, Arapawa Survey District, in the Marlborough Land District, containing by admeasurement ninety-five acres, more or less, was set apart by Proclamation published in the *Gazette* of the twenty-fifth day of March, nineteen hundred and twenty, as and for a provisional State forest, and is now subject to the provisions of the Forests Act 1949: And whereas the native bush on the said land is of considerable scenic interest, and it is desirable that the said land should be set apart as a scenic reserve subject to the provisions of the Reserves Act 1977 as recommended by the Board constituted under the last-mentioned Act: Be it therefore enacted as follows:—

The reservation as a provisional State forest over Section 10, Block IV, Arapawa Survey District, in the Marlborough Land District, as hereinbefore referred to, is hereby cancelled, and the said land is hereby set apart as a scenic reserve, subject to the provisions of the Reserves Act 1977.

The Scenery Preservation Act 1908 was repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953 (1953 No 69). That Act was in turn repealed, as from 1 April 1978, by section 125(1) Reserves Act 1977 (1977 No 66).

The Forests Act 1921-22 (1921 No 43) was repealed, as from 1 January 1950, by section 73(1) Forests Act 1949 (1949 No 19).

**10 Cancelling the reservation as a provisional State forest over certain land in Rotoroa Survey District, and setting same apart as a scenic reserve**

Whereas by Proclamation dated the first day of October, nineteen hundred and twenty-eight, and published in the *Gazette* of the fourth day of that month, an area of land in the Rotoroa Survey District, in the Nelson Land District, and known as the Lake Rotoroa Scenic Reserve, was set apart as a scenic reserve under the provisions of the Reserves Act 1977: And whereas the areas of land described in subsection two hereof were included within the boundaries of the said scenic reserve, and it was subsequently found that such areas formed portion of a provisional State forest reserve set apart by Proclamation dated the fifth day of July, nineteen hundred and twenty, and published in the *Gazette* of the eighth day of that month: And whereas it is desirable that the reservation for provisional State forest purposes over the areas hereinbefore referred to should be revoked, and the Proclamation of the first day of October, nineteen hundred and twenty-eight, should be validated: Be it therefore enacted as follows:—

- (1) The reservation for provisional State forest purposes over the areas of land hereinafter described is hereby cancelled and shall be deemed to have been so cancelled as from the first day of October, nineteen hundred and twenty-eight, and the Proclamation of that date setting apart the said areas for scenic purposes is hereby validated.
- (2) The areas of land to which this section relates are particularly described as follows:—

All that area in the Nelson Land District, containing five thousand one hundred and twenty acres, more or less, and situated in Blocks II, VI, X, XI, XIV, and XV, Rotoroa Survey District, bounded as follows: commencing at the northern corner of Section 7, Block I, Rotoroa Survey District; towards the north-west by the Braeburn Road to the eastern corner of Section 1, Block II, Rotoroa Survey District; towards the north by aforesaid Section 1 to a point distant forty chains by the shortest line from the shore of Lake Rotoroa; towards the east by a line running parallel to the shore of the aforesaid lake and at a uniform distance of forty chains therefrom to a point in the vicinity of the D'Urville River and twenty chains distant from the centre thereof; thence again towards the north-west by a line parallel to the centre of the aforesaid river to the shore of Lake Rotoroa; again towards the north-east by Lake Rotoroa to a point twenty chains distant from the centre of D'Urville River; thence towards the south-east by a line parallel to the centre of D'Urville River to a point forty chains distant by the shortest line from the lake; thence again towards the north by a line running parallel to and uniformly distant forty chains from the lake to a point on a line drawn due north from Mount Misery; thence towards the east by the aforesaid line to the edge of the bush under Mount Misery; thence along the edge of the bush to its intersection with a line drawn from Mount Misery to peg IV on the west bank of the D'Urville River; thence towards the south-west by the last-mentioned line to the aforesaid peg IV, from peg IV by a line to Mount Hutton, from Mount Hutton by a line to sub-trig 1, from sub-trig 1 by a line to sub-trig i, and from sub-trig i by the crest of the ridge in a northerly direction to the south-east corner of Section 7, Block I, Rotoroa Survey District, and by the eastern boundary of the last-mentioned section to the point of commencement.

