

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 17th September, 1914.

Mr. Davey.

RICCARTON BUSH.

[LOCAL BILL.]

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A BILL INTITLED

AN ACT to incorporate the Trustees of the Riccarton Bush.

Title.

WHEREAS the parcel of land containing ~~sixteen~~ *fifteen* acres *two roods and thirty perches*, more or less, known as the Riccarton Bush, and more particularly described in the Schedule hereto, belongs to Catherine Edith Deans, of Riccarton, widow of the late John Deans, of Riccarton, gentleman (hereinafter referred to as the said John Deans), for her life, and from and after her death to John Deans, James Deans, William Deans, Alexander Deans, and Douglas Deans, sons of the said late John Deans, and has been offered by them as a gift to the Mayor of the City of Christchurch as the representative of the people of Canterbury, and has been accepted by the said Mayor subject to the following conditions, namely—(1) That the said property shall be named "The Riccarton Bush," and shall be used and kept for all time for the preservation and cultivation of trees and plants indigenous to New Zealand; (2) that the said land shall be vested in and controlled by a Board of five members, two of whom shall be nominated by the City Council of Christchurch, two by the members of the family of the said John Deans, and one by the Philosophical Institute of Canterbury; (3) that entrance shall be free to the public at such hours and subject to such restrictions and regulations as may from time to time be appointed and made by such Board; (4) that, for or

Preamble.

towards the expenses of the maintenance and upkeep of the said Riccarton Bush, the City of Christchurch shall provide out of its general funds annually a sum of at least one hundred pounds; (5) that the said City Council of Christchurch shall promote such legislation as shall be requisite to incorporate such Board as a body corporate, with perpetual succession and a common seal: 5

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,
Incorporation of
Board.

1. This Act may be cited as the Riccarton Bush Act, 1914. 10

2. There shall be a Board incorporated under the name of "The Riccarton Bush Trustees" (hereinafter referred to as the Board) composed of five members, which shall be a body corporate with perpetual succession and a common seal.

Constitution of
Board.

3. Of the five members of the Board two shall be nominated by the City Council of Christchurch, two by the members of the family of the said John Deans as hereinafter provided, and one by the Philosophical Institute of Canterbury. 15

Term of office of
members of Board.

4. Every member of the Board shall hold office for five years and shall, unless his seat sooner become vacant, remain in office until his successor is nominated. 20

When seat of
member of Board
shall become vacant.

5. The seat of a member of the Board shall become vacant in any of the following events, that is to say:—

(a.) If he dies or becomes bankrupt, lunatic, or of unsound mind or incapable of acting: 25

(b.) If he resigns by notice in writing to the Board:

(c.) If he is absent from the Dominion for twelve months.

Appointment of
future members of
Board.

6. (1.) It shall be the duty of the Board, as soon as conveniently may be after a member's seat has become vacant or his term of office has expired, to give notice in that behalf to the person or persons or body in whom for the time being is vested the power to appoint his successor requiring such person or persons or body to nominate such successor, and to notify the Board of such nomination; and if such person or persons or body, as the case may be, fail to nominate such successor and notify the Board thereof within six months after the receipt by him, them, or it of such notice as aforesaid, the Governor may appoint such successor, and any appointment so made by the Governor shall be deemed to have been made by the person or persons or body so failing or neglecting to nominate as aforesaid. 30

(2.) Any person becoming entitled to participate in the nomination of a member of the Board by the members of the family of the said John Deans shall as soon as possible notify the Board thereof and of his name and address. 35

(3.) It shall be sufficient if the notice to be given by the Board under subsection *one* of this section to the persons for the time being entitled to participate in the nomination of a member of the Board by the members of the family of the said John Deans be given by registered letter addressed to such of them as shall be known to the Board to be so entitled at their last known places of abode. 45

Appointment of
first members of
Board.

7. Immediately after the passing of this Act the City Council of Christchurch shall at its next ordinary meeting nominate by resolution of the members present thereat two persons to be 50

members of the Board. A like nomination of two members of the Board shall be made by the members of the family of the said John Deans as hereinafter provided, and shall be delivered to the City Council of Christchurch, and a similar nomination of one member of the Board shall be made by the Philosophical Institute of Canterbury by resolution, and such nomination shall be forwarded to the City Council of Christchurch. The several persons so nominated shall be the first members of the Board.

