

WELLINGTON RACING CLUB.

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A BILL INTITULED

AN ACT to incorporate the Members of an Association known as "The Wellington Racing Club," and to vest in such Association the Property now held by "The Hutt Park and Racecourse Board," or by other Persons, Trustees for the Purposes of a Public Racecourse, and for other Purposes. Title.

WHEREAS by grant from the Crown bearing date the sixteenth day of June, one thousand eight hundred and sixty-six, under the hand of Sir George Grey, K.C.B., Governor of the Colony of New Zealand, and sealed with the public seal of the said colony, the piece of land comprised and described in the *First* Preamble.
5 Schedule to this Act was granted unto the Superintendent of the Province of Wellington and his successors, Superintendents of the said province, in trust as a racecourse and for purposes connected therewith: And whereas the land granted by the said grant was, under the authority of the Act of the Provincial Council of Wellington, Session XIV., No. 1, intituled "The Hutt Park and
10 Public Racecourse Act, 1866," by conveyance dated the third day of May, one thousand eight hundred and sixty-seven, conveyed by the Superintendent of the said province to the several persons named and appointed trustees of the Hutt Park and Racecourse Board aforesaid under the last-recited Act, to hold unto them and their successors, to be appointed in accordance with the
15 said Act, upon and for the trusts, intents, and purposes mentioned and declared

in and by the said recited Act: And whereas the pieces of land described in the *Second* Schedule hereto are now vested in William Hickson, George Crawford, George Buck, John Cudby, John Wilkins, John Grace, and George Frederick Wilford, upon trust for the purposes of a racecourse, and for other purposes connected therewith: And whereas the Hutt Park and Racecourse Board has demised the said pieces of land to trustees of an association known as the Wellington Racing Club, and the members of the said association have for many years used the land comprised in the said Schedules for the above purposes: And whereas, for the management of the affairs of the said association, and the better maintenance of the said racecourse and lands, and the buildings thereon, it is expedient to incorporate the members of the said association, and to confer upon the incorporated body certain rights and privileges: And whereas the Hutt Park and Racecourse Board, and the trustees aforesaid, are desirous that the land comprised in the said Schedules may be vested in the said proposed incorporated association, with the powers and authorities hereinafter contained:

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 shall be "The Wellington Racing Club Act, 1880."

Repeal of Acts of Provincial Council.

2. The Act of the Provincial Council of the Province of Wellington, Session IV., No. 7, intituled "An Act to provide for the Management of a Public Park and Racecourse in the Hutt District," and an Act of the said Council, Session XIV., No. 1, intituled "The Hutt Park and Racecourse Act, 1866," are hereby repealed. Immediately on this Act coming into operation the persons who then

Incorporation of Wellington Racing Club.

shall be members of the association known as "The Wellington Racing Club," and all such other persons as shall hereafter become members of such association, as hereby incorporated, shall be and they are hereby constituted a body corporate by the name of the Wellington Racing Club, hereinafter referred to as "the Club," and by such name shall have perpetual succession and a common seal,

Corporate powers.

and shall have power to make, revoke, and vary by-laws, for making, breaking, or altering its seal, and for the custody thereof, for the time and mode of convening meetings of the members thereof, and of committees, and for determining the number to be a quorum at any such meetings, and who shall preside thereat, and also for the conduct of any business at such meetings, and for directing and appointing committees of its members, and for giving the management of all or any part of its affairs to any such committees, and for determining what contribution, either annual or for life or otherwise, shall constitute any person a member, and for requiring that persons desiring to be members shall first be approved by the Club, or by a committee thereof, and for providing in what events the committee or any of the members thereof shall cease to hold office, and for the appointment of others in their places, and that in certain cases of default or misconduct any person shall cease to be a member of the Club, for regulating all matters concerning or connected with the real and personal property by this Act vested or which may hereafter be vested in the Club, and the admission to any land so vested or to be vested, and the expulsion therefrom of members of the Club and the public respectively, and the rates or charges to be paid for such admission, and for the general management of the said racecourse and of the lands of the Club, and of all races and race-meetings, and for providing in any other manner or respect whatsoever, not inconsistent with the provisions of this Act, for the management and regulation of the affairs, property, and concerns of the Club; and the Club shall have power to take,

purchase, acquire, accept, and hold property, real and personal, for the objects and purposes of this Act. The effect of such incorporation as aforesaid shall be that

The property, real or personal, belonging to the Wellington Racing Club shall be vested in the Club :

The debts or liabilities, whether secured by debenture or otherwise, which at the time of this Act coming into operation have been incurred by the Wellington Racing Club or by a committee thereof, shall become and be debts and liabilities of the Club, and the same may be enforced accordingly.

