No. 5, 1926.]

ACT

To provide for the grant of certain land to the Local Board of the Township of Mooi River and matters incidental thereto.

WHEREAS in terms of section *ten* of the Commonages Act, 1904 (No. 35 of 1904) of Natal certain land bounded northwards by New Weston Lots, Crown land and Southview, eastwards by Turner Park and Weston Trades School, southwards by Weston Trades School and Luton, westwards by Lots " G " " H " Redmond and New Weston was dedicated as Townlands for the use and enjoyment of persons resident upon the erven of the village of Weston:

And whereas in terms of an agreement of lease dated the twenty-sixth day of September, 1907, entered into between John Leslie Masson, in his capacity as Surveyor-General of Natal and as such acting for and on behalf of the Government of Natal of the one part and the Honourable George Turner, the Honourable Henry Daniel Winter, Percy Deudney Simmons and Charles Banastre Lloyd, in their capacity as trustees of the Turner Park of the other part, certain piece of land in extent 332 acres 1 rood and 36 perches, known as Turner Park, of Weston, situate in the county of Weenen, Colony of Natal, was leased to the said trustees for a period of ninety-nine years commencing on the first day of September, 1907, as a site for a recreation ground and rifle range and similar purposes:

And whereas in terms of a memorandum of agreement made and entered into on the twenty-seventh day of May, 1908, between John Lincoln Watson in his capacity as Acting Surveyor-General of Natal and as such acting for and on behalf of the Government of Natal of the one part and the Honourable Henry Daniel Winter, Percy Deudney Simmons and Charles Banastre Lloyd in their capacity as the surviving trustees of the Turner Park and Alfred Fairlie Henderson as the trustee appointed in place of the Honourable George Turner, deceased, of the other part, the agreement of lease referred to in the preceding paragraph was modified in certain respects and it was provided *inter alia* that, in the event of the village of Weston being constituted a municipality or being proclaimed a township under Law No. 11 of 1881 of Natal, the Trust created in favour of the inhabitants of the village of Weston in terms of the aforesaid agreement of lease should vest in the municipal council or local board of such municipality or township:

And whereas by Proclamation No. 22 of 1921, dated the seventh day of November, 1921, issued by the Administrator of the Province of Natal, the village of Mooi River was proclaimed a township within the meaning of Law No. 11 of 1881 of Natal:

And whereas the township of Mooi River as so proclaimed and as described in the plan of the said township filed in the office of the Surveyor-General, Pietermaritzburg, included the villages of Weston, New Weston, Lawrenceville, certain subdivision of the farm Grantleigh, the Lots known as Carson and Redmond and Crown land adjoining the village of New Weston:

And whereas it is desirable that there should be vested in the local board of the township of Mooi River, for the use, enjoyment and benefit in common of all the inhabitants of the said township, and not exclusively for the use, enjoyment and benefit of the owners of erven within the former village of Weston, the unalienated Crown lands destined or reserved for the purpose of the village of Weston and the unalienated Crown erven within the said village not reserved for public purposes:

And whereas in pursuance of the purposes mentioned in the last preceding paragraph it is necessary that the aforesaid

No. 5, 1926].

WET

Om voorsiening te maak vir die toekenning van sekere grond aan die Plaaslike Bestuur van die Dorp Mooirivier en vir daarmee in verband staande sake.

NADEMAAL 'n sekere stuk grond, begrens in die noorde deur Persele van New Weston, Kroongrond en Southview, in die ooste deur Turner-Park en die Westonse Ambagskool, in die suide deur die Westonse Ambagskool en Luton en in die weste deur persele " G ", " H " van Redmond en New Weston, kragtens artiekel *tien* van die Dorpsgronde-Wet, 1904 (No. 35 van 1904) van Natal, as Dorpsgrond bestem is vir die gebruik en genot van bewoners van die erwe van die dorpie Weston;

En nademaal kragtens 'n huur-ooreenkoms gedateer die ses-en-twintigste dag van September 1907, aangegaan deur John Leslie Masson in sy hoedanigheid van Landmeter-generaal van Natal, en as sodanig handelende namens die Regering van Natal aan die een kant en die Edelagbare George Turner, die Edelagbare Henry Daniel Winter, Percy Deudney Simmons en Charles Banastre Lloyd, in hulle hoedanigheid van Kuratore van die Turner-Park aan die ander kant, 'n sekere stuk grond, groot 332 akkers, 1 roede en 36 perches, genoem Turner-Park, van Weston, in die Graafskap Weenen, Kolonie Natal, aan voormelde kuratore verhuur geword is vir 'n tydperk van negen-en-negentig jaar vanaf die eerste dag van September 1907, as 'n ontspannings-terrein, vir 'n skietbaan en dergelike doeleindes;