Also all that area in the Nelson Land District, containing five thousand three hundred and fifty acres, more or less, and situated in Blocks II, VII, XI, and XV, Rotoroa Survey District, bounded as follows: commencing at a point on the Porika Road distant forty chains by the shortest line from Lake Rotoroa; towards the north-west by the aforesaid road

to its intersection with the eastern boundary of Section 7, Block XIV, Howard Survey District; towards the north-east by Section 7, 3, and 5 of Block XIV aforesaid to Trig Station “Muntz”; thence by a line in the direction of Mount Cedric to its intersection with the edge of the bush below the aforesaid mountain-top; thence by the edge of the bush to a point on a line from Mount Cedric to peg XVIII on the south bank of the Sabine River; thence towards the south-east by such line to the aforesaid peg; thence by a line in the direction of Mount Misery to its intersection with the edge of the bush under the mountain-top; thence by the edge of the bush to a point on a line drawn due north from Mount Misery; thence by the line aforesaid to a point forty chains by the shortest line distant from Lake Rotoroa; thence towards the north-west and south-west by a line running parallel to and uniformly distant forty chains from the shore of the aforesaid lake to the point of commencement: As the same are more particularly delineated on a plan marked 6/90, deposited in the District Lands Office, Nelson, and thereon coloured yellow.

The Scenery Preservation Act 1908 was repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953 (1953 No 69). That Act was in turn repealed, as from 1 April 1978, by section 125(1) Reserves Act 1977 (1977 No 66).

## **11 Setting apart for scenic purposes certain areas in Wataroa Survey District, Westland Land District**

Whereas the land described in subsection three hereof forms portion of an area set apart by Proclamation published in the *Gazette* of the fourteenth day of October, nineteen hundred and twenty, as and for a provisional State forest, and is now subject to the provisions of the Forests Act 1949: And whereas the land described in subsection four hereof forms portion of an unformed and unused road along the Rotokino River and the shore of Lake Rotokino: And whereas it is desirable that the said lands should be set apart as scenic reserves subject to the provisions of the Reserves Act 1977, as recommended by the Board constituted under that Act: Be it therefore enacted as follows:—

- (1) The reservation for provisional State forest purposes over the land described in subsection three hereof is hereby cancelled,

and the said land is hereby set apart as a scenic reserve subject to the provisions of the Reserves Act 1977.

- (2) The portion of road described in subsection four hereof is hereby closed, and, notwithstanding anything to the contrary contained in section 129 of the Land Act 1924, the land comprised therein is hereby declared to be a scenic reserve subject to the provisions of the Reserves Act 1977.
- (3) The land to which subsection one hereof relates is particularly described as follows:—

All that area in the Westland Land District, containing one hundred and forty-five acres, more or less, situated in Blocks III and VII, Wataroa Survey District, being all that part of Provisional State Forest Reserve 1634 comprised in a strip of land five chains wide around the edge of Lake Rotokino, between a line bearing due west from traverse peg K (at the junction of the Rotokino and Wataroa Rivers) and a line bearing  $108^{\circ} 59'$  from traverse peg N (the most northerly point of Section 2356), together with that part of the said provisional State forest intercepted between the said five-chain strip, the northern boundary of Section 2356, and the edge of Lake Rotokino: as the same is delineated on plan marked L and S 4/540, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon coloured yellow.

- (4) The land to which subsection two hereof relates is particularly described as follows:—

All that area in the Westland Land District, containing twenty-four acres, more or less, situated in Block VII, Wataroa Survey District, being all that part of a road reserve along the southern bank of Lake Rotokino and the left bank of the Rotokino River intercepted between a line bearing  $245^{\circ} 28'$  from traverse peg N (the most northerly point of Section 2356), and a line bearing due east from traverse peg K, at the junction of the Rotokino and Wataroa Rivers: as the same is delineated on plan marked L and S 4/540, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon coloured green.

The Scenery Preservation Act 1908 was repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953 (1953 No 69). That Act was in

turn repealed, as from 1 April 1978, by section 125(1) Reserves Act 1977 (1977 No 66).

