

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Land to vest in Corporation. 4. Personal property, moneys, and securities to vest in Corporation. 5. Existing contracts, leases, agreements, or liabilities, how affected. 6. Control of Domain. Botanic garden. | <ol style="list-style-type: none"> 7. Powers of Corporation with respect to cricket-ground. 8. General powers of Borough Council. 9. Expenditure for maintenance. 10. Certain sections of "The Public Domains Act, 1881," to extend and apply to the Domain. 11. Power to lease. Proviso. Schedule. |
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1893, No. 25.—*Local.*

Title. AN ACT to provide that the Lands now held for the Purposes of the Public Domain of Auckland shall be vested in the Mayor, Councillors, and Citizens of the City of Auckland.

[6th October, 1893.]

BE IT 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 Auckland Domain Vesting Act, 1893."

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:

"Domain" means the parcel of land described in clause one of the Schedule hereto:

"Cricket-ground" means such portion of the said Domain as is now used for such purpose and as is described in clause two of the said Schedule:

"Corporation" means the Mayor, Councillors, and Citizens of the City of Auckland.

Land to vest in Corporation. 3. Upon the passing of this Act the whole of the lands described in the Schedule hereto, with all rights and appurtenances thereto, shall vest in the Corporation for the purposes and subject to the provisions of this Act; and upon production to the District Land Registrar at Auckland aforesaid of a copy of this Act by the Mayor of the Corporation, together with all documents of title then in the

possession of the Corporation 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," as shall be necessary for the purpose of giving effect to this Act; but the Registrar shall enter on such certificate all such outstanding leases of any part thereof as shall have been duly registered in the Deeds Registry Office at Auckland against any part of such property.

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

4. All personal property and moneys, and any security for any money, which on the date of the passing of this Act shall be the property of or due to the Board, or to Her Majesty the Queen, for rent or use and occupation of any part of the said lands, shall thereupon vest in and become the property of the Corporation.

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

5. All contracts, leases, or agreements, lawfully made by the Board or Her Majesty the Queen, 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 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.

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

6. The Domain, described in the said Schedule, shall be held by the Corporation under this Act as a place of public recreation and enjoyment for the inhabitants of the Borough of the City of Auckland 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.

Provided that the portion of the Domain which is now used as a botanic garden shall at all times hereafter be kept and maintained by the Corporation as and for the purposes of a botanic garden and for no other purpose; and, notwithstanding anything hereinbefore contained, the Corporation or the said Council shall not have power at any time to alter or divert the said portion of the Domain to any other purpose or object, but may nevertheless make such alterations, variations, or renewals in the paths, trees, shrubs, plants, seeds, roots, buildings, or fences therein or thereon, from time to time, necessary to carry out such a purpose; and shall also allow the inhabitants of the said borough and public generally to have free access to and from such portion as they can or may have to other portions of the Domain, and all the provisions of this Act shall extend and apply to the said portion accordingly.

Botanic garden.

7. The Corporation shall hold the cricket-ground as a recreation ground; and

Powers of Corporation with respect to cricket-ground.

(1.) May enclose the cricket-ground or any part thereof which it

may at any time be found necessary or desirable to plant, improve, or lay down in artificial grasses, or to renew such grasses :