En nademaal kragtens 'n memorandum van ooreenkoms aangegaan op die sewen-en-twintigste dag van Mei 1908, deur John Lincoln Watson, in sy hoedanigheid van waarnemende Landmeter-generaal van Natal en as sodanig handelende namens die Regering van Natal, aan die een kant en die Edelagbare Henry Daniel Winter, Percy Deudney Simmons en Charles Banastre Lloyd, in hulle hoedanigheid van die langslewende Kuratore van die Turner-Park, en Alfred Fairlie Henderson, as die kurator benoem in die plek van wyle die Edelagbare George Turner, aan die ander kant, die huur-ooreenkoms vermeld in die voorgaande paragraaf in sekere opsigte gewysig geword is en onder ander bepaal geword is dat, ingeval die dorpie Weston tot 'n munisipaliteit verhef of ingevolge Wet No. 11 van 1881 van Natal tot 'n dorp geproklameer word, die trust deur voormelde huur-ooreenkoms gestig ten gunste van die inwoners van die dorpie Weston, sou oorgaan op die munisipale raad of plaaslike bestuur van daardie munisipaliteit of dorp;

En nademaal die dorp Mooirivier, by Proklamasie No. 22 van 1921, gedateer die sewende dag van November, 1921, uitgevaardig deur die Administrateur van die Provinsie Natal, tot 'n dorp geproklameer is volgens die betekenis van Wet No. 11 van 1881 van Natal;

En nademaal die dorp Mooirivier, soos geproklameer en soos beskrywe in die plattegrond van genoemde dorp wat in bewaring lê op die kantoor van die Landmeter-generaal in Pietermaritzburg, die dorpies Weston, New Weston, Lawrenceville, 'n sekere deel van die plaas Grantleigh, die Persele genoem Carson en Redmond en Kroongrond grensende aan die dorpie New Weston, insluit;

En nademaal dit wenslik is dat die onvervreemde Kroongrond wat vir die dorpie Weston bestem of uitgehou is en die onvervreemde Kroonerwe in voormelde dorpie wat nie vir publieke doeleindes uitgehou is nie, aan die plaaslike bestuur van die dorp Mooirivier moet behoor vir die gemeenskaplike gebruik, genot en voordeel van alle inwoners van genoemde dorp en nie uitsluitend vir die gebruik, genot en voordeel van die eienaars van erwe in die vorige dorpie Weston nie;

En nademaal dit vir die bereiking van die doeleindes vermeld in die voorgaande paragraaf nodig is dat voormelde

agreement of lease dated the twenty-sixth day of September, 1907, as modified by the aforesaid memorandum of agreement dated the twenty-seventh day of May, 1908, should be cancelled:

And whereas certain piece of land in extent 105 acres 0 roods 19.9 perches known as the remainder of extension No. 2 of the township of Lawrenceville being a portion of the farm Grantleigh No. 2177, County of Weenen, Natal, was transferred to the local board of the Mooi River Township under deed of transfer No. 4138/1923, registered in the Deeds Registry at Pietermaritzburg on the twenty-seventh day of October, 1923, subject to the condition that it shall be set apart as a commonage for the use of all owners of lots in the township of Lawrenceville, and whereas in view of the inclusion of the said township of Lawrenceville within the township of Mooi River it is desirable that the lands so transferred should be available for the use, enjoyment and benefit in common of all the inhabitants of the township of Mooi River, and not exclusively for the use, enjoyment and benefit of the owners of lots in the township of Lawrenceville:

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Vesting in the Crown of certain land in Mooi River Township.

1. (1) The Governor-General may cancel and annul—

(a) the agreement of lease dated the twenty-sixth day of September, 1907, entered into between John Leslie Masson in his capacity as Surveyor-General of Natal, and as such acting for and on behalf of the Government of Natal of the one part and the Honourable George Turner, the Honourable Henry Daniel Winter, Percy Deudney Simmons and Charles Banastre Lloyd in their capacity as trustees of Turner Park of the other part, and

(b) the memorandum of agreement dated the twenty-seventh day of May, 1908, entered into between John Lincoln Watson in his capacity as Acting Surveyor-General of Natal and as such acting for and on behalf of the Government of Natal of the one part and the Honourable Henry Daniel Winter, Percy Deudney Simmons and Charles Banastre Lloyd in their capacity as the surviving trustees of the Turner Park and Alfred Fairlie Henderson as the trustee appointed in the place of the Honourable George Turner, deceased, of the other part,

in respect of a certain piece of land known as Turner Park of Weston, situate in the County of Weenen, Province of Natal, held in trust for the inhabitants of the village of Weston as a site for a recreation ground and rifle range and similar purposes.

