

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
10th June, 1886.*

[AS REPORTED FROM LOCAL BILLS COMMITTEE "B," 6TH JULY, 1886.]

Hon. Major Atkinson.

LOCAL BILL.

NEW PLYMOUTH RECREATION RESERVE.

ANALYSIS.

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A BILL INTITULED

AN ACT to constitute a Board of Trustees, and to vest in them a Title.
the Mayor and Corporation of the Town of New Plymouth a certain Public Reserve at New Plymouth commonly known as the Racecourse Reserve, and to close and vest in them certain portions of Public Streets going through the same, for the Purposes of a Recreation ground, a Racecourse, a Place for holding Agricultural, Pastoral, Horticultural, and other like Shows, and for Volunteer and Militia Reviews and Parades, for certain Purposes.

WHEREAS by Crown grant bearing date the twentieth day of Preamble.
August, one thousand eight hundred and fifty-eight, and issued under and by virtue of "The Public Reserves Act, 1854," the lands described in the schedule hereto were (with other lands) granted to the Superintendent of Taranaki upon trust as an endowment for public schools and general educational purposes: And whereas by "The Public Reserves Act, 1854," it was provided that the specific purposes for which any such lands within any province should be held might be changed, and the same lands might be appropriated to other and different purposes of public utility; provided that no such change or new appropriation should be made without the authority of an Act or ordinance of the Provincial Council of such province, to be duly passed in that behalf: And whereas by an ordinance of the Provincial Council of the Province of Taranaki intituled "The Town Board of New Plymouth Endowment Ordinance, 1871," provision was made reserving the right of the public to use the land described in the schedule hereto at stated periods for cricketing and horse-racing: And whereas it is expedient to vest the said land, and to close certain streets, and to vest them, together with such land, in a Board of Trustees the
Mayor, Councillors, and burgesses of New Plymouth, hereinafter called

"the said Corporation," upon the trusts for the purposes and with the powers hereinafter provided :

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 New Plymouth Recreation Reserve Act, 1886."

Repeal.

2. The ordinance of the late Provincial Council of the Province of Taranaki, the short title of which ordinance is "The Town Board of New Plymouth Endowment Ordinance, 1871," is hereby repealed ; but such repeal shall not affect any lease purporting or intended to be granted thereunder by the Superintendent ; and any rent payable thereunder shall continue to be paid during the continuance thereof, and be applied in all respects as if this Act had not been passed.

Lands and closed streets vested in Board.

3. On the passing of this Act the lands described in the schedule hereto, and (save and except Eliot street) such parts of any public streets which parts shall thereupon be closed, shall respectively, without any conveyance or assurance, be vested in a Board of Trustees consisting of the following persons :—The Mayor of the Borough of New Plymouth from time to time, but during his term of office only ; John Elliot, John Ellis, James Caddy Davies, Henry Blackburn Leatham, William Litchfield Newman, and Arthur Standish : the said Corporation : And shall be held, controlled, managed, administered, and dealt with by the Board said Corporation so appointed, in the manner, subject to the conditions, and with the all such powers and authorities prescribed by "The Public Reserves Act, 1881," and the Acts amending the same in respect of reserves set apart as recreation grounds and racecourses. as the Governor is empowered to delegate under "The Public Domains Act, 1881," together with such additional powers and authorities as are specified in "The Public Reserves Act 1881 Amendment Act, 1885," in respect of recreation-grounds and racecourses.

Board may allow agricultural shows, &c., to be held.

4. In addition to the powers hereinbefore mentioned in subsection four of the fourth section of "The Public Reserves Act 1881 Amendment Act, 1885," the Board the said Corporation may grant the exclusive right of the land hereby vested in them, or any part thereof, to any agricultural, pastoral, horticultural, or other like society (incorporate or not) for the purpose of holding any show, upon similar terms and conditions, and with similar authorities as in the said subsection are provided in the case of a grant the same may be granted to any particular person, body, or society for the purpose of particular sports, games, or other recreation.

New clause.

Militia and Volunteer parades and reviews may be held.

5. Militia and Volunteer parades and reviews may be held on the said reserve at all such convenient times and occasions as the Corporation may think fit.

Rights of owners of particular sections to use closed roads.

6. Notwithstanding the closing and vesting in the Board of Trustees of parts of particular streets as hereinbefore provided, the owners for the time being of sections numbered one thousand two hundred and sixty-five and one thousand two hundred and sixty-six on the plan of the Town of New Plymouth, and all persons *bond fide* going to and from such sections, or either of them, shall have a full and perfect right of way as heretofore over and along Shortland Street and

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Gover Street ; and the owner or owners for the time being of Section F on the plan of the Town Belt of New Plymouth, and also all persons *bonâ fide* going to and from the same section, shall have a similar right of way over that portion of Bell Street which is situated between
5 Section F and Eliot Street.

Struck out.

6. The Board shall be a corporate body by the name of "The Trustees of the New Plymouth Recreation Reserve," with perpetual succession and a common seal, and with full power and authority by that name to sue and be sued in all Courts whatsoever; and shall be capable in law for the purposes, and, subject to this Act, to do and suffer all such acts and things as bodies corporate may do and suffer, with power to take and hold all such lands, tenements, and hereditaments as may be in any manner acquired by or vested in the Board for any of the purposes mentioned in this Act.

7. If any member of the Board shall be directly or indirectly concerned in any contract with the Board, or shall receive, or be entitled to receive, any money or emolument for any work done or to be done for the Board, or shall be absent from the colony for the space of twelve consecutive months, or shall be adjudicated a bankrupt or insolvent, or take the benefit of or be brought under the operation of any Act relating to bankruptcy or insolvent debtors, or shall become a public defaulter, or shall become convicted of any felony, his seat on the Board shall become vacant.

8. It shall be lawful for any member of the Board, by writing under his hand addressed to the Governor, to resign his seat on the Board; and upon the acknowledgment of the receipt by the Governor of such writing the seat of such member shall become vacant.

9. If a vacancy occurs in the Board through death, or through any of the reasons aforesaid, it shall be lawful for the Governor to appoint a fit or proper person to fill the vacancy.

SCHEDULE.

Schedule.

ALL that parcel of land in the Town of New Plymouth, containing by admeasurement 36 acres 3 roods, more or less, bounded towards the North by Wakefield Street, 404 links; a line from a point 100 links south-west of the north corner of Allotment No. 1801, 250 links; part of Allotments Nos. 1801, 1802, 1803, 1804, 1805, 1775, 1776, 1777, and Ridge Lane, 890 links, and John Street, 839 links: towards the East by Eliot Street, 1755 links: towards the South by Allotment D, 2565 links: and towards the West by Allotment No. 1266, 255 links; a line from the north corner of the said allotment to the east corner of Allotment No. 1195, 822 links; and by the last-named allotment, 205 links. And also all that other parcel of land in the said town, containing by admeasurement 13 acres 13 perches, more or less, bounded towards the North by Hendrie Street, 760 links: towards the East by Allotment F, 550 links, 9 links, 795 links, and 40 links; Allotment No. 1927, 210 links and 205 links; and Allotment E, 98 links and 345 links: towards the South by Allotments E and D, 408 links: and towards the West by Eliot Street, 1895 links.