

Superintendents Incorporation Act 1863

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An Act to enable Superintendents of Provinces to take and hold Lands as Bodies Corporate.

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

I Short Title.

The Short Title of this Act shall be the “Superintendents Incorporation Act 1863.”

II Grants &c. to Superintendents to be deemed to have been made to them and their successors.

Whenever any Grant Conveyance Lease or other Assurance shall before the coming into operation of this Act have been made and issued or signed and

executed to the Superintendent of any Province in Trust for or on behalf of the said Province either in his official name as Superintendent or in his Christian or first name and Surname and whether made or not to his Successors or his Heirs the Land and hereditaments therein described and purporting to be thereby granted conveyed demised or otherwise assured shall be deemed and taken to have been granted conveyed demised or otherwise assured unto such Superintendent and his Successors in the office of Superintendent subject nevertheless to the Trusts and for the purposes (if any) in the said Grant Conveyance Lease or other Assurance respectively set forth Provided that such Trusts and purposes may be changed from time to time by any Law or Ordinance to be duly passed in that behalf by the Superintendent and Provincial Council of the Province in respect of which any such Land is held and which Law or Ordinance such Superintendent and Provincial Council are hereby empowered to pass accordingly.

III Declaration by grantee &c. that grant &c. was made on behalf of Province to be conclusive evidence thereof.

A declaration endorsed on or annexed to any such Grant Conveyance Lease or other Assurance signed by the person to whom the same was made whether at the time Superintendent or not or by other the person for the time being entitled to the Legal Estate or if it shall appear by the said Grant Conveyance Lease or other Assurance itself that the same was made for or on behalf of the Province then by the Superintendent for the time being to the effect that such Grant Conveyance Lease or other Assurance was made to him in Trust for or on behalf of any Province shall be deemed conclusive evidence that the same was so made and such Trust or purposes shall be set out in such declaration unless the same be set forth in the Grant Conveyance Lease or other Assurance to which such declaration relates.

IV Superintendents incorporated.

The Superintendent of each of the Provinces now existing or which hereafter shall exist in New Zealand and his Successor shall for the purposes of this Act and also in respect of any Lands and hereditaments which shall hereafter be granted conveyed demised or otherwise assured to him as such Superintendent and his Successors be deemed and taken to be a Body Corporate and shall take and bear the name of "The Superintendent of the Province of _____" as the case may be and by that name shall have perpetual succession and shall be capable in Law to do and suffer whatever may be lawfully done and suffered by a Body Corporate.

V Provincial laws may authorise sale &c. of land affected by this Act.

It shall be lawful for the Superintendent and Provincial Council of any Province to make or ordain any Law or Ordinance in respect of any Land affected by this Act and vested in the Superintendent thereof authorising the sale

exchange letting and disposal of any such land and appropriating the money arising therefrom in such manner as such Law or Ordinance shall direct.

VI Act not to apply to Grants under the “Public Reserves Act 1854.”

Nothing herein contained shall be deemed to apply to or in any way affect any Land or hereditaments granted or to be hereafter granted under the “Public Reserves Act 1854.”