(2) On cancellation of the agreement of lease and memorandum of agreement referred to in the preceding sub-section the free and unencumbered ownership of the land described in the aforesaid agreements shall vest in the Crown, and the Surveyor-General of Natal shall endorse the fact of the cancellation and vesting upon the said agreements.

Vesting in local board of certain lands in Mooi River Township.

2. (1) Notwithstanding anything contained in Law No. 11 of 1881 of Natal and the Commonages Act, 1904 (Act No. 35 of 1904) of Natal or in any other law, the Governor-General may grant to the local board of the township of Mooi River and its successors in office—

(a) the land known as Turner Park referred to in section *one* of this Act as a site for a recreation ground, rifle range or for similar purposes for the use, benefit and enjoyment of the inhabitants of the township of Mooi River and surrounding district on such terms and conditions as may be imposed from time to time by the local board;

(b) the whole of the unalienated lands vested in the Crown within the villages of Weston and New Weston, including such lands as may have been destined or reserved for the purpose of such villages as provided in the aforesaid Acts, and the Crown lands adjoining the village of New Weston;

(c) the unalienated erven vested in the Crown within the villages of Weston and New Weston which are not required for public purposes.

huur-ooreenkoms, gedateer die ses-en-twintigste dag van September 1907, soos gewysig deur voormelde memorandum van ooreenkoms, gedateer die sewen-en-twintigste dag van Mei 1908, ingetrek word;

En nademaal 'n sekere stuk grond, groot 105 akkers, 0 roedes en 19.9 perches, genoem die resterende gedeelte van uitbreiding No. 2 van die dorp Lawrenceville, 'n deel van die plaas Grantleigh No. 2177, Graafskap Weenen, Natal, deur transportakte No. 4138/1923, geregistreer in die Registrasie-Kantoor van Aktes in Pietermaritzburg op die sewen-en-twintigste dag van Oktober 1923, getransporteer geword is aan die plaaslike bestuur van die dorp Mooirivier onder die voorwaarde dat dit opsygesit moet word as dorpsgrond vir die gebruik van alle eienaars van persele in die dorp Lawrenceville, en nademaal dit, weens die opneming van die dorp Lawrenceville in die dorp Mooirivier, wenslik is dat die aldus getransporteerde gronde beskikbaar sou wees vir die gemeenskaplike gebruik, genot en voordeel van al die inwoners van die dorp Mooirivier en nie uitsluitend vir die gebruik, genot en voordeel van die eienaars van persele in die dorp Lawrenceville nie:

WORD DIT BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Oorgang van sekere grond in die Dorp Mooirivier op die Kroon.

1. (1) Die Goewerneur-generaal mag intrek en vernietig—

(a) die huur-ooreenkoms, gedateer die ses-en-twintigste dag van September 1907, aangegaan deur John Leslie Masson in sy hoedanigheid van Landmeter-generaal van Natal en as sodanig handelende namens die Regering van Natal, aan die een kant en die Edelagbare George Turner, die Edelagbare Henry Daniel Winter, Percy Deudney Simmons en Charles Banastre Lloyd, in hulle hoedanigheid van kuratore van Turner-Park, aan die ander kant; en

(b) die memorandum van ooreenkoms, gedateer die sewen-en-twintigste dag van Mei 1908, aangegaan deur John Lincoln Watson, in sy hoedanigheid van waarnemende Landmeter-generaal van Natal en as sodanig handelende namens die Regering van Natal, aan die een kant en die Edelagbare Henry Daniel Winter, Percy Deudney Simmons en Charles Banastre Lloyd, in hulle hoedanigheid van langslewende kuratore van die Turner-Park en Alfred Fairlie Henderson, as die kurator benoem in die plek van die Edelagbare George Turner, aan die ander kant,

met betrekking tot 'n sekere stuk grond genoem Turner-Park van Weston, in die Graafskap Weenen, Provinsie Natal, wat besit word ten behoewe van die inwoners van die dorpie Weston as 'n ontspanningsterrein, vir 'n skietbaan en dergelike doeleindes.

(2) By die intrekking van die huur-ooreenkoms en memorandum van ooreenkoms vermeld in die voorgaande sub-artiekel, gaan die vrye en onbeswaarde eiendom van die grond, in voormelde ooreenkomste beskrywe, oor op die Kroon en die Landmeter-generaal van Natal moet die intrekking en oorgang op voormelde ooreenkomste aanteken.

