

Captain Morris.

SPENCER WATER-RIGHT RESTORATION.

ANALYSIS.

Title.	2. Rights of Thomas Spencer to the use and benefit of the waters of the Waikiekie Stream in the Thames District, Auckland.
Preamble.	
1. Short Title.	

A BILL INTITULED

AN ACT to restore to Thomas Spencer his rights to the use and benefit of the waters of the Waikiekie Stream, in the Thames District, Auckland. Title.

5 WHEREAS without authority in that behalf the Superintendent of the Province of Auckland, in the year one thousand eight hundred and seventy-two, in making certain plant at the Thames referred to and recited in the preamble to "The Thames Water Supply Act, 1876," dammed back and diverted from their natural and proper course Preamble.

10 the waters of a certain stream called or known as "Waikiekie," which had been and were then being used by one Thomas Spencer, of Parawai, in the Thames District, he then being, and still is, the owner of land known as the Parawai Gardens, through which the said stream flowed for divers domestic and other lawful purposes, thereby interfering with the riparian rights of the said Thomas Spencer as such owner, and also depriving him during portions of each year of the use and benefit of the said waters: And whereas the said plant was erected and being used in supplying the Thames District with water at the time of the passing of "The

20 Thames Water Supply Act, 1876:" And whereas by section two of the said Act the word "plant" was declared to mean and include all dams, reservoirs, flumes, pipes, drains, water, watercourses, material, rights, and easements then possessed, used, or exercised by the persons in the said section referred to: And whereas at the time of the

25 passing of the said Act the said persons were then possessed of and were then using and exercising the said plant and supply of water so made by the said Superintendent: And whereas by the third section of the said Act the said plant (as interpreted by the said Act) and the management and control thereof were declared to be vested in and to

30 be the property of a committee to be appointed as therein provided for: And whereas by section three of "The Thames Water Supply Act, 1880," the said plant and the management thereof were thereby trans-

ferred to and vested in and are now vested in the Mayor, Councillors, and Burgesses of the Borough of Thames: And whereas by reason of the making of the said plant and the effect and operation of the said Acts the rights of the said Thomas Spencer to the use and enjoyment of the waters of the said stream have been seriously interfered with, and no legislative or other provision whatever has been made or provided for compensating him for such injury: And whereas the said Thomas Spencer has petitioned the House of Representatives in reference to such injury to him: And whereas the Public Petitions Committee of the said House reported upon the said petition as follows: "The Committee are of opinion that the Borough Council of the Thames should be invited to consider the claims of the petitioner on equitable grounds, and failing any reasonable compromise being come to the Committee recommend the Government to invite the Legislature to pass an Act to restore the rights of the petitioner:" And whereas in pursuance of the said report the said Borough Council have been invited so to consider the claims of the said Thomas Spencer, but no recognition thereof has been made by the said Council, and no compromise whatever has been come to: And whereas it is expedient to carry out the recommendation contained in the said report on the failure to effect such compromise, and to restore to the said Thomas Spencer the rights and privileges of which he has been so deprived and the benefits and advantages which have been so interfered with:

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 Spencer Restoration of Water-Rights Act, 1884."

Rights of Thomas Spencer to the use and benefit of the waters of the Waikiekie Stream in the Thames District, Auckland.

2. That the plant, management, and control mentioned and referred to in the third section of "The Thames Water Supply Act, 1876," and in the third section of "The Thames Water Supply Transfer Act, 1880," shall not include or be deemed to have included any water, watercourse, work, or structure whatever, or to have created any right, authority, or privilege, in the persons or bodies, or any such persons or bodies in whom the said plant has been so vested to erect, make, or maintain any such work or structure, or to use any such water or watercourse which in any way interferes with, or has interfered with, the rights and privileges of the said Thomas Spencer as such owner of the said lands through which the said Waikiekie Stream flows, to the full use and benefit of the said stream and the waters thereof, and the making and vesting of the said plant, and the management and control of the same as aforesaid shall not be deemed to have created any power or authority in any person to interfere with such rights or privileges, anything contained in the same Acts or any other Act of the General Assembly of New Zealand notwithstanding.

By Authority: GEORGE DIBSBURY, Government Printer, Wellington.—1884.