- (2.) May prohibit the public from entering upon or encroaching on any part of the cricket-ground so planted or laid down ; but otherwise may not make any disposition of the cricket-ground whereby the public shall be excluded from the free access thereto, except on certain days, not exceeding twenty in any year, as hereinafter mentioned :
- (3.) May prescribe, as to not more than twenty days in any year, as they shall think fit, which shall not be Sunday, Christmas Day, or Good Friday, that the public shall not be entitled to have admission to the cricket-ground, or to any part thereof set apart for a particular purpose, unless upon payment of a charge as hereinafter mentioned :
- (4.) May, on payment of such sum as they shall fix, grant the exclusive use of the cricket-ground, or any part thereof, on any one or more of the aforesaid twenty days, but not for more than three days consecutively at any time, to any person, body, or society (incorporate or not), for the purpose of particular sports, games, or other recreation, with authority for such person, body, or society to demand a fee or charge for admission on such day or days to the cricket-ground or part thereof so granted, not in any case exceeding for each day one shilling for each person, with an extra shilling for every horse or vehicle which he may desire to take with him, unless such person desires to obtain admission to the stand hereinafter mentioned, in which case an additional fee or charge, not exceeding five shillings, may be imposed prior to his obtaining admission to such stand :
- (5.) May erect, or authorise any person, body, or society (incorporate or not), to erect upon some portion of the cricket-ground buildings for ornamental purposes, or a stand or pavilion, upon such terms as to plans, size, situation, custody and otherwise, in all respects as the Corporation shall determine ; and may appoint the mode and price of admission to any such stand or pavilion on any of the days hereinbefore mentioned :
- (6.) May prescribe the games which shall be permitted to be played in the cricket-ground or any part thereof, and regulate the use of the cricket-ground for such games, and may prohibit the playing of any games at times when the cricket-ground would be thereby damaged, and prohibit altogether the playing of any particular game therein :
- (7.) May from time to time make, alter, or revoke by-laws or regulations for the management of the cricket-ground and for the preservation of order thereon, all which by-laws or regulations shall be publicly notified by advertisement in some newspaper circulating in the district, and by being posted on some conspicuous place in the cricket-ground so that they may be easily read :

(8.) Provided that no person shall be required to pay any fee or charge for admission on any day when the cricket-ground or any part thereof is specially set apart as aforesaid, unless public notice of the cricket-ground being set apart on such day, and of the prices to be charged for admission thereto or to the stand, has been advertised in some newspaper circulating in the district where the cricket-ground is situate, twice a week at least for two successive weeks prior to the said day :

(9.) And provided that any person who shall enter the said cricket-ground or stand upon any such day so fixed without having paid the fee or charge advertised shall be liable to a penalty of not more than twenty shillings, which may be recovered in a summary way.

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

General powers of Borough Council.

9. All moneys which, under the provisions of any statute, deed, or agreement, are payable to the Board for the maintenance of the said Domain shall continue to be set apart, paid, and applied by the Corporation for the purposes of this Act ; and, so far as such moneys are unpaid or do not extend, the Corporation may lay out and expend for the purposes of this Act such part of the Borough Fund as may be necessary.

Expenditure for maintenance.

10. The tenth and eleventh and the fifteenth to the eighteenth sections inclusive of "The Public Domains Act, 1881," shall extend and apply to the Domain ; and any powers thereby conferred may be exercised by the Corporation or the Council thereof without any delegation or other authority from the Governor under that Act, in the same manner as though the Governor had, by Order in Council, duly delegated to the Corporation all the powers conferred by the said Act, except the powers conferred by sections five and twelve thereof, and such delegation had remained in full force and effect : Provided always that, in any prosecution for any breach of section seventeen of the said Act, it shall not be necessary to prove that the act was done without the license of the Governor.

Certain sections of "The Public Domains Act, 1881," to extend and apply to the Domain.

11. The Corporation shall have power to let on lease such parts of the lands hereby vested in it as are included in clauses three, four, and five of the Schedule hereto, but no other, for such term and on such conditions as such Corporation may think fit :

Power to lease.

Provided that with regard to clauses four and five of the said Schedule the Corporation shall not have power to lease for a longer term than three years.

Proviso.

SCHEDULE.

Schedule.