3. There shall be an annual meeting of the Club on the first Monday of the month of June in each year, at a time and place to be fixed by the committee. Public notice of such meeting shall be given by advertisement in some newspaper circulating in the City of Wellington, or in such other manner as the by-laws of the Club shall from time to time provide : Provided always that the Club may by any by-law alter the time for the holding of the annual meeting as hereby provided. The affairs of the Club shall be managed by a President, Vice-President, and committee, all of whom shall be elected at the annual meeting aforesaid, or an adjournment thereof. The President and Vice-President shall by virtue of their offices be members of the committee. The first President shall be Sir William Fitzherbert, K.C.M.G., the Vice-President, William Hickson, and Committee, George Hunter, Andrew Young, George Buck, John Cudby, John Wilkins, John Grace, George Frederick Wilford, Henry William Diver, William Hort Levin, and John Smylie McDewell Thompson. Such persons shall hold office until the appointment of their successors. Any member of the committee may resign or be removed by the Club. If from any cause whatever a vacancy in the office of President or Vice-President or committee shall occur during the interval between one annual meeting and another, the vacancy may be filled up by the committee. The expression "the committee" throughout this Act shall mean the committee for the time being appointed as hereinbefore provided.

First Committee of Management.

4. The objects and purposes of the Club shall be to maintain a public racecourse at the Hutt, and to maintain and improve the lands described in the Schedules hereto, and any other lands hereafter to be vested in or acquired by the Club, and to erect buildings thereon for the purposes of a racecourse, and purposes connected therewith, and to provide funds for such purposes ; but the members of the Club shall not derive any personal pecuniary profit therefrom.

Objects of the Club.

5. The rules and regulations of the said Wellington Racing Club in force when this Act comes into operation shall be deemed to be and shall be the by-laws for the time being of the Club, save and except so far as any of them are or shall or may be altered, varied, or repealed by, or are repugnant to this Act ; subject nevertheless to be and the same may be amended, altered, or repealed, wholly or in part, by the Club.

Present rules and regulations of Wellington Racing Club to be the by-laws of the Club until altered, &c.

6. All acts, matters, and things which the Club can by law determine and do, whether under this Act or otherwise, except such as are required to be done in general meeting, may be done and determined at a meeting of the committee, or by a quorum thereof present at such meeting.

Committee to have all the powers of the Club except such as are required to be exercised in general meetings.

7. Every question coming before the Club or the committee shall be decided by the majority of the members of the Club or committee, as the case may be, present at a meeting duly convened ; and in case of equality of votes the chairman or person presiding shall have a second or casting vote.

Questions, how determined.

Quorum of
committee.

Chairman of
committee.

First meeting of the
Club after
incorporation.

Hutt Park and
Racecourse Board
dissolved. Property
transferred to the
Club subject to
mortgages, &c.

The trusts, objects,
and purposes upon
which the property
of the Club shall be
held. The Club to
be subject to same
debts, &c., as the
Hutt Park and
Racecourse Board.

By-laws may be dis-
allowed by Governor
in Council.

8. All powers vested in the committee may be exercised by a quorum to be fixed from time to time by the Club, and until so fixed the quorum shall consist of three.

9. The President, or, in his absence or during any vacancy in that office, the Vice-President, when present, shall preside at all meetings of the Club or committee. If from any cause whatever neither the President nor Vice-President shall be present, then some other person, being a member of the Club or committee, as the case may be, may be elected to preside. No proceeding of the Club or committee, or person acting as President, Vice-President, or member of the committee, shall be invalid in consequence of there being a vacancy in the number of the committee, or by reason of the discovery after such proceeding that there was some defect in the election or appointment of the person so acting.

10. Not less than one month after this Act shall come into operation, a meeting of the members of the Club shall be held in the City of Wellington, at which meeting or any adjournment thereof the majority of the members present are empowered to make, do, execute, and perform, or authorize to be done, executed, and performed, any by-laws, acts, deeds, matters, and things which the Club is by this Act or otherwise authorized to do, execute, and perform. Notice of such first meeting shall be given by the committee, and advertised for seven consecutive times in some newspaper published in the City of Wellington: the notice shall specify the time when and place where such meeting is to be held.

11. Immediately this Act comes into operation, the Hutt Park and Racecourse Board shall be dissolved, and the trustees and officers thereof shall cease to hold office, and the pieces of land specified in the Schedules hereto, with the buildings thereon, and all the appurtenances, and all other the real and personal estate to which the Hutt Park and Racecourse Board is entitled, whether at law or in equity, in possession, remainder, or otherwise, and the whole legal and equitable estate and interest therein respectively, shall by virtue of this Act be vested in the Club, without any conveyance or assignment, for the purposes of this Act; subject nevertheless to all mortgages, leases, and contracts affecting the same, and valid and subsisting when this Act comes into operation. The Club may require any person holding any property, real or personal, in trust for or for the benefit of the Hutt Park and Racecourse Board to execute all necessary deeds and instruments to vest the same in the Club; and such persons, when so required, shall, subject to all existing mortgages, leases, and contracts, do so, and they are hereby indemnified from all responsibility for so doing.

