

New Zealand.



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1911, No. 12.—*Local.*

AN ACT to constitute Franklin and Manukau Counties.

Title.

[21st October, 1911.]

WHEREAS by subsection one of section two of the Counties Amendment Act, 1910, it was enacted, *inter alia*, that the Governor might, by Proclamation, declare that on a day named in the Proclamation (being not sooner than the first day of April, nineteen hundred and eleven) the Counties Act, 1908, should be revived in the County of Manukau, and that on the day so named the last-mentioned Act should be revived accordingly: And whereas by subsection nine of section two of the Counties Amendment Act, 1910, it was further enacted that the Governor in Council might, by notice in the *Gazette*, suspend the operation of said section two for a period not exceeding twelve months after the first day of April, nineteen hundred and eleven, in the said County of Manukau, on the petition of a majority of the local authorities (other than Borough Councils) within that county: And whereas the Governor in Council suspended the operation of section two of the Counties Amendment Act, 1910, for a period not exceeding twelve months from the first day of April, nineteen hundred and eleven, in the said County of Manukau, on the petition of a majority of the local authorities (other than Borough Councils) within that county: And whereas it is desirable to provide that portion of the said County of Manukau shall be formed into a new county to be called "The County of Franklin":

Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows.—

1. This Act may be cited as the Franklin and Manukau Counties Act, 1911. Short Title.

County of Franklin constituted.

2. The County of Franklin is hereby constituted. It shall comprise that portion of the County of Manukau particularly described in the First Schedule hereto.

Boundaries of County of Manukau altered.

3. The boundaries of the County of Manukau as altered shall be as described in the Second Schedule hereto.

Arrangement of assets and liabilities between the two counties.

4. The Council of each of the said counties respectively and the several and respective Road Boards and Town Boards in each such county may agree in writing as to what portion of the property (including uncollected rates, if any) belonging to such Road Boards and Town Boards respectively shall vest in the Corporation of the county, and what portion of the liabilities (if any) of such Road Boards and Town Boards respectively shall be discharged by the Council; and every such agreement shall be final and binding upon the parties thereto.

Controller and Auditor-General to make award if failure by either party affected.

5. If within two months after the first election of each Council respectively any such Council and any such Road Board or Town Board shall have failed to enter into such agreement, the Controller and Auditor-General, or such other person as the Governor appoints, shall, upon the application of the Council or Board affected, hold an inquiry and shall make an award as to the several matters mentioned in section four hereof.

Extent of inquiry and award.

6. Any such award may provide for all or any of the matters included in the subject for inquiry, and may declare in whom any property shall be vested, and by whom any moneys shall be paid, or other acts or things done, including the payment by either party of the whole or any part of the expenses of such inquiry; and the person making such award may make and give such directions generally as may be necessary for giving full effect to the objects of the inquiry.

Award deemed to be final.

7. Every such award shall be final, and shall from the date thereof have the operation of and be enforceable as and be held to be a judgment of the Supreme Court.

Property to vest in county after constitution thereof.

8. All property, real or personal, allotted to any county by any such agreement or any award shall be deemed to have vested in the Corporation thereof on and after the date of the constitution of such county.

Member of Auckland Harbour Board to be elected from both counties jointly.

9. The provision in the Harbours Amendment Act, 1910, that the electors of the County of Manukau shall return one member to the Auckland Harbour Board is hereby repealed. In lieu thereof it is hereby enacted that the electors of the Counties of Manukau and Franklin shall henceforth jointly return one member to such Harbour Board, and the said counties shall be a combined district for the purposes of the last-mentioned Act. This provision shall not take effect until the date of the first election after the passing of this Act of a member to such Board.

Date of Act coming into force.

10. This Act shall come into operation on the first day of April, nineteen hundred and twelve, and on such date the operation of the Counties Act, 1908, shall be revived in the said Counties of Manukau and Franklin.

Saving of certain powers of the Governor.

11. Nothing herein contained shall affect the power of the Governor to proclaim any portion of the said counties a borough or town district.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

FRANKLIN COUNTY.

ALL that area in the Auckland Land District bounded towards the north generally by Manukau Harbour from the South Head of that harbour to the Pahurehure River; thence by that river to the south-western corner of Papakura Town District, as described in the *New Zealand Gazette* No. 69, of the 17th August, 1882; thence by the said town district to the north-eastern corner of Allotment No. 16, Kerikeri Settlement; thence across a road, and by Sections Nos. 28, 29, 30, 228, 33, 34, and 171, Hunua Parish, to the road forming the south-eastern boundary of the last-mentioned section; thence by that road to Section No. 170; thence by that section to the Road Reserve on its north-eastern boundary; thence by a line through the said reserve to the middle of the road forming the southern boundary of Section No. 172; thence by a line along the middle of that road and the road forming the south-eastern boundaries of Sections Nos. 172, 173, and 174, Hunua Parish, to a point opposite the westernmost corner of Section No. 113; thence by a right line to the westernmost corner of the said Section No. 113, and by that section to the Wairoa River; thence by that river to a point opposite the north-western corner of Section No. 86, Otau Parish; thence across the Wairoa River, and by the northern boundary of the last-mentioned section to the south-eastern corner of Section No. 85; thence by that section and Sections Nos. 84 and 82, Otau Parish, to the north-eastern corner of the last-mentioned section; thence by the north-eastern boundaries of Sections Nos. 77 and 76 to the road forming the north-western boundaries of Sections Nos. 74A and 74B; thence by that road to the Kiripaka Block; thence by the western boundaries of the Kiripaka Block, Te Kawakawa No. 2, Te Kawakawa, and Waitawa Blocks to the sea; thence towards the north-east and east by the sea to the Pukorokoro Creek; thence towards the south generally by a right line across the said creek to the northernmost corner of Section No. 82, Koheroa Parish; thence by that section to the Pukorokoro-Mercer Road; thence by the said Pukorokoro-Mercer Road to the Mangatangi Stream; thence by a line along the middle of that stream to its confluence with the Maramarua River; thence by a line along the middle of the Maramarua River to its confluence with the Whangamarino River; thence by a line along the middle of the Whangamarino River to the Waikato River; thence by the left bank of the Waikato River to the sea; and thence towards the south-west by the sea to the South Head of Manukau Harbour, the place of commencement.

SECOND SCHEDULE.

MANUKAU COUNTY.

ALL that area in the Auckland Land District bounded towards the north generally by the northern side of Portage Road from the Manukau Harbour to the Otahuhu Creek; thence by the Otahuhu Creek to the Tamaki River; thence by the Tamaki River to the sea; thence by the sea to the northernmost corner of the Waitawa Block; thence towards the east and south generally by Franklin County as described in the First Schedule hereto to the Pahurehure River; thence towards the south-west and west generally by the said Pahurehure River and the Manukau Harbour to the northern side of Portage Road, the place of commencement: including Puketutu and adjacent islands in Manukau Harbour.