

Wellington Botanic Garden Vesting Act 1891

Local Act 1891 No 18
Date of assent 21 September 1891

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**An Act to provide that the Lands now held for the Purposes
of the Botanic Garden of Wellington shall be vested in the
Mayor, Councillors, and Citizens of the Borough of the City of
Wellington.**

BE IT 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 Wellington Botanic Garden Vesting Act 1891.

2 Interpretation

In this Act, if not inconsistent with the context,—

Board means “The Governors of the Botanic Garden,” incorporated under the provisions of The Botanic Garden Act 1869

Botanic Garden means the reserve mentioned in The Botanic Garden Act 1869, and includes all lands granted thereunder to the Board, and all other lands granted or otherwise conveyed or assured to the Board under that Act or The Wellington City Reserves Act 1871; or which are now held by or vested in the Board for any estate or interest or in any manner

Corporation means the Mayor, Councillors, and citizens of the Borough of the City of Wellington.

3 Botanic Garden of Wellington to vest in the Corporation of the City of Wellington

Upon the passing of this Act the estate and interest of the Board in the Botanic Garden, with all rights and appurtenances thereto, shall vest in the Corporation for the purposes and subject to the provisions of this Act; and upon production to the District Land Registrar at Wellington of a statutory declaration by the Mayor of the Corporation setting forth that the land therein mentioned is by this Act intended to be vested in the Corporation, together with the grant or other conveyance of such land to the Board, the Registrar shall cause such land to be registered in the name of the Corporation for such estate or interest as the Board then has therein, and such Registrar may make, sign, and issue such certificates, transfers, or other instruments under The Land Transfer Act

1885, as shall be necessary for the purpose of giving effect to this Act.

The land vested in the Corporation under this Act shall be subject to the provisions of the thirty-first section of The Public Works Acts Amendment Act 1889.

4 Also personal property of Board

All personal property and moneys, and any security for any money, which, on the date of the passing of this Act, shall be the property of or due to the Board, shall thereupon vest in, and become the property of, the Corporation.

5 Contracts, &c, of Board to vest in Corporation

All contracts or agreements lawfully made by the Board and existing at the date of the passing of this Act, and all liabilities in respect thereof or in relation thereto, and all actions or proceedings begun and not completed at the date aforesaid, shall respectively belong and attach to, and may be enforced by and against, the Corporation.

6 Purposes for which garden to be held and used

The Botanic Garden shall be held by the Corporation under this Act as a place of public recreation and enjoyment for the inhabitants of the Borough of the City of Wellington, and for the purposes thereof shall be under the control and management of the Council of the borough, who shall in respect thereof have all such powers and authorities as such Council has under The Municipal Corporations Act 1886, in respect of places of public recreation purchased or provided under that Act:

Provided that the portion of the Botanic Garden which is described in the Schedule to The Botanic Garden Act 1869, shall at all times hereafter be kept and maintained by the Corporation as and for the purposes of a Botanic Garden, and for no other purpose; and, notwithstanding anything hereinbefore contained, the Corporation or the said Council shall not have power at any time to alter or divert the said portion of the Botanic Garden to any other purpose or object; but may, nevertheless, make such alterations, variations, or renewals in the paths, trees, shrubs, plants, seeds, roots, buildings, or fences

therein or thereon from time to time necessary to carry out such purpose; and shall also allow the inhabitants of the said borough to have free access to and from such portion as they can or may have to other portions of the Botanic Garden; and all the provisions of this Act shall extend and apply to the said portion accordingly.

7 Further powers of Council in maintaining garden

Without prejudice to any such powers and authorities, the said Council may do all such acts and things as may be requisite or proper to be done in maintaining, ornamenting, laying out, and managing the lands hereby vested in the Corporation for the purposes of this Act.

8 Moneys set apart under The Wellington City Reserves Act 1871, how applied

All moneys which, under the provisions of The Wellington City Reserves Act 1871, or any Act amending the same, are payable to the Board shall continue to be set apart, paid, and applied by the Corporation for the purposes of this Act; and, so far as such moneys are unpaid or do not extend, the Council may lay out and expend for the purposes of this Act such part of the Borough Fund as may be necessary.

9 Certain sections of The Public Domains Act 1881, to apply to garden

The tenth and eleventh and the fifteenth to the eighteenth sections of The Public Domains Act 1881, shall extend and apply to the Botanic Garden, and any powers thereby conferred may be exercised by the Corporation or the Council thereof without any delegation or other authority from the Governor under that Act.

10 Repeal of The Botanic Garden Act 1869

The Botanic Garden Act 1869, is hereby repealed, and the Board thereby created shall be and the same is hereby dissolved, and shall be wholly released and discharged from the performance of any trust or duty imposed upon it by the said Act, or under any grant, conveyance, or instrument made or executed under The Wellington City Reserves Act

1871, and from all liabilities, claims, and demands resulting therefrom in any manner.

This repeal shall not, however, affect the validity or invalidity of any act or thing already done or suffered under the said Acts, or any contract, agreement, right, title, or interest already made or acquired by or with the Board.

11 Crown may resume site for Observatory

It shall be lawful for the Governor, by Proclamation, at any time to resume possession of a part of the land by this Act vested in the Corporation, not exceeding an area of six acres, situated in the south-eastern portion thereof. And upon a Proclamation being so made and gazetted the land therein described shall, on and after a date to be fixed for that purpose in and by such Proclamation, be and become absolutely vested in Her Majesty the Queen, to be held and used as a site for an Observatory and the buildings and premises to be occupied thereby or in connection therewith. No compensation shall be payable to the Corporation for or by reason of the exercise of the right of resumption hereby conferred.