

Mr. Monk.

BOROUGH OF DEVONPORT EMPOWERING AND ENDOWMENT.

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A BILL INTITULED

AN ACT to authorise the Use of a certain Parcel of Land in the Borough of Devonport, in the Provincial District of Auckland, New Zealand; also to empower the Borough Council of Devonport to declare a certain Road therein to be a Public Road, and to vest a Portion of the Foreshore of the Borough in the Borough Council of Devonport, and to vest One Acre of the Mount Victoria Recreation Reserve in the Board of Education, Auckland District.

Title.

WHEREAS within the Borough of Devonport the land described in Schedule A has been heretofore acquired, set apart, and dedicated as a cemetery, but has not been used for the purposes of a cemetery: And whereas section forty-nine of "The Cemeteries Act, 1882," provides that after the commencement of that Act no cemetery or burial-ground of any kind shall be established within the limits of a borough: And whereas the Borough Council of Devonport have acquired other land outside the limits of the borough suitable as a cemetery, and have set apart and dedicated the same as a cemetery, and it is now expedient that the land within the borough hitherto set apart as a cemetery should be available for other purposes:

Preamble.

And whereas a certain parcel of land in Devonport, more particularly described in Schedules B and E, has heretofore been laid out and used as a public road, but, being portion of the Mount Victoria Domain and Public School Reserve, cannot be alienated without special legislation, and it is desirable to create authority for so doing:

And whereas it is desirable that certain portions of the foreshore

of Devonport, more particularly described in Schedule C, should be vested in the Borough Council of Devonport :

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 Borough of Devonport Empowering and Endowment Act, 1890." 5

Vesting land as endowment for borough.

2. On the passing of this Act the lands described in Schedule A shall be and are hereby vested in the Borough Council of Devonport as an endowment for the benefit of the said Borough of Devonport, and may be used, subdivided, and leased in accordance with the provisions of "The Municipal Corporations Act, 1886," and amendments thereof. 10

Land to be dedicated for public road.

3. On the passing of this Act the land described in Schedules B and E shall be and are hereby vested in the Borough Council of Devonport, to be by the said Borough Council dedicated as a public road. 15

Foreshore to be vested in Borough of Devonport.

4. On the passing of this Act the lands and foreshore described in Schedule C shall be and are hereby vested in the Borough Council of Devonport as an endowment for the use of the public, subject, nevertheless, to and reserving the rights to water-frontage now owned or claimed by private owners whose properties have frontage to the said foreshore. 20

Governor to execute necessary conveyances.

5. The Governor may make and execute such conveyances and other assurances as may be necessary to effectuate the intention of this Act, and for evidencing the title of the said Borough Council to the said lands described in Schedules A, B, E, and C hereto. 25

Powers to deal with lands under "The Municipal Corporations Act, 1886."

6. The said Borough Council may deal with the said lands described in the said Schedules A, B, E, and C, in the manner provided by "The Municipal Corporations Act, 1886," and amendments. 30

Governor empowered to vest land in Board of Education.

7. On the passing of this Act the Governor may make and execute all conveyances and assurances as may be necessary to vest in the Board of Education, Auckland District, the lands described in Schedule D, to be accepted by the said Board of Education as compensation for the lands referred to in section *three*, to be dedicated as a public road, and in fulfilment of an agreement to that effect made in the year one thousand eight hundred and seventy-six between the said Board and the Devonport Road Board, the predecessors of the Devonport Borough Council. 35

Schedules.

SCHEDULES.

SCHEDULE A.

CEMETERY RESERVE.

ALL that parcel of land in the Provincial District of Auckland, in the Colony of New Zealand, being Lot 1 of Section No. 1 of the Parish of Takapuna: bounded on the north by the Old Lake Road, 1699 links; on the north-east by the Old Lake Road, 330 links; on the south-east by Shoal Bay; and on the west by Lot 2 of the same section, 1675 links; containing by admeasurement 21 acres 2 roods 12 perches: be all the aforesaid measurements a little more or less.

SCHEDULE B.

PART OF MOUNT VICTORIA RECREATION RESERVE.

ALL that parcel of land in the Provincial District of Auckland, in the Colony of New Zealand, being the southern portion of the Mount Victoria Recreation Reserve, Section No. 2, Parish of Takapuna: bounded on the north by northern portion of Mount Victoria Recreation Reserve, 1005 links; and by the Public School Reserve and by lines, 20 links and 210 links respectively; on the east by Kerr Street, 61 links; on the south by Lot 20A, 1110 links; on the south-west by Victoria Road, 98 links; and on the west by Lot 26, 45 links; containing by admeasurement 3 roods 15 perches: be all the aforesaid measurements a little more or less.

SCHEDULE C.

CHELTEMHAM BEACH, RANGITOTO CHANNEL.

ALL that parcel of land in the Provincial District of Auckland, in the Colony of New Zealand, bounded on the south-east by high-water mark from the boundary of the Borough of Devonport, at the Narrow Neck, to the southern boundary of Lot 4; thence by a public road, 110 links; by the north-western boundary of Lot 5, 460 links; by a public road, 110 links; by north-eastern boundary of Allotments Nos. 4, 3, and 2 of a subdivision into allotments of Lot 10, 1060 links; thence by north-eastern boundary of Allotments Nos. 68, 67, and 66 of a subdivision into allotments of Lot 11, 350 links; thence along the north-eastern boundary of Allotments Nos. 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1 of the same subdivision, 730 links; thence along the eastern boundary of Allotment No. 1, 160 links; thence by a public road, 120 links; thence along the north-eastern boundary of Lot 12A, 603 links; thence along the north-eastern boundary of Lot 12, 511 links; thence along the north-eastern boundary of the Government Reserve at the North Head to high-water mark, 240 links; thence along high-water mark around the said reserve to the eastern boundary of the foreshore granted to the Auckland Harbour Board at Cook Point; thence along the said boundary to low-water mark; and thence along low-water mark to the point of commencement at the Narrow Neck; containing by admeasurement 62 acres 1 rood and 8 perches: be all the aforesaid measurements a little more or less.

SCHEDULE D.

PART OF MOUNT VICTORIA RECREATION RESERVE.

ALL that parcel of land in the Provincial District of Auckland, in the Colony of New Zealand, being the south-eastern portion of the Mount Victoria Recreation Reserve, Section No. 2, of the Parish of Takapuna: bounded on the north by other portion of the said Mount Victoria Recreation Reserve, 340 links; on the east by the Public School Reserve, 340 links; on the south by the southern portion of the said Mount Victoria Recreation Reserve, 340 links; and on the west by the northern portion of the said Mount Victoria Recreation Reserve, 340 links; containing by admeasurement 1 acre; be all the aforesaid measurements a little more or less.

SCHEDULE E.

PART OF THE PUBLIC SCHOOL RESERVE.

ALL that parcel of land in the Provincial District of Auckland, in the Colony of New Zealand, being the southern portion of the Public School Reserve, Section No. 2, of the Parish of Takapuna: bounded on the north by other portion of the said reserve, 205 links; on the east by Victoria Terrace, 17 links; on the south by portion of the land described in Schedule B, 210 links; and on the west by other part of the last-mentioned land, 20 links; containing by admeasurement 7 perches; be all the aforesaid measurements a little more or less.