

# Canterbury Educational Reserves Sale and Leasing Act 1876

Public Act 1876 No 10  
Date of assent 2 September 1876

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**AN ACT to provide for the Sale and Leasing of certain Educational Reserves in the Province of Canterbury.**

### **Preamble**

WHEREAS by five several Crown grants, each bearing date the thirteenth day of April, one thousand eight hundred and seventy-five, all those parcels of land described in Schedule 1 hereto, with all the rights and appurtenances thereto belonging, were granted to the Superintendent of the Province of Canterbury and his successors in trust as an endowment for schools of technical science and agriculture, and for the promotion of superior education: And whereas it was resolved by the Provincial Council of Canterbury that the said lands should be leased to the present holders of depasturing licenses over the same upon the same terms and conditions as the same were held under the provisions of the Waste Lands Regulations of the Province of Canterbury: And whereas by an Ordinance of the Superintendent and Provincial Council of Canterbury, intituled "The Educational Reserves Leases Ordinance, No 2, 1875", provision is made for leasing the said lands to the present holders of depasturing licenses over the same land: And whereas the several parcels of land described in Schedule 2 hereto were, upon the recommendation of the Provincial Council of the Province of Canterbury, by Proclamation of the Superintendent of the said province, duly reserved as an endowment for a school of technical science and other educational purposes, and as an endowment for the promotion of superior education: And whereas it is expedient that further provision should be made by which the said lands shall be open for sale upon the same terms and conditions as those upon which the waste lands of the Province of Canterbury are now open for sale pursuant to the Waste Lands Regulations for the time being in force in the said province, and for the management and leasing of the said lands:

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

#### **1 Short Title**

The Short Title of this Act shall be The Canterbury Educational Reserves Sale and Leasing Act 1876.

**2 Superintendent may convey lands in Schedule 1 to Canterbury College**

It shall be lawful for the Superintendent of the Province of Canterbury to convey and assure the said lands mentioned and described in Schedule 1 to this Act unto the Canterbury College, the body incorporated under and by virtue of an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, intituled The “Canterbury College Ordinance, 1873”, to be held by the said College upon trust for the several purposes respectively declared of and concerning the same in the said Crown grants of the said lands.

**3 Governor may issue Crown grants for lands in Schedule 2**

It shall be lawful for His Excellency the Governor to sign and issue or cause to be issued Crown grants, granting the several parcels of land mentioned and described in Schedule 2 to this Act unto the said Canterbury College, their successors and assigns, to hold the same upon trust for the several purposes respectively for which the same have been respectively reserved by the Superintendent and Provincial Council of the Province of Canterbury.

**4 Reserves not to be affected by pre-emptive right**

No Crown grant of any of the lands described in Schedules 1 and 2 hereto, which may have been made or which may hereafter be made, shall be liable to be impeached set aside or corrected by reason of there being in force, at the time the lands included therein were reserved, any pre-emptive right over any part of the lands described in such Crown grants.

**5 Said lands open for sale, subject to Canterbury Waste Lands Regulations**

The said lands shall at all times be open for sale and disposal in parcels at the same price and upon the same terms and conditions in all respects as those upon which the waste lands of the Crown in the Province of Canterbury are now or may hereafter be open for sale pursuant to any laws in force for the time being regulating the sale of the said waste lands;

and every application to purchase such lands, or any part or parts thereof, shall be made to the Commissioners of the Waste Lands Board of the Province of Canterbury in the same manner and form as applications to purchase waste lands of the Crown in the said province are now or hereafter may be made, and, upon payment of the purchase money for the land comprised in every such application, the Board may declare the applicant to be the purchaser thereof, and may sign and issue to such purchaser a receipt for such purchase money, and an authority to take possession of and hold the land comprised in such application.

**6 Applications for purchase to be entertained in order of priority**

Every such application shall be entertained and determined in the manner provided by law in respect to waste lands of the Crown in the said province: Provided always that as to any portions of the said lands over which pre-emptive rights were in force at the time of the reserving thereof, the person or corporation entitled to a lease thereof or to whom such land may have been leased pursuant to the power herein contained shall have the prior option of purchasing such portion or portions in accordance with the law for the time being regulating such pre-emptive rights.

**7 Board to give notice of former dealings in said lands**

The Board shall forthwith, in case any part or parts of the said lands vested in the Superintendent aforesaid has or have been sold before the conveyance thereof to the said College pursuant to the power hereinbefore contained, give notice to the Superintendent of every such sale, and it shall be his duty to convey and assure the said lands so sold to the purchaser or purchasers thereof; and in case the said lands have been vested in the said College, the Board shall forthwith give notice to the said College of every such sale, and it shall be the duty of the said College to convey the lands which shall have been sold by the said Board to the purchaser or purchasers thereof.

**8 Purchase money to be received by Board and paid over to College**

The purchase moneys realized by every such sale shall be received by the Board, and shall be forthwith paid over by the Board to the said College, to be held and applied by the said College upon and for the same purposes respectively as are declared in the Crown grants of the lands of which the portions respectively sold form part.

**9 College shall invest moneys received**

The said College shall invest the moneys arising from the sale of the said lands or any part thereof, in the name of the College, in the purchase of freehold lands in New Zealand, or upon mortgage of freehold lands in New Zealand, or in Government stocks funds bonds bills or debentures of the Colony of New Zealand, or in any stocks funds or debentures of any Municipal or other Corporation authorized by special legislation to borrow upon the security of rates, with power, in the discretion of the College, to vary the investment from time to time for any other of the kinds specified.

Provided always that the College may from time to time, with the consent of the Governor in Council, invest any part of the said moneys, not exceeding the sum of twenty thousand dollars, in the purchase of sites and the erection of buildings for the purposes of the said College.

The expression “twenty thousand dollars” was substituted for the expression “ten thousand pounds” as from 10 July 1967 pursuant to section 7(1) Decimal Currency Act 1967 (1964 No 27).

**10 Conditions of leases to present lessees to be same as provided by Waste Lands Regulations**

It shall be lawful for and obligatory upon the said College to lease to every person or corporation, who was under the said Waste Lands Regulations at the time of making the reserve the holder of a depasturing license or licenses for any portion or portions of the said lands, the portion or portions comprised in such license or licenses, to hold the same at the same rent payable to the College and upon the same terms and conditions in all respects as the same lands were held under the provisions