

NEW ZEALAND.



TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. XXXVII.

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AN ACT to authorize the granting of certain Parcels of Land to the Oamaru Harbour Board, and to vest certain other Parcels of Land in Her Majesty the Queen. [31st August, 1874.]

WHEREAS by an Ordinance of the Superintendent and Provincial Council of the Province of Otago, passed in the thirty-third Session of the said Council, number four hundred and twenty-three, and shortly intituled "The Oamaru Harbour Board Ordinance, 1874," a corporate body styled "the Oamaru Harbour Board" was constituted for the purposes in the said Ordinance expressed: And whereas it is expedient that the two several parcels of land specified and described in the First Schedule hereto should be vested in the Oamaru Harbour Board constituted by the said Ordinance upon trust, as a site for wharfs docks and warehouses, and generally for the improvement of the Port of Oamaru: And whereas the three several parcels of land specified and described in the Second Schedule hereto are required by Her Majesty's Government in New Zealand for railway and other purposes, and it is expedient to vest the said last-mentioned parcels of land in Her Majesty the Queen:

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 Oamaru Harbour Board Land Act, 1874."

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Land in First Schedule may be granted to Harbour Board.

Harbour Board to hold lands in First Schedule upon trust, and to manage same in same manner as other lands vested in the Board.

Lands in Second Schedule to vest in Her Majesty.

Right reserved to Crown to carry railway over land described in Third Schedule.

2. It shall be lawful for the Governor to grant in fee-simple to the Oamaru Harbour Board the several parcels of land described in the First Schedule hereto, and every or any part thereof respectively.

3. The lands described in the said First Schedule hereto, when and after the same shall be granted to the Oamaru Harbour Board, shall be held in trust by the said Board, and shall be subject to the provisions of the said "Oamaru Harbour Board Ordinance, 1874," and may be leased mortgaged or otherwise dealt with charged and encumbered in the same manner and to the same extent as any other lands vested in the said Board may be dealt with charged or encumbered under the provisions of the said Ordinance.

4. Immediately upon the passing of this Act, the parcels of land described in the Second Schedule hereto shall, without any conveyance or assurance whatsoever, vest in Her Majesty the Queen, her heirs and successors, for all such estate or interest as the Oamaru Harbour Board now hath therein.

5. It shall be lawful for the Governor, in the name and on behalf of Her Majesty, her heirs and successors, to enter upon take hold and use the parcel of land described in the Third Schedule hereto for the purposes of the Waitaki-Moeraki line of railway, and from time to time, and at all times hereafter, to execute and construct thereon or thereover all necessary works and erections for the purposes of the said railway, and for ever hereafter to maintain such works and erections for the purposes of such railway (subject however as hereinafter provided) without payment of any premium rent or other sum of money by way of compensation for the taking and user of such land or otherwise howsoever:

Provided always that the flow of water from the lagoon known as the "Brewery Lagoon," in and over the said parcel of land, shall not be obstructed or impeded by the works or erections so to be constructed made and maintained as aforesaid: Provided also that if at any time the Oamaru Harbour Board shall determine to construct a dock in the said lagoon, or if the said works so to be constructed or erected as aforesaid shall interfere with the free use of the said lagoon by ships or vessels authorized by the said Harbour Board to use the same, the Governor shall, within eighteen months after being required by a notice in writing from the said Board so to do, erect a swing-bridge, drawbridge, or such other works as he may think fit, for carrying the said railway over the said parcel of land; in such manner, nevertheless, that the free use of the said parcel of land by ships or vessels authorized by the said Harbour Board to use the same shall not be unnecessarily obstructed or impeded.

The cost of erecting such swing-bridge, drawbridge, or other works as aforesaid, shall be paid out of any moneys for the time being applicable for the construction or maintenance of the said railway.

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SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that parcel of land in the Province of Otago, containing by estimation one hundred and sixty-two acres two roods and twelve poles, more or less, the boundaries thereof commencing at a point on the northernmost boundary line of the parcel of land now or lately vested in the Oamaru Dock Trust, the said point being 520 links, more or less, distant from the northernmost corner of the said parcel of land vested in the Oamaru Dock Trust along the said northernmost boundary line thereof; proceeding thence in an easterly direction four thousand and eighty (4080) links; thence in a southerly direction four thousand three hundred and thirty-five (4335) links; thence in a westerly direction two thousand eight hundred and thirty-five (2835) links; thence in a southerly direction two hundred and eighty (280) links; thence in a westerly direction five hundred and seventy (570) links; thence in a north-westerly direction nine hundred and ten (910) links; thence in a northerly direction seven hundred and twenty (720) links; thence in an easterly direction one hundred and thirty-eight (138) links; thence in a northerly direction four hundred and four (404) links; thence in a northerly direction three hundred and seventy-five (375) links; thence in a northerly direction seven hundred and ten (710) links; thence in a south-easterly direction one thousand two hundred (1200) links; thence in a northerly direction two thousand two hundred and eighty (2280) links; thence in a north-westerly direction one thousand one hundred (1100) links to the starting point, or howsoever otherwise the said parcel of land is or may be bounded described known or distinguished.