Oorgang van sekere gronde in die Dorp Mooirivier op plaaslike

2. (1) Nieteenstaande die bepalinge van Wet No. 11 van 1881 van Natal en die Dorpsgronde-Wet, 1904 (Wet No. 35 van 1904) van Natal of van enige ander Wet, mag die Goewerneur-generaal aan die plaaslike bestuur van die dorp Mooirivier en sy ampsopvolgers toeken—

(a) die grond genoem Turner-Park vermeld in artiekel *een* van hierdie Wet as 'n ontspanningsterrein, skietbaan of vir dergelike doeleindes vir die gebruik, voordeel en genot van die inwoners van die dorp Mooirivier en die omliggende distrik op sulke terme en voorwaardes as van tyd tot tyd deur die plaaslike bestuur opgelê mog word;

(b) al die onvervreemde gronde wat die Kroon besit in die dorpies Weston en New Weston, met insluiting van die gronde wat bestem of uitgehou mag geword het vir daardie dorpies, soas in voormelde wette bepaal, en die Kroongronde wat aan die dorpie New Weston grens;

(c) die onvervreemde erwe in die dorpies Weston en New Weston wat aan die Kroon behoor en nie vir publieke doeleindes nodig is nie.

(2) The said local board shall hold the lands and erven granted to it in terms of paragraphs (*b*) and (*c*) of the preceding sub-section, subject to the provisions of Law No. 11 of 1881 of Natal and any amendment thereof, in trust for the inhabitants of the township of Mooi River as constituted in terms of the said law.

Payment to Mooi River local board of proceeds of certain erven.

3. All moneys which have already been received or which are still to be received by the Government in respect of the proceeds of the sale of erven in the villages of Weston and New Weston shall be paid to the local board of the township of Mooi River and shall form part of the Township Fund of the said township.

Amendment of trust upon which certain land is held by Mooi River local board.

4. Notwithstanding anything contained in deed of transfer No. 4138/1923 dated the twenty-seventh day of October, 1923, and registered in the Deeds Registry at Pietermaritzburg whereby a piece of land in extent 105 acres 0 roods 19.9 perches known as the remainder of extension No. 2 of the township of Lawrenceville, being a portion of the farm Grantleigh No. 2177, County of Weenen, Province of Natal, was transferred to the local board of the township of Mooi River subject to the special condition that the land should be set apart as a commonage for the use of all owners of lots within the township of Lawrenceville, the said land shall from the commencement of this Act vest in the said local board in trust for the use, enjoyment and benefit in common of the inhabitants of the township of Mooi River as constituted under Law No. 11 of 1881 of Natal. The Registrar of Deeds of Natal shall endorse the amendment effected by this section upon the aforesaid deed of transfer, and make the necessary entries in his registers.

Short title.

5. This Act may be cited as the Mooi River Township Lands Act, 1926.

(2) Voornoemde plaaslike bestuur moet die gronde en erwe aan hom kragtens paragrawe (*b*) en (*c*) van die voorgaande subartiekel toegeken, met inagneming van die bepalinge van Wet No. 11 van 1881 van Natal en enige wysiging daarvan, besit ten behoewe van die inwoners van die dorp Mooirivier, soas kragtens genoemde Wet ingestel.

Uitbetaling van opbrings van sekere erwe aan plaaslike bestuur van Mooirivier.

3. Alle gelde wat die Regering reeds ontvang het of nog sal ontvang as opbrings van die verkoop van erwe in die dorpies Weston en New Weston, word uitbetaal aan die plaaslike bestuur van die dorp Mooirivier en maak 'n deel uit van die dorpsfonds van genoemde dorp.

Wysiging van trust waaronder Mooirivierse plaaslike bestuur sekere grond besit.

4. Nieteenstaande die inhoud van transportakte No. 4138/1923, gedateer die sewen-en-twintigste dag van Oktober 1923, en geregistreer in die Registrasiekantoor van Aktes in Pietermaritzburg, waardeur 'n stuk grond, groot 105 akkers, 0 roedes en 19.9 perches, genoem die resterende gedeelte van uitbreiding No. 2 van die dorp Lawrenceville, 'n deel van die plaas Grantleigh No. 2177, Graafskap Weenen, Provinsie Natal, getransporteer geword is aan die plaaslike bestuur van die dorp Mooirivier onder die besondere voorwaarde dat die grond opsy gesit moet word as dorpsgrond vir die gebruik van al die eienaars van persele in die dorp Lawrenceville, gaan voormelde grond met die inwerkingtreding van hierdie Wet oor op genoemde plaaslike bestuur vir die gemeenskaplike gebruik, genot en voordeel van die inwoners van die dorp Mooirivier soos ingestel ingevolge Wet No. 11 van 1881 van Natal. Die Registrateur van Aktes van Natal moet die wysiging deur hierdie artiekel teweeggebring op voormelde transportakte aanteken en die nodige aantekeninge in sy registers maak.

Korte tietel.

5. Hierdie Wet mag aangehaal word as die Mooirivier-Dorpsgronde-Wet, 1926.