

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE,  
7TH AUGUST, 1895.]

Mr. Hall-Jones.

TIMARU PUBLIC PARK AND GARDEN DOMAIN RESERVE  
AND OTIPUA DOMAIN RESERVE VESTING.

[LOCAL BILL.]

ANALYSIS.

Title.	6. Control of domain.
Preamble.	7. General powers of Borough Council.
1. Short Title.	8. Expenditure for maintenance.
2. Interpretation.	9. Certain sections of "The Public Domains Act, 1881," to extend and apply to the domains vested in Corporation.
3. Land to vest in Corporation.	10. Power to lease.
4. Personal property, moneys, and securities to vest in Corporation.	Schedules.
5. Existing contracts, leases, agreements, or liabilities, how affected.	

A BILL INTITULED

AN ACT to provide that the Lands now held for the purposes of  
the Timaru Public Park and Garden Domain, and the Otupua  
Domain, shall be vested in the Mayor, Councillors, and Bur-  
gesses of the Borough of Timaru.

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WHEREAS by Order in Council made at the Government House,  
Wellington, on the twenty-ninth day of June, one thousand eight  
hundred and eighty-six, and published in the *New Zealand Gazette*  
No. 36, of the first day of July, one thousand eight hundred and  
10 eighty-six, His Excellency the Governor, in pursuance of the powers  
vested in him by "The Public Domains Act, 1881," delegated, but  
only with respect to the pieces or parcels of land described in the  
*First* Schedule hereto, all the powers conferred by the Act aforesaid,  
except the powers under or conferred by sections five and twelve  
15 thereof, to the Corporation of the Borough of Timaru, to be known as  
"The Timaru Public Park and Domain Board," subject to the  
stipulations in the said Order contained: And whereas by Order in  
Council made at the Government House, Wellington, aforesaid,  
on the third day of July, one thousand eight hundred and  
20 ninety-four, and duly published in the *New Zealand Gazette*  
No. 53, of the twelfth day of July, one thousand eight hundred  
and ninety-four, His Excellency the Governor, in pursuance of the  
powers vested in him by the said "Public Domains Act, 1881,"  
delegated, but only with respect to the piece or parcels of land  
25 described in the *Second* Schedule hereto, all the powers conferred by

No. 94—2.

the Act aforesaid, except the powers under or conferred by sections five and twelve thereof, to the Mayor, Councillors, and Burgesses of the Borough of Timaru, to be known as "The Otipua Domain Board," subject to the stipulations in the said order contained: And whereas it is expedient to vest the said two pieces or parcels of land in the Corporation of the Borough of Timaru for the purposes hereinafter mentioned: 5

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 10

Short Title.

1. The Short Title of this Act is "The Timaru Public Park and Garden Domain Reserve and Otipua Domain Reserve Vesting Act, 1895."

Interpretation.

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

"Board" means the person and persons and body corporate to whom the Governor, by Order in Council, has from time to time, or at any time, delegated under section twelve of "The Public Domains Act, 1881," all or any of the powers thereby conferred: 15

"Timaru Public Park and Garden Domain" and "Otipua Domain" means the parcels of land described in the *First* and *Second* Schedules hereto: 20

"Corporation" means the Mayor, Councillors, and Burgesses of the Borough of Timaru.

Land to vest in Corporation.

3. Upon the passing of this Act the whole of the lands described in the Schedules hereto, with all rights and appurtenances, shall vest in the Corporation for the purposes and subject to the provisions of this Act; and upon the production to the District Land Registrar at Christchurch, in the Provincial District of Canterbury, of a copy of this Act by the Mayor of the Corporation, together with all documents of title in the possession of the Council affecting the same or any part thereof, the Registrar shall cause such land to be registered in the name of the Corporation, freed and discharged from any prior trusts thereto attaching, but subject only to the trusts and provisions hereby created; and such Registrar may make, sign, and issue such certificates, transfers, or other instruments under "The Land Transfer Act, 1885," or any amendment thereof, as shall be necessary for the purpose of giving effect to this Act. 25 30 35

The land vested in the Corporation under this Act shall be subject to the provisions of section thirty-one of "The Public Works Acts Amendment Act, 1889." 40

Personal property, moneys, and securities to vest in Corporation.

