

Onehunga Water Reserves Act 1879

Local Act 1879 No 6
Date of assent 19 December 1879

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An Act to authorize the granting to the Mayor, Councillors, and Burgesses of Onehunga, Two Acres of Land as a Water Reserve.

Preamble

WHEREAS the two acres of land described in the Schedule hereto 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, 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 the said lands might be surrendered by the Board of Education to the Onehunga Borough Council, upon the Board being satisfied 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 now incompetent to deal with the matter, inasmuch as the said 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 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 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:—

1 Short Title

The Short Title of this Act is The Onehunga Water Reserves Act 1879.

2 Lands in Schedule vested in Onehunga Borough Council

The said lands described in the Schedule hereto shall, upon 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 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.

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

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.

4 When Act to come into operation

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

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.