12. The Club shall hold the lands and hereditaments specified in the Schedules hereto, and all other real and personal estate vested in the Club by this Act, or hereafter to be vested in or acquired by the Club by gift, purchase, or otherwise, upon the trusts and for the objects and purposes of this Act, and the Club shall be subject and liable to the same rights, obligations, debts, and liabilities as the Hutt Park and Racecourse Board or the trustees thereof was subject and liable to at the time this Act comes into operation, and the Club shall be bound to perform, pay, and discharge such rights, obligations, debts, and liabilities, and the same may be enforced against the Club as freely as they might or could have been enforced against the Hutt Park and Racecourse Board or the Trustees thereof, and the latter body, and the trustees and officers thereof, are hereby wholly exonerated and discharged therefrom.

13. No by-law made after this Act comes into operation shall have any effect until the expiration of one month after the same or a copy thereof, signed

by the President or Vice-President or by two members of committee, shall have been sent to the Colonial Secretary, and until publication as hereinafter provided; and at any time within the said period of one month the Governor in Council may disallow such by-law, and after such disallowance such by-law shall not come into operation. If any by-law be not disallowed as aforesaid, it shall, on the expiration of such one month after the same shall have been sent as aforesaid, be published in the *New Zealand Gazette*, with a notice that it has not been disallowed, and thereupon such by-law shall come into operation, and the production of a copy of the *New Zealand Gazette* containing any such by-law and notice as aforesaid shall be conclusive evidence that such by-law was duly made and not disallowed.

14. The Governor in Council may at any time declare that, from a time to be named in the Order in Council, and not less than six months from the publication of such order in the *New Zealand Gazette*, any by-law shall be repealed, and the same shall from and after the day so named be of no effect: Provided such repeal shall not interfere with or affect any action, suit, or prosecution, or other proceeding commenced before such repeal, but the same may be continued as if such repeal had not been made.

Governor in Council may repeal by-laws.

15. Any person offending against any by-law shall forfeit for every such offence any sum not exceeding five pounds to be imposed by such by-law as a penalty, and the same may be recovered in a summary way; and if the infraction or non-observance of any such by-law be attended with danger or annoyance to the public, or hindrance to the committee of the Club or the public in the lawful use of the said racecourse or of any other land for the time being used or occupied by the Club as a racecourse, the committee of the Club, or any member, officer, or servant of the committee, may summarily interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of such by-laws.

Offences against by-laws. If offence attended with danger, &c., the committee may summarily interfere.

16. Whosoever shall wilfully obstruct or impede any officer, servant, or agent of the committee or Club in the execution of his duty upon any land vested in the Club, or upon or in any building or premises connected therewith, or shall wilfully trespass upon any such land, building, or premises, or remove or injure any building, enclosure, post, tree, or shrub upon any such land, shall be liable to a penalty over and above the amount of the injury done not exceeding ten pounds, to be recovered in a summary manner.

Penalty for wilful obstruction, trespass, &c.

17. Any member of the committee, or officer or servant of the committee or Club, and all persons called by him to his assistance, may seize and detain any person who shall commit any offence under this Act or the by-laws of the Club, and whose name and residence shall not be given to such member, officer, or servant upon his requiring the same, and give such offender in charge to a police-constable, who shall with all convenient speed convey him, without any warrant or other authority than this Act, before a Justice of the Peace, to be dealt with according to law.

Arrest of offender refusing to give his name.

18. Notwithstanding the liability of any person to any penalty under this Act or the by-laws, he shall not be relieved from any liability to which he would have been subject if this Act had not been passed.

Liability to penalty not to relieve from other liabilities.

19. The Club may from time to time borrow money, and may mortgage and otherwise charge the lands and hereditaments comprised in the Schedules hereto, and any other real or personal estate vested in the Club by this Act or hereafter to be vested or acquired by the Club by gift, purchase, or otherwise, and may execute all necessary mortgages, deeds, or instruments. The moneys so borrowed

The Club may borrow money on mortgage. How borrowed moneys may be applied.

shall be applied in the permanent improvement of the lands of the Club for racing purposes, or in the erection, maintenance, or repair of buildings, or the planting of trees or shrubs upon the said lands, or in paying and discharging any debts or liabilities of the Club, or in such other manner, in or upon the said lands, as shall be necessary or expedient for the purpose of rendering the same 5 more convenient or fit for racing purposes.

The Club may lease lands and hereditaments.