8. Within one month after the receipt of the last of such nominations as aforesaid, a first meeting of the Board shall be called by the Town Clerk for the time being of Christchurch by a notice under his hand addressed and posted to each of the first said members of the Board at his last known or usual place of abode or business.

First meeting of Board.

9. (1.) The first nomination of members of the Board by the members of the family of the said John Deans shall be made by such of the children of the said John Deans as have attained the age of twenty-one years and are for the time being in New Zealand.

Nomination of members of Board by members of the family of John Deans.

(2.) Every subsequent nomination of members of the Board by the members of the family of the said John Deans shall be made by such of the children of the said John Deans as are then living and have attained the age of twenty-one years and are for the time being in New Zealand, and the person or persons to whom the right to participate in such nomination shall have descended under the provisions next hereinafter contained.

(3.) After the death of any one of the children of the said John Deans the right to participate in the nomination of a member or members of the Board shall descend to the heirs of such child as if such right were an incorporeal hereditament inalienable either *inter vivos* or by will and according to the rules governing the descent of an estate in fee-simple in land under the law of England as existing at the date of the passing of this Act.

(4.) In any case in which the right to participate in such nomination would, under the said rules, descend to two or more persons as coparceners, it shall descend to the eldest of such persons only, and for the purposes of the subsequent descent of such right such last-mentioned person shall be deemed to be the root of descent.

(5.) If the right to participate in such nomination shall be at any time vested in one and the same person by descent from more than one of the children of the said John Deans, such person shall not by reason thereof be entitled to more than one vote, but shall be entitled to one vote only.

(6.) The right to participate in such nomination shall not be exerciseable whilst the person to whom the same shall have so descended shall be under the age of twenty-one years, nor whilst such person shall be absent from New Zealand.

(7.) A nomination by the members of the family of the said John Deans shall be made by writing or writings under the hands of the persons for the time being entitled to participate therein, and shall be effective if a majority of the persons exercising, within due

time, the right to participate in such nomination concur in nominating one and the same person as a member of the Board.

Procedure of Board.

10. (1.) At such first meeting of the Board as aforesaid, and as often as the office of Chairman becomes vacant, the members of the Board shall elect one of their number to be Chairman, who shall hold office until he ceases to be a member of the Board or some other member is appointed Chairman in his place. 5

(2.) The Chairman shall preside at each meeting of the Board at which he is present, but in his absence from any meeting the members present shall elect a member to act as chairman at such meeting. 10

(3.) The Chairman shall have a casting-vote as well as a deliberative vote.

(4.) At every meeting of the Board three members shall form a quorum, and no business shall be transacted at any meeting unless a quorum is present thereat. 15

(5.) Subject to the provisions of this Act, the Board may regulate its own proceedings.

Common seal.

11. The common seal of the Board shall not be affixed to any deed or instrument, except in the presence of two members of the Board. 20

Declaration of trust.

12. The said parcel of land is hereby vested in the Board upon trust that the same shall be used and kept for the preservation and cultivation of trees and plants indigenous to New Zealand and for the other purposes of this Act. 25

Land to be called "The Riccarton Bush."

13. The said land shall hereafter be called "The Riccarton Bush."

Admission to the public.

14. Entrance to the said Riccarton Bush shall be free to the public at such hours and subject to such restrictions and regulations as may from time to time be appointed and made by the Board: 30

Provided that the Board may prescribe as to not more than ten days in any year as it thinks fit (other than Sundays, Christmas Day, and Good Friday) that the public shall not be entitled to have admission to the said Riccarton Bush or any part thereof unless on payment of a charge not exceeding *one* shilling per head. 35

Powers of Board.

15. (1.) The Board shall have full power and authority to receive, pay, apply, and dispose of all such moneys as shall be granted to the said Riccarton Bush, or the Board by way of voluntary contribution or otherwise, and to enter into all such contracts and do all such other acts, deeds, matters, and things as may be requisite or proper to be done in the purchasing or otherwise acquiring of plants, seeds, roots, shrubs, implements, materials, and in the erecting of suitable lodges, fences, summer-houses, caretakers' cottages, and other buildings, and in using and maintaining the said Riccarton Bush for the preservation and cultivation of trees and plants indigenous to New Zealand, or to the Board may appear necessary for effecting and properly carrying out the purposes of this Act and the said Riccarton Bush, but so nevertheless that the same may be in accordance with this Act. 40 45

To restrict admission.