Also all that parcel of land bounded on the North by a boundary line of the parcel of land now or lately vested in the Oamaru Dock Trust, commencing at a point on the east side of Tyne Street, the said point being situated seven hundred (700) links south of the north-east corner of Tyne and Itchen Streets, and proceeding thence in an easterly direction for a distance of four hundred and sixty (460) links; thence bounded on the South-east by a line five hundred and twenty-five (525) links long, to a point in the north side line of Wansbeck Street three hundred and three (303) links east of Tyne Street; thence by a line abutting on Wansbeck Street running westerly one hundred and fifty (150) links; thence by a line at right angles to Wansbeck Street, running in a northerly direction for a distance of two hundred (200) links; thence by a line parallel to Wansbeck Street and two hundred (200) links distant therefrom, running in a westerly direction for a distance of one hundred and fifty-three (153) links to a point situated in the east side of Tyne Street one thousand (1000) links south of the north-east corner of Tyne and Itchen Streets aforesaid; thence bounded on the West by a line abutting on Tyne Street, three hundred (300) links long, running in a northerly direction to the starting point.

SECOND SCHEDULE.

ALL that parcel of land in the Town of Oamaru, in the Province of Otago, bounded on the South by a line abutting on the north side of Itchen Street, commencing at the north-east corner of Tyne and Itchen Streets, and continuing in a westerly direction along Itchen Street for a distance of two hundred and twelve (212) links; thence by a line two hundred and eighty-six (286) links in length, to a point in the east side of Thames Street, the said point being one hundred (100) links north of the corner of Itchen Street; thence on the West by a line eighty (80) links long running north and abutting on Thames Street; thence on the North by a line two hundred and ten (210) links long running in an easterly direction at right angles to Thames Street; thence by a line running in a south-easterly direction for a distance of one hundred and forty (140) links to a point situated fifty (50) links north of Itchen Street; thence by a line running in an easterly direction parallel to Itchen Street for a distance of one hundred and sixty (160) links; and thence on the East by a line running in a southerly direction in continuation of the eastern side of Tyne Street for a distance of fifty (50) links to the starting point.

And also all that parcel of land in the Town of Oamaru aforesaid, bounded on the West by a line abutting on Tyne Street, commencing at a point twenty-six (26)

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links south of the north-east corner of Tyne and Itchen Streets, and continuing southerly along Tyne Street seventy-four (74) links; thence by a line running in an easterly direction at right angles to Tyne Street thirty-three (33) links long; thence on the South-west by a curved line, being an arc seven hundred and sixty (760) links in length of a circle having a radius of eight hundred and seventy-six (876) links, to a point in the southern boundary of the parcel of land now or formerly vested in the Oamaru Dock Trust and situated four hundred and sixty (460) links east of Tyne Street; thence on the South by a line running eastward for a distance of one hundred and sixteen (116) links; thence on the East by a line running in a northerly direction parallel to Tyne Street for a distance of seven hundred and fifty (750) links; thence by a line running in a westerly direction and at right angles to last-mentioned line for a distance of one hundred and fourteen (114) links; thence by a line running in a northerly direction and parallel to Tyne Street for a distance of fifty (50) links; thence by a line running in a westerly direction and at right angles to the last described line, for a distance of sixty-two (62) links; thence by a line running in a southerly direction, and parallel to Tyne Street for a distance of two hundred (200) links; thence by a line running in a westerly direction in the continuation of the south side line of Itchen Street, for a distance of two hundred and sixty-eight (268) links to a point one hundred and thirty-two (132) links east of Tyne Street; and thence by a line running in a north-westerly direction for a distance of one hundred and fifty (150) links to the starting point.

And also all that parcel of land in the Town of Oamaru aforesaid, bounded on the North by the northernmost boundary line of the said parcel of land, now or formerly vested in the Oamaru Dock Trust, commencing at a point one hundred and twenty-six (126) links east of Humber Street, in the direction of the said northernmost boundary line, and continuing in an easterly direction for a distance of seventy-seven (77) links along the said boundary line; thence on the East by a line bearing one hundred and seventy-six (176) degrees sixteen (16) minutes east of magnetic north, and eight hundred and sixty-five (865) links long; thence on the South by a line running in a westerly direction at right angles to last-named line for a distance of seventy-six (76) links; thence on the West by a line running in a northerly direction at right angles to last-named line for a distance of eight hundred and seventy-six (876) links to the starting point.

THIRD SCHEDULE.

ALL that parcel of land in the Town of Oamaru aforesaid, bounded on the North by the southernmost boundary line of the parcel of land last described in the above Second Schedule, being a line of an easterly direction, and of the length of seventy-six (76) links; thence by a line running in a southerly direction for a distance of two hundred and sixty (260) links; thence by a line running in a westerly direction for a distance of seventy-six (76) links; and thence by a line running in a northerly direction for a distance of two hundred and sixty (260) links to the starting point; all the four angles formed by and contained within the above four boundary lines being right angles.

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