

New Zealand.



ANALYSIS.

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1887, No. 5.—*Local.*

AN ACT to provide for the Control and Management of a certain Title.
Recreation and Racecourse Reserve in the Town of New
Plymouth. [9th December, 1887.]

WHEREAS certain portions of the lands described in the Schedule Preamble.
hereto were by a Crown grant, bearing date the twentieth day of August, one thousand eight hundred and fifty-eight, granted to the Superintendent of the former Province of Taranaki in trust for the purposes in the said Crown grant mentioned: And whereas the purposes for which a part of the said lands described in the Schedule and granted as aforesaid were to be held by the said Superintendent were altered by an ordinance passed by the Superintendent and Provincial Council of the said Province, intituled "The Town Board of New Plymouth Endowment Ordinance, 1871:" And whereas after the date of the said Crown grant the portions of the said lands described in the Schedule, which were not included in the said Crown grant, became vested in the said Superintendent or Her Majesty the Queen, under the provisions of certain ordinances of the said Superintendent and Provincial Council, and of certain Acts of the General Assembly of New Zealand, relating to exchanges of land in the Town of New Plymouth: And whereas the whole of the lands described in the Schedule, not being parts of streets, are now vested in Her Majesty the Queen for such altered purposes as aforesaid, and the remainder of the said lands described in the Schedule are now vested in the Municipal Corporation of the Borough of New Plymouth for public use as streets: And whereas it is desirable to make further and more definite provisions in respect of the said lands and of the

control and management thereof, and for the closing for public traffic of parts of streets included therein, and for the reopening thereof if required :

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 is “The New Plymouth Recreation and Racecourse Reserve Act, 1887.” It shall be deemed to be a special Act within the meaning of “The Public Reserves Act, 1881.”

Parts of lands described in Schedule vested in Corporation of Borough of New Plymouth.

2. The portions of the land described in the Schedule hereto, which are not parts of streets, are hereby vested in the Mayor, Councillors, and Burgesses of the Borough of New Plymouth (hereinafter styled “The Corporation”), as a public reserve for the purposes set forth in section three hereof.

Purposes for which remainder of lands in Schedule held by Corporation changed, and the whole declared a reserve for public recreation.

3. The purposes for which the portions of the lands described in the Schedule hereto, which are now parts of streets in the Borough of New Plymouth, shall be held by the Corporation are hereby changed, and the same shall henceforward be held by the Corporation, together with the lands vested in the Corporation by section two hereof, as a public reserve for the recreation of the inhabitants of the Town of New Plymouth, to be known as “The New Plymouth Recreation and Racecourse Reserve,” subject to the following provisions :—

The Borough Council of the Borough of New Plymouth—

- (1.) Shall have the control of the said reserve, and shall be the Trustees thereof within the meaning of “The Public Reserves Act 1881 Amendment Act, 1885,” and may exercise in respect of the said reserve the powers conferred on Trustees by sections four, five, and six of the same Act so far as the same are not inconsistent with this Act, in addition to any powers the Council may now or hereafter possess under any other Act relating to the management of recreation-grounds or otherwise ; but the provisions of sections seven, eight, nine, ten, and eleven of the said “Public Reserves Act 1881 Amendment Act, 1885,” shall not be applicable to the said reserve :
- (2.) Shall set apart a sufficient portion or sufficient portions of suitable land within such reserve for the purposes of a racecourse, which shall include a suitable site for a grandstand, and the necessary yards and buildings, and a course of one chain and a half in width, including the part to be used as a training course. And may allot any portion of the land comprised within the inner boundary of the said course for use for cricket, either exclusively or jointly with any other game or games which, in the opinion of the Council, shall not be calculated to damage the cricket ground. And may, in like manner, allot any other portion of the land within the said inner boundary for use for football, either exclusively or jointly, with any other game or games :

- (3.) May also set apart any other portion or portions of such reserve to be used for games and sports generally, or for particular games only, as the Council shall think fit, and may prohibit the playing of games generally, or of any specified game or games in any part of the said reserve not specially set apart therefor :
- (4.) May let the reserve or any portion or portions thereof for grazing purposes from year to year, provided, however, that no lease to be granted in exercise of this power or otherwise of any portion or portions of the reserve shall interfere with recreation or racing.

4. The racecourse set apart as aforesaid may be used by the Taranaki Jockey Club for the time being for the purpose of holding race-meetings at such times, not exceeding three days in each year, as the said jockey club shall from time to time appoint, and for the purpose of training and exercising horses on every week day before the hour of nine o'clock a.m., upon the following terms and conditions :—

Powers of Jockey
Club over race-
course.