## **12 Authorizing Lyttelton Harbour Board to grant certain land to Lyttelton Borough Council as a recreation reserve**

Whereas by section seventeen of the Reserves and other Lands Disposal Act 1928, the Lyttelton Harbour Board (hereinafter referred to as the Board) was empowered, upon suitable access to a public road or street being provided thereto by the Lyttelton Borough Council, to transfer and assure by way of gift to the Corporation of the Borough of Lyttelton the piece of land described in subsection four of the said section as a public reserve under the Public Reserves and Domains Act 1908, for the use and recreation of the inhabitants of the borough: And whereas the Lyttelton Borough Council has found it inexpedient to provide suitable access to the said piece of land in the situation described in the said section, and the said Council desires to alter the situation of the proposed recreation-ground, to which alteration the Board has agreed: Be it therefore enacted as follows:—

- (1) Section seventeen of the Reserves and other Lands Disposal Act 1928, is hereby repealed.
- (2) Upon suitable access to a public road or street being provided thereto by the Lyttelton Borough Council the Board may transfer and assure by way of gift to the Corporation of the Borough of Lyttelton the piece of land hereinafter described as a public reserve under the Public Reserves, Domains, and National Parks Act 1928, for the use and recreation of the inhabitants of the borough.
- (3) If after the Board has transferred the said area to the Corporation the Lyttelton Borough Council fails for ten years to take any steps to lay out and make the same suitable for recreation purposes, the Governor-General may, at the request in writing of the Board, by Order in Council cancel the reservation over the said area, which shall thereupon revert in the Board and be held by that body for the same purposes for which it was held prior to its transfer to the Corporation.
- (4) The Board shall not be liable to bear any part of the cost of erecting any boundary-fences between the said area and any land of the Board.

- (5) The land to which this section relates is particularly described as follows:—

All that area in the Canterbury Land District, situated in Block IV, Halswell Survey District, containing by admeasurement six acres one rood eighteen perches, more or less, being that part of Lot 1 on the plan deposited in the office of the District Land Registrar at Christchurch as Number 8045, as is more particularly shown and delineated on plan marked MD 6689, deposited in the office of the Marine Department, at Wellington, and thereon bordered green, and being part of the land comprised in certificate of title, Volume 383, folio 293, Canterbury Land Registry.

**13 Vesting in Dunedin Ocean Beach Domain Board part of Section 5, Block XII, Dunedin and East Taieri Survey District**

*[Repealed]*

Section 13 was repealed, as from 18 December 1992, by section 5 Ocean Beach Public Domain (Repeal and Vesting) Act 1992 (1992 No 7(L)).

**14 Authorizing lease of certain land in Selwyn Settlement, Auckland Land District, to the Bartholomew Land and Timber Co, Ltd**

Whereas by section nineteen of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1910, as amended by section three of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1911, the Governor was empowered to grant to the Bartholomew Land and Timber Company, Limited, a lease for a term of twenty-one years over certain areas in the Selwyn Settlement, Auckland Land District, to enable the said company to place, erect, construct, and maintain on the said areas timber-yards, depots, and tramway-line: And whereas a lease for a term of twenty-one years was duly issued to the said company, and the term of such lease will expire on the thirty-first day of December, nineteen hundred and twenty-nine: And whereas the said company has applied for the grant of a further lease for a term of twenty-one years from the first day of January, nineteen hundred and thirty, and it is deemed expedient to grant the said application: Be it therefore enacted as follows:—

- (1) Notwithstanding anything to the contrary in any Act, the Governor-General is hereby empowered to grant a lease of the land hereinafter mentioned to the said company for a term of twenty-one years from the first day of January, nineteen hundred and thirty, and for the aforesaid purposes, upon such terms and conditions as he may think proper:

Provided that such lease shall contain a clause to the effect that no liability or responsibility of any kind whatsoever shall attach to the Crown in connection with the construction or maintenance of the said tramway or the haulage of goods or trucks over the same, or on account of any damage, claim, demand, action, or suit arising out of or being incidental thereto in any way whatsoever.

- (2) The parcels of land to which this section relates are described as follows:—

All that area in the Auckland Land District, containing one hundred and forty-five acres three roods eight perches, more or less, being part of Small Grazing-run Number 36, Block XI, Patetere North Survey District (Selwyn Settlement), and being the area described in subsection two of section nineteen of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1910.

Also all that area in the Auckland Land District, being parts of Small Grazing-runs Numbers 37 and 106, Selwyn Settlement, and containing by admeasurement fifty-two acres one rood nineteen perches more or less, and being the area firstly described in section three of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1911.

Also all that area in the Auckland Land District, being part of Small Grazing-run Number 106, Selwyn Settlement, and containing by admeasurement thirty perches, more or less, and being the area secondly described in section three of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1911.

