

# **New Plymouth Exchanges Commission Act 1865**

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### **An Act to authorize the Governor to issue Commissions respecting certain Exchanges in the Town of New Plymouth.**

#### **Preamble.**

Whereas by an Ordinance of the Superintendent and Provincial Council of Taranaki intituled "The Town of New Plymouth Compensation Ordinance 1859" it was enacted that it should be lawful for the Superintendent to appropriate to every person whose

lands lying within the said Town had been taken or injured for certain public purposes and who should have duly deposited his claim and substantiated the same to the satisfaction of the Superintendent section for section or such further or other portion of land being part of the public reserves within the boundaries in the said Order respectively mentioned as might appear to be equitable And whereas by another Ordinance of the said Superintendent and Provincial Council intituled “The Town of New Plymouth Consolidation Ordinance 1859” it was enacted that it should be lawful for the Superintendent to alter and contract the boundaries of the Town site of New Plymouth as therein mentioned and that all persons possessing land within the then Town site of New Plymouth but outside such new boundaries as therein mentioned and who should agree to surrender such land and all rights or claims to the same and all land orders documents and deeds relating thereto and to comply with such other regulations as the Superintendent might appoint should be entitled to select from the said public reserves lying within such new boundaries section for section in respect of the land so agreed to be surrendered and further that it shall be lawful for the Superintendent to enter into any agreement or agreements with other persons holding land within any part of the then Town site of New Plymouth for the exchange of such land section for section with other land part of the said public reserves within the said site and whereas under the provisions or supposed provisions of the said Ordinances or one of them various exchanges have been made or agreed to be made between and by the said Superintendent and such other persons as aforesaid and others have been provisionally made by the said Superintendent and the Commissioner of Crown Lands where neither the owners themselves of the lands nor any person authorized to act on their behalf could be found and other exchanges have been provisionally made either with the consent of the owners or without their consent some of such exchanges having been made after the expiration of the latter of the said two Ordinances And whereas doubts have arisen as to the validity of such exchanges or some of them and it is expedient to remove such doubts

**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 New Plymouth Exchanges Commission Act 1865.”

**II Governor may appoint Commissioners.**

It shall be lawful for the Governor in Council at any time and from time to time to issue for and within the Province of Taranaki one or more Commission or Commissions under the Public Seal of the Colony appointing one or more fit and proper person or persons to be a Commissioner or Commissioners for the purposes hereinafter mentioned And any and every such Commissioner at any time and from time to time to remove and upon the removal resignation or death of any such Commissioner to appoint any other person to be a Commis-

sioner in his stead And any and every such Commission at any time and from time to time to revoke and to issue a new Commission instead thereof.

### **III Style of Commissioners.**

Such Commissioner or Commissioners shall be styled the New Plymouth Exchanges Commissioner or Commissioners.

### **IV Governor may appoint Clerks &c.**

The Governor in Council may at any time and from time to time appoint clerks and other officers for the conduct of the business under any and every such Commissioner and may remove any and every such clerk and officer and appoint another or others in his or their stead.

### **V Oath of Commissioners.**

Every Commissioner shall upon his appointment and before acting in his Commission take and subscribe an oath before a Judge of the Supreme Court to perform the duties of his office to the best of his skill and ability.

### **VI Powers and duties of Commissioners.**

The powers and duties of every such Commissioner shall be the powers and duties defined and declared in and by the Commission by which he is appointed Commissioner and shall be particularly defined and declared in and by such Commission and every such Commissioner shall and may have and perform all such powers and duties and no others Such duties shall be generally to inquire into and investigate and examine all or any exchanges made or purporting to be made under the provisions or supposed provisions of "The Town of New Plymouth Compensation Ordinance 1859" or "The Town of New Plymouth Consolidation Ordinance 1859" and whether made or purporting to be made between and by the said Superintendent of the said Province and other persons being owners of land as in the said Ordinances or either of them mentioned or by the said Superintendent and the Commissioner of Crown Lands where neither such other persons nor any person authorized to act on their behalf could be found or whether made or purporting to be made provisionally either with the consent of such other persons or without their consent and whether made or purporting to be made before or after the expiration of the last-mentioned of the said Ordinances and in all such cases as aforesaid in which it shall appear to the Commissioner or Commissioners that it will be for the mutual benefit of the parties concerned that such exchanges or any of them should be confirmed in whole or in part to confirm the same accordingly and for the purposes aforesaid or any of them to inspect and investigate the register of deeds and instruments for the said Province including the index book and other books maps documents and writings used or kept in the Register Office of the said Province and thereupon to make such entries in such register books maps

documents and writings respectively as he shall think proper in manner and by such Commission authorized and required.

**VII Governor may make regulations for conduct of business of Commission.**

It shall be lawful for the Governor in Council in and by any and every such Commission to order and direct that the powers and duties of the Commissioner or Commissioners therein named shall be exercised and performed and the business of the Commission conducted according to regulations to be at any time and from time to time made and prescribed by any Order or Orders in Council and such regulations may be made and prescribed by any Order or Orders in Council accordingly and may be revoked or altered in whole or in part by any subsequent regulation or regulations to be at any time and from time to time made as aforesaid all such regulations shall be published in the Government *Gazette* of the Colony and also of the said Province and when so published shall have the force and effect of law.

**VIII Power for Commissioners to call for books &c. and examine parties.**

The Commissioner or Commissioners shall have power to call for the production of all such books documents papers and writings as he or they shall think necessary or proper and to call before him or them all parties and persons to be examined and to examine such parties and persons upon oath.

**IX No appeal from Commissioners.**

The decision of the Commissioner or Commissioners in every case shall be final and conclusive and not subject to any appeal whatsoever.

**X Governor may make grants.**

It shall be lawful for the Governor from time to time in the name and on behalf of Her Majesty to make such grants as may be necessary for giving effect to any award of such Commissioners.

**XI Superintendent may execute conveyances.**

It shall be lawful for the Superintendent to make and execute all deeds and conveyances whatsoever which may be necessary for giving effect to any award of such Commissioners whether affecting land within the said public reserves or land which may have become vested in the Superintendent by any grant or deed made or executed in performance of any such award.

**XII Governor may appoint persons to execute deeds.**

It shall be lawful for the Governor to appoint any person or persons to execute deeds and conveyances requisite for giving effect to such award on behalf of infants lunatics and persons absent from the Colony And all deeds and conveyances executed by such person or persons shall be as effectual as if the same were executed by the person or persons on whose behalf he or they shall

have been so appointed and such deeds shall take effect notwithstanding the incapacity of any such person or persons.