- (1.) The said jockey club shall not be entitled to hold any such race-meeting, or to have the use of the racecourse for training and exercise as aforesaid, unless the said club shall consist of not less than fifty members, who shall each have paid an annual subscription of not less than twenty shillings towards the funds of such club for the then current year.
- (2.) The racecourse shall not be used for horse-races or for the training and exercise of horses except by the said club.
- (3.) The said club may from time to time make, alter, or revoke regulations in respect of the racecourse—
- (a.) Prescribing the conditions on which the public shall have access to the reserve upon any day duly appointed for the holding of a race-meeting thereon, and regulating the charges for the admission of persons to the reserve, or to any stand erected thereon, and for the admission of horses and vehicles to the reserve on any such day ;
- (b.) For regulating the charges that may be made for permission to erect and occupy booths or stalls on the reserve for the sale of refreshments or other goods, and for permission to hawk any goods for sale, exhibit any show, or carry on any lawful game upon the reserve, on any such day as aforesaid : Provided always that no such regulation shall in anywise affect the operation of any law now in force, or which may hereafter be in force in the Colony of New Zealand, for regulating the sale of spirituous and fermented liquors, or of any law or regulation now in force, or which may hereafter be in force in the Borough of New Plymouth, relating to hawkers' licenses ;
- (c.) For the preservation of order on the reserve during race-meetings.

- (4.) The said club shall pay to the said Borough Council for the use of the reserve and racecourse in manner aforesaid the sum of twenty-five pounds annually in advance, on the first day of July in every year, and the first such payment shall be made on the first day of July, one thousand eight hundred and eighty-eight.
- (5.) The said club shall have exclusive possession and control of all buildings erected or which may hereafter be erected upon the land to be set apart for a racecourse in accordance with the provisions hereof, and shall have full liberty from time to time to pull down, alter, or remove any such building.

Streets through
reserve may be
closed and reopened.

5. The said Borough Council may from time to time by special order declare any parts of the said reserve, which have hitherto been parts of streets, to be closed for public traffic, and until any such special order shall have been made in respect of any such part of the said reserve, the same shall remain open for public traffic, anything hereinbefore contained to the contrary notwithstanding.

Any part of the said reserve, having hitherto been part of a street which may hereafter be closed for public traffic under any such special order, may at any time thereafter, with the consent of the Governor, be reopened for public traffic by similar special order.

Rights of owners
of certain sections
to use closed streets.

6. Notwithstanding the closing for public traffic of parts of the said reserve, hitherto parts of streets, in manner hereinbefore provided, the owners for the time being of sections numbered one thousand two hundred and sixty-five and one thousand two hundred and sixty-six on the plan of the Town of New Plymouth, and all persons *bonâ fide* going to and from such sections or either of them, shall have a full and perfect right-of-way as heretofore over and along Shortland Street and Gover Street, and the owner or owners for the time being of section F on the plan of the Town Belt of New Plymouth, and also all persons *bonâ fide* going to and from the same section, shall have a similar right-of-way over that portion of Bell Street, as shown on the map of the Borough of New Plymouth, which is situated between the said section F and Eliot Street; and the owner or owners for the time being of section E on the plan of the said Town Belt, and also all persons *bonâ fide* going to and from the same section shall have a similar right-of-way over that portion of Shortland Street, as shown on the said map, which is situated between the said section E and Eliot Street.

Application of rents.

7. Subject to the privileges granted to the jockey club aforesaid, all moneys and rents accruing from time to time from the said reserve shall form part of the Borough Fund.

Repeal.

8. "The Town Board of New Plymouth Endowment Ordinance, 1871," is hereby repealed; but this repeal shall not affect the validity of any lease granted under the authority of the said repealed ordinance, or of the "Town Board of New Plymouth Endowment Ordinance, 1867," or the validity of any stipulation, covenant, or condition, expressed or implied in any such lease.

SCHEDULE.

Schedule.

ALL that parcel of land in the Town of New Plymouth containing by admeasurement 36 acres and 17 perches, more or less. Bounded towards the North by Wakefield Street, 594 links; towards the West by Gover Street, 235 links; again towards the North and towards the North-west by a street, 890 links; again towards the North by John Street, 839 links; towards the East by Eliot Street, 1755 links; towards the South by allotment marked D on the plan of the Town Belt, 2567 links; again towards the West by Town Allotment No. 1266, 255 links; and by a straight line from the north-east corner of the last-mentioned allotment to the south-east corner of Town Allotment No. 1195, $822\frac{3}{10}$ links; again towards the North by Town Allotment No. 1196, 126 links; and again towards the West by the last-mentioned allotment to the starting-point, 205 links. And also all that parcel of land in the said town containing by admeasurement 12 acres 2 roods 15 perches, more or less. Bounded towards the North by Hendrie Street, 760 links; towards the East by allotment marked F on the plan of the Town Belt, 550 links, 9 links, and 795 links; towards the South by the last-mentioned allotment, and by Town Allotment No. 1927, 250 links; again towards the East by the last-mentioned allotment, 205 links; towards the South by Allotment marked E on the plan of the Town Belt, 93 links; again towards the East by the last-mentioned allotment, 345 links; again towards the South by the said Allotment marked E, 408 links; and towards the West by Eliot Street, 1895 links.

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