



# FRANKTON RACECOURSE RESERVE MANAGEMENT ORDINANCE 1873.

IN THE THIRTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION XXXII. No. 410.

## ANALYSIS :

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| <p>Title,<br/>Preamble.<br/>1. Short Title.<br/>2. Trustees of Frankton Racecourse incorporated.<br/>3. Power to remove and appoint Trustees.<br/>4. Land in Schedule vested in Trust.<br/>5. Superintendent authorised to convey.</p> | <p>6. Trust may set apart portion of said land as a Racecourse.<br/>7. Trust may lease surplus land.<br/>8. Application of moneys.<br/>9. Trust to keep accounts and furnish balance sheets to be audited<br/>10. Trust may make rules.<br/>Schedule.</p> |
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AN ORDINANCE to provide for the Management of the Racecourse Reserve at <sup>Title</sup>  
*Frankton in the Province of Otago.*

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON—30TH JULY 1873 ]

WHEREAS the parcel of land particularly described in the Schedule <sup>Preamble</sup>  
hereto has under and by virtue of the "Public Reserves Act 1854"  
and "The Public Reserves Act Amendment Act 1862" been granted  
by the Governor of New Zealand in the name and on behalf of Her  
Majesty to the Superintendent of Otago and his successors upon trust  
for public purposes: And whereas by "The Public Reserves Act  
Amendment Act 1862" it is provided that it shall be lawful for  
the Superintendent and Provincial Council of any Province by any Act  
or Ordinance to be from time to time duly passed in that behalf to direct  
and declare that any lands vested in the Superintendent of any Province  
under the provisions of the "Public Reserves Act 1854" upon trust for any  
public purposes shall be transferred to and vested in and held by any Cor-  
poration Commission or other person or persons having corporate succession  
to be named in such Act or Ordinance in trust for the like or for any other  
public purpose to be specified and declared in such Act or Ordinance in such  
manner and with such powers of lease management and disposition over the  
same and over all rents issues profits and proceeds thereof and other powers  
provisions and conditions as should in such Act or Ordinance be expressed  
or declared: And whereas it is expedient to make provision for the manage-  
ment of the said parcel of land in manner hereinafter appearing:

BE IT THEREFORE ENACTED by the Superintendent of the Province of  
Otago by and with the advice and consent of the Provincial Council thereof  
as follows:—

1. This Ordinance may be cited and referred to as the "Frankton <sup>Short Title</sup>  
Racecourse Reserve Management Ordinance 1873."

Trustees of Frankton Racecourse incorporated

2. Michael John Malaghan of Queenstown in the said Province of Otago merchant James William Robertson of the same place merchant Charles Crofton Boyes of Frankton in the said Province sheep farmer and James Douglas of Frankton aforesaid surgeon and all such other persons as shall be hereafter appointed trustees under the provisions of this Ordinance and their successors shall be and they are hereby constituted a corporate body in fact and in law by the name and style of the "Trustees of the Frankton Racecourse" and by that name they and their successors shall have perpetual succession and a common seal with full power and authority by the same name and style to sue and be sued plead and be impleaded defend and be defended in all Courts and in all causes and suits at law or in equity whatsoever with power to take purchase and hold to them and to their successors all goods chattels and personal property whatsoever and also all such lands and hereditaments and possessions as may be transferred to and vested in them as a site for a Racecourse or for any other purposes in connection therewith and also to do all other matters and things incidental to or appertaining to a corporate body subject nevertheless to any provisions in this Ordinance contained affecting such powers.

Power to remove and appoint Trustees

3. So often as any person so appointed shall die resign become incapable to act or be removed or absent from the said Province for the space of six consecutive calendar months it shall be the duty of the said Superintendent to appoint by proclamation in the Otago Provincial Government *Gazette* either permanently or temporarily as occasion may require another or other fit and proper person or persons to be a trustee or trustees in the room or stead of the trustee or trustees so dying resigning becoming incapable or being absent as aforesaid.

Land in Schedule vested in Trust

4. The said parcel of land described in the Schedule hereto shall be transferred to and vested in and held by the "Trustees of the Frankton Racecourse" and their successors in trust for the purposes of a Racecourse subject to the powers provisions and conditions herein expressed and declared.

Superintendent authorised to convey

5. It shall be lawful for the Superintendent to execute and make any conveyance or other assurance for transferring to and vesting in the "Trustees of the Frankton Racecourse" and their successors the lands described in the said Schedule hereto and every or any part or parts thereof respectively.

Trust may set apart portion of said land as a Racecourse

6. It shall be lawful for the "Trustees of the Frankton Racecourse" hereinafter referred to as the "Trust" to set apart a sufficient portion of the said parcel of land as and for the purposes of a Racecourse and from time to time to vary and alter the portion which may for the time being be set apart and to set apart another portion of the said parcel of land as a Racecourse in lieu thereof.

