

New Zealand



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1894, No. 13.—*Local.*

Title. AN ACT to convert Mount St. John Reserve into a Public Recreation-ground. [8th September, 1894.]

Preamble. WHEREAS in the early days of the colony the volcanic hills in the neighbourhood of Auckland were reserved, either in whole or in part, as places of public resort, and as such the summit of Mount St. John was so reserved until the year one thousand eight hundred and sixty-eight, when the Superintendent of the province issued a public notification to the effect that the summit of Mount St. John—consisting of seven acres two roods and twenty-one perches—should *inter alia* be temporarily reserved for the purposes of the Provincial Government, and the same was subsequently included as an educational reserve in the Schedule of “The Common Schools Act, 1869,” of the Auckland Provincial Legislature :

And whereas such piece of land is now vested in the Auckland School Commissioners, and has been leased by them to Captain William Henry Colbeck for twelve pounds per annum without reserving the right to the public of having access to the reserve :

And whereas the School Commissioners for the Auckland Provincial District, recognising the public claim to this reserve, are willing to accept land of equal value in exchange for this reserve, and the tenant, Captain William Henry Colbeck, is willing to surrender his lease of the said land in order that this reserve should become a recreation-ground for the use of the public :

And whereas the said Mount St. John is situate in the One-tree Hill Road District, and it is desirable that the land above mentioned, and described in the Schedule to this Act, should be brought under the management of the said One-tree Hill Road Board :

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

1. The Short Title of this Act is "The Mount St. John Reserve Act, 1894." Short Title.

2. The land described in the Schedule hereto is hereby declared to be a public reserve set apart for recreation purposes, and shall be subject to the operation of "The Public Domains Act, 1881," and sections four, five, and six of "The Public Reserves Act 1881 Amendment Act, 1885," and shall be vested in the One-tree Hill Road Board, and managed by the said Board in pursuance of the above-mentioned Acts. Land vested in and to be managed by One-tree Hill Road Board.

3. Nothing in this Act contained shall give the said Board power to interfere with the rights of the lessee of the reserve, Captain William Henry Colbeck, unless he is willing to surrender his lease to the said Board or to the lessors, the School Commissioners of the district. Lessee's rights protected.

4. This Act shall not come into operation until a reserve, approved of by the Minister of Education as an equivalent in value for the land described in the Schedule to this Act, has been set apart in the Provincial District of Auckland for primary education, and a notification thereof has been published by the Minister of Lands in the *New Zealand Gazette*. Land of equal value to be set apart in exchange.

SCHEDULE.

Schedule.

ALL that area in the Auckland Land District, being the southern portion of Allotment No. 12A of original Suburban Section No. 11, Suburbs of Auckland, and containing by admeasurement 7 acres 2 roods 21 perches, more or less. Bounded towards the north-east generally by Allotment No. Part of 12, from the north-eastern corner of Allotment No. Part of 12A (Quarry Reserve) to the southernmost corner of the former allotment; towards the south-east generally by Allotments Nos. 14 and 15 and Subdivisions Nos. 25 and 24 of Allotment No. 18; towards the south-west generally by Subdivision No. 23 of the said Allotment No. 18, by a road, and Allotments Nos. 17 and 16; towards the north-west generally by the road forming the south-eastern boundary of Subdivisions Nos. 4, 3, 6, and 7, all of Allotment No. 12; and thence again towards the south-east, north-east, and north-west by part of Allotment No. 12A, Quarry Reserve aforesaid, to the place of commencement.