(2.) The Board shall have full power to direct and order at what times and in what manner and under what restrictions and conditions the public shall be admitted to the said Riccarton Bush. 50

(3.) The Board may from time to time by resolution make such by-laws as it thinks fit for all or any of the following purposes:— To make by-laws.

(a.) For regulating the times at which, the manner in which, and the restrictions and conditions under which the public shall be admitted to the said Riccarton Bush.

(b.) For the safety and preservation of the Riccarton Bush and the property of the Board.

(c.) For repressing such impropriety in the conduct of visitors as may tend to immorality, injury, breach of the peace, or the discomfort of other visitors.

(d.) To constitute it an offence under such by-laws for any person to do any of the following things upon or within the boundaries of the said Riccarton Bush, that is to say:—

(i.) Light any fire; or

(ii.) Wilfully break or injure any fence, building, or erection; or

(iii.) Wilfully break, cut, injure, or remove any or any part of any wood, tree, shrub, fern, plant, furniture, utensil, tool, or thing of any kind; or

(iv.) Dig, cut, or injure the sod or the soil; or

(v.) Shoot at any bird or animal with any gun or other instrument or;

(vi.) Wilfully take, destroy, or injure any bird or animal, or the nest or egg of any bird.

(e.) For the more regular and efficient government of the said Riccarton Bush.

(f.) To repeal or alter any by-law:

Provided always that by-laws made by the Board shall not come into operation until the same shall have been submitted to and approved by the Governor and have been gazetted.

(4.) For the more effective management and control of the said Riccarton Bush the Board may appoint a ranger, and may define his duties and functions. To appoint ranger.

16. The publication in the *Gazette* of any by-laws purporting to be made by the Board under this Act and to be approved by the Governor shall, until the contrary is shown, be sufficient evidence that the same have been duly made and approved in accordance with this Act. Presumption that by-laws duly made.

17. In every case where under by-laws made under paragraph (d) of subsection three of section fifteen hereof wilful intent must be shown, such intent shall be presumed until the contrary is shown. Presumption of intent in certain cases.

18. If within the said Riccarton Bush any person is found in possession of any or any part of any wood, tree, shrub, fern, or plant, and upon being thereunto required by any Ranger of the Board or constable fails or refuses to give a satisfactory account of the manner in which he became possessed of the same, he shall be deemed to have wilfully removed the same from the said Riccarton Bush within the meaning of paragraph (d) of subsection three of section fifteen hereof. Presumption of intent in other cases.

Penalty.

19. Every person who commits any breach of any by-law under this Act is liable to a penalty not exceeding *twenty* pounds, and shall also be liable to pay the amount of any damage done by such person, which penalty and damage may be recovered in a summary way.

Christchurch City Council to make annual grant.

20. The City Council of Christchurch shall, out of its general funds, in each year provide such sum as it shall by resolution decide, not being less in any year than the sum of *one hundred* pounds, for the maintenance and upkeep of the said Riccarton Bush; and it shall be lawful for the said Council to pay over such sum to the said Board without being liable to see to the proper expenditure thereof: 5
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Provided always that, as to any sum in excess of the said sum of *one hundred* pounds so to be provided and paid over, the said Council may attach such special conditions or directions as to the expenditure and application thereof as the Council may by the same or any other resolution previously determine: 15

Provided also that, before providing such sum of money as aforesaid, the said Council shall have received the estimate referred to in the *next succeeding* section hereof.

Board to furnish estimate to Christchurch City Council.

21. In the month of April in each year the said Board shall make and forward to the City Council of Christchurch an estimate 20 setting forth in detail the requirements and proposed expenditure of the Board during the year ending the thirty-first day of March following.

Schedule.

SCHEDULE.

ALL that ~~parcel of land~~ area in the Canterbury Land District, containing 15 acres 2 roods and 30 perches, or thereabouts, situate in Block X, ~~of the~~ Christchurch Survey District, comprising part of Rural Section 163, and being Lot 1 on the plan deposited in the ~~Lands Registry~~ Office of the District Land Registrar at Christchurch, as No. 3884, and being the whole of the land contained in certificate of title volume 287 291, folio 225 197.