

New Parliament.

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.
House of Representatives,
6th November, 1879.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Mr. O'Rorke.

Onehunga Water Reserves.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Lands in Schedule vested in Onehunga Borough Council.</p>	<p>3. Governor to make new reserve, to be granted to School Commissioners. 4. When Act to come into operation. Schedule.</p>
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A BILL INTITULED

AN ACT to authorize the granting to the Mayor, Councilors, and Burgesses of Onehunga, Two Acres of Land as a Water Reserve. Title.

WHEREAS the two acres of land described in the Schedule hereto have, ever since the laying out of the Town of Onehunga, been for the benefit of the public kept unsold, and are necessarily required to give access to the springs known as Bycroft's Springs: And whereas some years ago the said two acres were included in the list of reserves made for educational purposes, but have not been made use of for such purpose: Preamble.

5 *were by Crown grant dated the fourth day of July, one thousand eight hundred and seventy-two, vested in the Superintendent of Auckland, in trust for educational purposes: And whereas the said lands were,*

10 *by "The Education Boards Act, 1876," vested in the Education Board of the Provincial District of Auckland: And whereas, by "The Onehunga Endowments Act, 1877," it was enacted that these two acres the said lands might be surrendered by the Board of Education to the Onehunga Borough Council, upon the Board being satisfied*

15 *either that such allotments were reserved from sale on account of their contiguity to the public springs of the borough, or on being satisfied that the public interests require that these allotments should be constituted a municipal reserve for water purposes; but no such surrender was made by the Education Board: And whereas the said Board is*

20 *now incompetent to deal with the matter, inasmuch as the said two acres lands are now vested in the School Commissioners for the Auckland Provincial District, in pursuance of the provisions of "The Education Reserves Act, 1877:" And whereas the said Commissioners have recently proposed to lease the said lands in building allotments for*

25 *a term of forty-two years, whereby access to the springs known as Bycroft's Springs, through the said lands, would be cut off, and the said*

springs might be polluted to the injury of the public at large: And whereas, in order to prevent such consequences, it is desirable that these lands should be secured inalienably to the Borough of Onehunga as a reserve for watering purposes, as hereinafter expressed set aside as a reserve for watering purposes for the public generally, and other lands of equivalent value vested in the said Commissioners in exchange for the said lands, as hereinafter expressed :

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

Short Title.

1. The Short Title of this Act is “The Onehunga Water Reserves Act, 1879.”

Lands in Schedule vested in Onehunga Borough Council.

2. The said lands described in the Schedule hereto, consisting of two acres, granted to the Superintendent of the Province of Auckland as an educational reserve, and now vested under the provisions of “The Education Reserves Act, 1877,” in the School Commissioners for the Auckland Provincial District, shall, upon the passing of this Act coming into operation, subject to the proviso hereinafter contained, become and be vested in the Mayor, Councillors, and Burgesses of the Town of Onehunga, to be held by them upon trust as a general public reserve for water purposes, and to be by them laid out, managed, improved, and ornamented as they may think fit: Provided that no portion of the said two acres shall be sold or let, but shall be maintained inalienably for the public purposes set forth in this Act, be alienated by way of sale, mortgage, lease, or otherwise, and that it shall be at all times lawful for any person, either with or without cattle of any description, to pass and repass over the said lands to the springs known as Bycroft’s Springs, and there to water such cattle or to take water therefrom free of charge.

Struck out.

3. It shall be lawful for the Governor upon the passing of this Act, by writing under his hand, to revoke the existing grant to the Superintendent of Auckland of the two acres described in the Schedule hereto, and to make a fresh grant of the said two acres to the Mayor, Councillors, and Burgesses of the Town of Onehunga as a reserve for water purposes, as expressed in this Act.

Governor to make new reserve, to be granted to School Commissioners.

New clauses.

3. The Governor shall, from out of any waste lands of the Crown within the Provincial District of Auckland not otherwise reserved, set aside other lands of equal value to the said lands, as a reserve for primary education, and such new reserve shall thereupon be granted to the said School Commissioners, in trust for the same purposes as the said lands described in the Schedule hereto were vested in them.

When Act to come into operation.

4. This Act shall not come into operation until the Mayor of the Borough of Onehunga has published a notice once in each week for four successive weeks, in a newspaper published in the City of Auckland, setting forth a proposal to bring this Act into operation, and the several requirements specified in sections one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, and one hundred and forty-five of “The Municipal Corporations Act, 1876,” have been complied with.

Schedule.

SCHEDULE.

ALL that parcel of land in the Parish of Waitemata, County of Eden, and Provincial District of Auckland, containing 2 acres, and being Lots 6 and 8 of Section 14 of the Town of Onehunga. Bounded towards the North-east by a street, 446 links; towards the South-east by Lot 10 of said section, 450 links; towards the South-west by Lots 7 and 5 of said section, 446 links; and towards the North-west by Lot 4 of said section, 450 links.