1. ALL that parcel of land in the Auckland Land District containing by admeasurement 194 acres 2 roods 20 perches, more or less, situate in the Rangitoto Survey District, and being called or known by the name of "The Auckland Domain." Bounded towards the north by a line commencing at the south-western angle of Section No. 11 of the City of Auckland, and proceeding for a distance of

303·7 links; thence by lines, 68·8 links, 47·7 links, 79 links, 78 links, 66 links, 297 links, 170 links, 90 links, 180 links, 115 links, 50 links, 130 links, and 343·3 links respectively; thence towards the north-east by lines, 200 links, 400 links, 162·4 links, 116·3 links, 535 links, 104·4 links, 920 links, 62 links, 169 links, 60 links, 89 links, 122 links, 158 links, 128 links, 345 links, 161 links, and 361 links respectively; towards the south-east by lines, 1747·7 links, 572 links, 970·5 links, and 597·7 links respectively; towards the south by a line, 1153 links; and towards the west generally by lines, 1266·1 links, 200 links, 1266·1 links, and 995·1 links respectively, by a stream, and by lines, 500 links, 629·3 links, and 1134·4 links respectively, to the commencing-point: as the same is delineated on Map No. 3933 deposited in the Survey Office at Auckland.

2. All that parcel of land in the Auckland Land District containing by admeasurement 29 acres and 2 roods, situate in Block VIII., Rangitoto Survey District, and being portion of the Auckland Domain. Bounded towards the north by a line commencing at the south-western angle of Lot No. 2, and proceeding for a distance of 184 links; thence by a line, 944·8 links; thence towards the east by lines, 107·9 links, 158·2 links, 84·5 links, 87 links, 69·7 links, 76 links, 75·2 links, 164·2 links, 272·7 links, and 603·6 links respectively; towards the south-east by lines, 122·9 links, and 597·7 links respectively; towards the south by a line, 1153·3 links; towards the west by a line, 1107·7 links; and towards the north-west by lines, 177 links, 115 links, 497·6 links, and 66·2 links respectively, to the commencing-point: be all the aforesaid linkages more or less, as the same is delineated on Map No. 3933 deposited in the Survey Office at Auckland.

3. All that parcel of land in the Auckland Land District, containing by admeasurement 4 acres 1 rood 28 perches, more or less, situate in the Rangitoto Survey District, and being the northern portion of Section No. 34 of the City of Auckland, commencing at the junction of Wynyard Street and Grafton Road. Bounded towards the east generally by lines, 579·2 links and 838 links respectively; towards the south-west by lines, 350 links and 300 links respectively; and towards the north-west by lines, 1067 links and 11·4 links respectively, to the commencing-point: be all the aforesaid linkages more or less, as the same is delineated on Map No. 21 deposited in the Survey Office at Auckland.

4. All that parcel of land in the Auckland Land District, containing by admeasurement 1 acre 2 roods 15 perches, more or less, situate in Block VIII., Rangitoto Survey District, and being portion of the Auckland Domain. Bounded towards the north-west by a line commencing at a point on the south-eastern side of Stanley Street, at a distance of 284·4 links from its southernmost angle, and proceeding for a distance of 850 links; thence towards the north-east by a line 303·7 links; and towards the south-east generally by lines, 68·4 links, 167·6 links, 351·7 links, 94·7 links, 64·9 links, 95·2 links, and 91·8 links, respectively, to the commencing-point: as the same is delineated on Map No. 3933 deposited in the Survey Office at Auckland.

5. Also all that parcel of land in the Auckland Land District, containing by admeasurement 6 acres 17 perches, more or less, situate in Block VIII., Rangitoto Survey District, and being that portion of the Auckland Domain numbered 2. Bounded towards the north-west generally by a line commencing at the south-western angle of Lot No. 2, and proceeding for a distance of 187·3 links; thence by lines, 154 links, 299·9 links, and 44·8 links, and by a lagoon; towards the north-east generally by lines, 45 links, 258·6 links, 151·2 links, 137·2 links, 116·5 links, and 408 links, respectively; and towards the south by lines, 944·8 links and 184 links, to the commencing-point: as the same is delineated on Map No. 3933 deposited in the Survey Office at Auckland.