**15 Vesting in the Otago Harbour Board certain Railway wharves and Railway land at Port Chalmers**

Whereas the lands referred to in section nineteen of the Reserves and other Lands Disposal Act 1928, have been ascertained and defined by survey and recorded on a survey plan which has been approved by the Minister of Railways and the Otago Harbour Board, and which has been deposited in the Lands Registry Office at Dunedin as Number 3904: And whereas an agreement for sale and purchase has been entered into by and between the Minister and the Board pursuant to the said section nineteen and with, upon, and subject to the terms and conditions therein mentioned: Be it therefore enacted as follows:—

- (1) The three Railway wharves at Port Chalmers known respectively as George Street Pier, Bowen Pier, and Export Wharf, and also all that parcel of land in the Otago Land District containing an area of seven acres and thirty-two perches, be the same a little more or less, being a portion of Railway Reserve at Port Chalmers, and being more particularly shown bordered in green on the said plan, together with the buildings, ships' fender, electric-lighting appliances, and erections thereon, but not including the rails and other materials, fixtures, and appliances used in connection therewith or forming part of the railway permanent-way, are hereby transferred to and vested in the Otago Harbour Board.
- (2) The Minister and the Railways Department and the Board shall respectively at all times hereafter perform and observe and be bound by the terms, provisions, and conditions of the said agreement and therein provided to be performed or observed by him or it, any rule of law to the contrary notwithstanding.
- (3) Except as hereby expressly provided nothing herein contained shall affect or prejudice the provisions of the said section nineteen.

**16 Validating certain expenditure by Auckland City Council on Motuihi Island, and conferring certain powers on the said Council**

Whereas Motuihi Island in the Hauraki Gulf is vested in His Majesty the King and it is intended to vest the control of the said island, or a portion thereof, in the Auckland City Council to be administered

as a Domain: And whereas, pending such vesting of control as aforesaid, possession of portion of the said island has been given to the Auckland City Council and moneys have been expended by the said Council in the improvement and management thereof, and it is desirable to validate such expenditure and to make further provision in relation to the said island: Be it therefore enacted as follows:—

- (1) It shall be and shall be deemed to have been lawful for the Auckland City Council (hereinafter called the Council) to assume and maintain control of that portion of Motuihi island now in its possession, and to expend moneys in fencing, improving, and managing such land in the same manner and to the same extent as if the same had been constituted a domain under section thirty-four of the Public Reserves, Domains, and National Parks Act 1928, and the Council had been appointed to be the Domain Board thereof in terms of section forty-eight of that Act.
- (2) Pending the vesting of the control of the said island, or portion thereof, in the Council as a Domain Board the Council shall have and may exercise all the powers in relation to that portion of the island mentioned in the last preceding subsection as if the said portion were a public domain constituted under section thirty-four of the Public Reserves, Domains, and National Parks Act 1928, and under the control of the Council as a Domain Board appointed under section forty-eight of that Act:

Provided that it shall not be lawful for the Council to carry out any further works or improvements on the said island without the prior consent of the Minister of Lands.

**17 Closing portion of road along Wairoa River, North Auckland Land District, and providing for disposal of land contained therein**

Whereas in taking the land required for the North Auckland Main Trunk Railway and the Dargaville Branch Railway, and for road diversions in connection therewith, the property known as Pohoatu No 2 Block, containing approximately one hundred and twenty-six acres, was severed into six separate areas: And whereas portion of the old road on the bank of the Wairoa River is not now required for road purposes, the Dargaville Branch Railway having been

constructed on portion of such road and other access provided for the properties affected, and it has been agreed to grant the land contained therein as part compensation to the owner of the said property: Be it therefore enacted as follows:—

- (1) The portion of a river-bank road hereinafter described is hereby closed and the land comprised therein is hereby declared to be Crown land available for disposal as hereinafter provided.
- (2) The Governor-General is hereby empowered by Warrant under his hand to authorize the issue of a certificate of title to the adjoining owner in respect of the land comprised in the said portion of closed road.
- (3) The portion of a river-bank road hereby closed is particularly described as follows:—

All that portion of road along the Wairoa River, in the North Auckland Land District, containing by admeasurement two acres three roods twenty perches, more or less, adjoining Pohoatua No 2A, 2B, 2C, and 2D Blocks, Block VII, Maungaru Survey District: as the same is more particularly delineated on the plan marked PWD 77001, deposited in the office of the Minister of Public Works at Wellington, and thereon coloured green.