20. The Club is hereby empowered to lease the lands and hereditaments described in the Schedules hereto, and also any other real or personal property vested by this Act in the Club, or which may, from time to time, hereafter be vested or acquired by the Club by gift, purchase, or otherwise, or any part 10 thereof, or any buildings thereon, for any term not exceeding twenty-one years, or any less period than a year; to take effect in possession, and not in reversion, at such rents, and under and subject to such powers, provisos, covenants, and conditions, as the Club may determine.

The Club may exchange lands and hereditaments.

21. The Club may exchange any real or personal property hereafter to be 15 vested in or acquired by the Club by gift, purchase, or otherwise, or any part or parts thereof, for other property of the same or a like nature and tenure, and may give or take any money by way of equality of exchange. Any money so taken shall be applied in the purchase of other real or personal property, which shall be held upon the trusts and for the objects and purposes of this Act. 20

Mortgages and exchanges only to be made with the consent of a majority of the members of the Club at a general meeting.

22. No money shall be borrowed on mortgage, and no exchange of the real property of the Club shall be effected, except with the consent of a majority of the members of the body corporate who shall be present at a meeting to be held in the City of Wellington, which meeting shall be convened by notice advertised for fourteen consecutive times in a newspaper published and circulating in the 25 City of Wellington. Such notice shall specify the business to be transacted at the meeting, and shall fix a time and place for the holding of such meeting, such time not being less than one month from the first of such advertisements. A like notice in writing shall be delivered to each member of the Club as shall reside beyond the City of Wellington, or be sent through the post office 30 addressed to him and them at his or their known place of abode or residence in such city.

Mortgagees and lessees, &c., not bound to see to application of moneys.

23. No mortgagee, lessee, or person taking by way of exchange, or other person dealing with the Club, shall be concerned to inquire into the necessity or propriety of any such mortgage, lease, or exchange, or whether any resolution 35 has been passed or notice or advertisement given, or be concerned to see to the application of the mortgage-moneys or rents or other moneys, or be answerable for the misapplication or non-application thereof.

Rents, profits, and annual income, how to be applied.

24. The rents, profits, and annual income of the Club shall be applied in paying the interest upon money borrowed, the rent of any leasehold lands, the 40 expenses of management, the debts and liabilities of the Club, and generally in carrying into effect the objects and purposes of the Club.

Mode of entering into contracts.

25. All contracts by the Club may be made as follows:—

Any contract which if made between private persons would by law require to be in writing and under the seal of the Club may be made by the 45 committee in writing and under the common seal of the Club and signed by two members of the committee, and the same may be varied or discharged in like manner.

Any contract which if made between private persons must be in writing, signed by the parties to be charged therewith, the committee may 50 make in writing, signed by the members thereof or any two of their

number acting by the direction of the committee, and the same may in like manner be varied or discharged.

Any contract which if made between private persons would be by law valid although made by parole only and not reduced into writing, the members of the committee or any two of them acting on behalf of the committee may make by parole only without writing, and the same may in like manner be varied or discharged.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that parcel of land in the Provincial District of Wellington, in New Zealand, situate in the Hutt District, containing by admeasurement eighty-nine (89) acres, more or less, being part of Section number twelve (12) on the plan of the said Hutt District. Bounded towards the North by other part of the said section, two thousand four hundred and fifty (2450) links; towards the North-east by Section No. 13, two thousand and eight (2008) links; towards the East and South-east by Section No. 15, five hundred and thirty (530) links, eight hundred (800) links, seven hundred (700) links, and nine hundred and seventy (970) links; towards the South-west and South by Native reserve, twelve hundred (1200) links, five hundred and thirty (530) links, and four hundred and eighteen (418) links; and towards the West by a public road and the Waiwetu River, two thousand four hundred and fifty (2450) links: excepting always the piece of land containing four (4) acres, more or less, known as Freethey's Island, and already granted to Thomas Freethey.

SECOND SCHEDULE.

ALL that piece of land containing by admeasurement seven (7) acres, more or less, being part of Section number twelve (12), Hutt District, aforesaid. Commencing at the south-western corner of the said section, and bounded thence towards the West by Section number eleven (11) on the plan of the said district, two hundred and twenty-six (226) links; thence towards the North-west by other part of the said Section number twelve (12), being a line at a bearing of 61 degrees and 3 minutes, nine hundred and ninety-four (994) links; thence towards the North-east by the Awamotua River, being an irregular line; and thence towards the South by the Racecourse Reserve, being a line running at right angles to the western boundary of the said Section number twelve (12), one thousand nine hundred and fifty-five (1955) links, to the commencing point. Also that piece of land containing by admeasurement four (4) acres, more or less, and being part of Section number twelve (12) aforesaid, and commonly known as Freethey's Island. Which two pieces of land are comprised in and delineated by the plans drawn on conveyance, dated 2nd of June, 1875, registered in Deeds Office, Wellington, No. 21,784.