4. All personal property and moneys, and any security for money, which on the date of the passing of this Act shall be the property of or due to the Board for rent or use and occupation of any part of the said lands, or for any other purpose in connection with the said reserves, or any or either of them, shall vest in and become the property of the Corporation. 45

Existing contracts, leases, agreements, or liabilities, how affected.

5. All contracts, leases, or agreements lawfully made by the Board or His Excellency the Governor in Her Majesty's name or on her behalf, affecting any part of the said lands and existing at the date of the passing of this Act, and all liabilities in respect thereof or in 50

*Timaru Public Park and Garden Domain Reserve and  
Otipua Domain Reserve Vesting.* 3

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. The lands described in the Schedules hereto shall be held by the Corporation under this Act as places of public recreation and enjoyment for the inhabitants of the Borough of Timaru and the public generally, 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.

Control of domain.

7. 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, draining, and managing the lands hereby vested in the Corporation for the purposes of this Act.

General powers of Borough Council.

8. All moneys in hand of the Timaru Public Park and Garden Domain Board, for the maintenance of the said Timaru Public Park and Garden Domain, may be applied by the Council for the purposes of this Act, and, so far as such moneys 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.

Expenditure for maintenance.

9. The tenth, eleventh, and the fifteenth to the eighteenth sections, inclusive, of "The Public Domains Act, 1881," shall extend and apply to the lands hereby vested in the Corporation. Any powers hereby conferred may be exercised by the Corporation or the Council thereof without any delegation or other authority from the Governor under that Act.

Certain sections of "The Public Domains Act, 1881," to extend and apply to the domains vested in Corporation.

10. The Corporation shall have power to let on lease the whole or such part or parts of the lands hereby vested in it as are included in the *Second* Schedule hereto, for such term and on such conditions as such Corporation may think fit.

Power to lease.

## SCHEDULES.

Schedules.

### FIRST SCHEDULE.

ALL ~~these several~~ *that* parcels of land in the Borough of Timaru, in the Land District of Canterbury—~~namely,~~ *containing by admeasurement 46 acres 2 roods, 44 perches,* more or less, being a portion of Reserve No. 344 (in red). Bounded on the northward by the Hospital grounds, 660 links, by Queen Street, and by Reserve No. 278 (in red); eastward by the Hospital grounds, 695 links, and by High Street; southward by the Boulevard, 2 chains wide; and westward by King Street, and by Reserve No. 278 (in red). Also, *all that parcel of land in the Borough of Timaru, containing by admeasurement 5 acres 3 roods 37 perches,* more or less, being a portion of Reserve No. 262 (in red). Bounded on the northward by Browne Street; eastward by Rose Street, 1136 links; southward by the Gaol grounds; and westward by the Boulevard, 2 chains wide.

Also ~~A~~ *all* that piece or parcel of land situate in the Borough of Timaru, bounded northward by Queen Street; westward by King Street; southward and eastward by Reserve No. 344; and being known as Reserve No. 278.

4 *Timaru Public Park and Garden Domain Reserve and  
Otipua Domain Reserve Vesting.*

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SECOND SCHEDULE.

ALL that parcel of land in the Canterbury Land District containing by admeasurement 151 acres 2 roods, more or less, being part of Reserve No. 1858, situated in the Patiti Survey District. Bounded on the eastward by a line parallel to and 1 chain distant from the west boundary of Reserve No. 1856 (in red); on the northward by a line parallel to and 1 chain distant from the south boundaries of Sections Nos. 1702 and 2367, and Reserve No. 122, and by a line parallel to and 1 chain distant from the east and ~~north~~ south boundaries of Section No. 1706; on the westward by Section No. 1998 and Section No. 5931, and by a straight line drawn across the mouth of the Otipua Creek, bearing  $157^{\circ} 20'$  (magnetic), to the termination of the right bank of the said creek; and on the south generally by Section No. 3753. ~~as the same is delineated on the plan deposited in the District Survey Office, Christchurch.~~

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By Authority: SAMUEL COSTALL, Government Printer, Wellington.—1895.