Trust may lease surplus land.

7. It shall be lawful for the "Trust" by deed under their corporate seal to lease from time to time at such rent and on such conditions as they may think reasonable the whole or any part of the said parcel of land specified in the said Schedule hereto not required for the purposes of a Racecourse for any term or terms of years not exceeding seven years at any one time.

Application of moneys

8. All moneys received by the "Trust" for the rents issues and profits of the said parcel of land shall after deducting therefrom all necessary expenses incurred in the management thereof be applied in and towards the cultivation and improvement of the said parcel of land and in rendering any part thereof that may be set apart as a Racecourse suitable for that purpose and in and towards providing prizes for races to be run on the said Racecourse and generally in and towards the encouragement of the breeding of horses and for such other purposes as the "Trust" may from time to time determine to apply the same.

9. The "Trust" shall keep accurate accounts of all sums of money received for rents issues and profits on account of the said parcel of land and of all costs charges expenses and disbursements in connection with the management and maintenance thereof and on the thirty-first day of March in every year or within one week thereafter the "Trust" shall prepare accounts and a balance sheet showing the receipts and disbursements of the "Trust" during the previous year and the actual financial state of the "Trust" on the thirty-first day of March in that year and such accounts and balance sheet shall be forwarded in duplicate to the Superintendent who shall cause the same to be forwarded for examination by the Provincial Auditor in manner described by the "Provincial Audit Act 1866" and the Provincial Auditor is hereby required and empowered to examine and audit such accounts and balance sheet and such balance sheet shall be published in the *Government Gazette* of the Province immediately after the same shall have been so audited.

10. It shall be lawful for the "Trust" and they are hereby authorised and empowered from time to time to make and alter rules for regulating their own proceedings for prescribing the conditions on which the public shall be permitted to have access to the said Racecourse upon any day when the same shall be used for racing purposes for regulating the price for admission on such occasions for excluding the public from such parts of the said parcel of land as it may be found necessary or desirable to improve or lay down in artificial grasses for regulating the charges that may be made for the occupation of any portion of the said Racecourse for the erection of booths or stalls for the sale of refreshments merchandise goods or chattels and for the admission of horses and vehicles to the said Racecourse.†

### SCHEDULE.

All that area in the Province of Otago in the Colony of New Zealand containing by admeasurement one hundred (100) acres more or less situate in the Shotover district being sections numbered respectively twenty-seven twenty-eight twenty-nine thirty thirty-one thirty-two forty-six forty-seven forty-eight sixty-four sixty-five and sections numbered respectively forty-four A and forty-five A block I on the Map of the said district and part of the town of Frankton : bounded towards the north-east by section numbered sixty-three block I one thousand two hundred and fifty (1250) links towards the south-east by a road line fifty (50) links again towards the north-east by section numbered thirty-three of the said block I one thousand two hundred and fifty (1250) links again towards the south-east by sections numbered respectively thirty-eight and thirty-nine of the said block I three hundred and twenty (320) links towards the east-north-east by the sections numbered respectively thirty-nine and forty of the said block I eight hundred (800) links towards the south-south-east by the sections numbered respectively twenty-six forty-four and forty-five of the said block I two thousand four hundred and eighty-eight (2488) links also by a road line nine hundred and eighty-six (986) links towards the west-south-west by Crown lands three thousand one hundred and sixty (3160) links towards the north-north-west by Crown lands five hundred and thirty-six (536) links again towards the north-east by Cemetery reserve four hundred (400) links again towards the north-north-west by Cemetery reserve four hundred and fifty (450) links again towards the west-south-west by a road line four hundred (400) links again towards the north-north-west by section numbered forty-nine of the said block I one thousand two hundred and fifty (1250) links and towards the north-west by section numbered one hundred and forty-nine of the said block I four hundred and forty-eight (448) links and intersected by two road lines each one hundred (100) links wide.

All that parcel of land in the said Province of Otago situate in the Shotover District aforesaid being sections numbered respectively twenty-three twenty-four twenty-five twenty-six forty-four and forty-five block I on the map of the said district containing by admeasurement thirty-nine (39) acres three (3) roods and nine (9) poles more or less : bounded towards the north-west by sections numbered respectively twenty-seven forty-four A and forty-five A two thousand four hundred and eighty-eight (2488) links towards the north-east by sections numbered respectively forty forty-one and forty-three one thousand six hundred (1600) links towards the south-east by a road line two thousand four hundred and eighty-eight (2488) links and towards the south-west by a road line one thousand six hundred (1600) links.

### DUNEDIN, NEW ZEALAND :

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