

New Zealand.

ANALYSIS.

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1912, No. 16.—*Local.*

- Title.** AN ACT to vest the Lands described in the Schedules hereto in the Mayor, Councillors, and Burgesses of the Borough of Oamaru for certain Recreation Purposes. [26th October, 1912.]
- Preamble.** WHEREAS the parcel of land described in the First Schedule hereto is vested in His Excellency the Governor as a reserve for the use of the inhabitants of the Town of Oamaru for recreation purposes: And whereas the parcel of land described in the Second Schedule hereto is vested in His Excellency the Governor for the purposes of a road under the control of the Oamaru Harbour Board: And whereas the parcel of land described in the Third Schedule hereto is vested in the Corporation of the Borough of Oamaru for an estate in fee-simple: And whereas the parcel of land described in the Fourth Schedule hereto is Crown land: And whereas it is expedient to vest the said four parcels of land in the said Corporation for the purposes hereinafter mentioned:
- 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. This Act may be cited as the Oamaru King George's Park Reserve Vesting Act, 1912.
- Interpretation.** 2. In this Act, if not inconsistent with the context,—
- “Corporation” means the Mayor, Councillors, and Burgesses of the Borough of Oamaru:
- “Council” means the Council of the Corporation:
- “Park” means the four parcels of land described in the Schedules hereto.

3. Upon the passing of this Act the whole of the said four parcels of land, with all rights and appurtenances thereto belonging or appertaining, 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 Dunedin, in the Provincial District of Otago, 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 parts 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, 1908, or any amendment thereof, as shall be necessary for the purpose of giving effect to this Act.

Land to vest in Corporation.

4. The said four parcels of land shall be held by the Corporation under this Act as a place of public recreation and enjoyment for the inhabitants of the Borough of Oamaru and the public generally, and for the purposes thereof shall be under the control and management of the Council, who shall in respect thereof have (in addition to the powers and authorities hereby specifically conferred) all such powers and authorities as the Council has under the Municipal Corporations Act, 1908, in respect of places of public recreation purchased or provided under that Act by the Corporation.

Control of park.

5. The Corporation or the Council may—

Special powers.

- (a.) Enclose the park or any part thereof which it may at any time be found necessary or desirable to plant, improve, or lay down, or renew in artificial grasses :
- (b.) Prohibit the public from entering or encroaching on any part of the park so planted, laid down, or renewed, but otherwise shall not make any disposition of the park whereby the public are excluded from free access thereto, except on certain days, not exceeding thirty in any year, as hereinafter mentioned :
- (c.) From time to time prescribe by resolution of the Council as to not more than thirty days in any year, as they think fit (other than Sundays, Christmas Day, and Good Friday), that the public shall not be entitled to have admission to the park, or to any part thereof set apart for a particular purpose, unless on payment of a charge as hereinafter mentioned; and from time to time rescind, vary, or alter any such resolution :
- (d.) From time to time, upon such terms as to payment or otherwise as the Council thinks fit, grant the exclusive use of the park or any part thereof on any one or more of the aforesaid thirty 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 park, 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 takes with him, unless such person desires to obtain admission to the stand or pavilion hereinafter mentioned, in which case an additional fee or charge not exceeding ten shillings may be imposed prior to his obtaining admission to such stand :

- (e.) Erect, or authorize any person, body, or society (incorporate or not) to erect, on some portion of the park, buildings for ornamental purposes, or a stand or pavilion, on such terms as to plans, size, situation, custody, and otherwise in all respects as the Council from time to time shall determine, and may appoint the mode and price of admission to any such stand or pavilion on any of the days hereinbefore mentioned :
- (f.) From time to time prescribe by resolution the games which may be played in the park or any part thereof, and regulate the use of the park for such games, and from time to time rescind, vary, or alter any such resolution ; and may prohibit the playing of any games at times when the park would be thereby damaged, and prohibit altogether the playing of any particular game therein :
- (g.) From time to time make by-laws for the management of the park and for the preservation of plants, buildings, and other improvements therein, and for the government and control of all persons, horses, carriages, and vehicles using or frequenting the same ; all which by-laws shall be publicly notified by advertisement in some newspaper circulating in the district and by being posted on some conspicuous place in the park so that they may be easily read :
- (h.) Without prejudice to any such powers and authorities, the Council may do all such acts and things as may be requisite or proper to be done in maintaining ornamenting, laying out, draining, improving, or managing the park, and for the purposes of this Act may lay out and expend such part of the Borough Fund as may be necessary.

Penalty for
trespass.

6. Every person who enters the park or any stand or pavilion therein on any day so fixed without having paid the prescribed fee or charge is liable to a fine not exceeding one pound.

Penalty for breach
of by-law.

7. (1.) Every person who offends against any by-law made under this Act is liable to a fine not exceeding five pounds.

(2.) If any breach or non-observance of any such by-law is attended with danger, hindrance, or annoyance to the public or to any person being lawfully in the park, any constable, or any person employed by the Council in the park, may summarily interfere to obviate or remove such danger, hindrance, or annoyance, and that without prejudice to any liability to fine incurred by the breach or non-observance of any such by-law.

Penalty for breach
of certain things.

8. Every person who does or attempts to do any of the following things upon or within the boundaries of the park without the license of the Council is liable to a fine, over and above the damage done, not exceeding twenty pounds :—

- (a.) Lights a fire :
- (b.) Wilfully breaks a fence or any part of a fence, or enters the park by any other than an authorized entrance :
- (c.) Wilfully breaks or cuts a tree or plant :
- (d.) Wilfully digs or cuts the sod :
- (e.) Shoots at any bird or animal with gun or other instrument :
- (f.) Wilfully takes away, destroys, or injures any bird or animal being in the domain, or any egg of any bird :
- (g.) Takes away any wood, shrub, plant, or other thing.

9. All fines authorized to be imposed by this Act or by any by-law made hereunder may be recovered by the Council in a summary manner. How fines may be recovered.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that parcel of land situate in the Town of Oamaru, being part of the land included in Crown Grant No. 9738, and containing by admeasurement 5 acres 1 rood 13 perches ; bounded as follows : commencing at the junction of Tyne and Arun Streets ; thence towards the north by Arun Street, bearing $101^{\circ} 27'$, distance 220 links, and also by a line bearing $124^{\circ} 49'$, distance 304.9 links ; towards the east by a line bearing $191^{\circ} 27'$, distance 979.1 links ; towards the south by Test Street, bearing $281^{\circ} 27'$, distance 499.9 links ; and towards the west by Tyne Street, bearing $11^{\circ} 27'$, distance 1100 links, to the place of commencement.

SECOND SCHEDULE.

ALL that parcel of land situate in the Town of Oamaru, containing by admeasurement 28 perches ; bounded as follows : commencing at a point distant 220 links, and bearing $101^{\circ} 27'$ from the junction of the east side of Tyne Street and the south side of Arun Street ; thence towards the north by Arun Street, bearing $101^{\circ} 27'$, distance 230 links ; towards the north-east by a line bearing $152^{\circ} 39'$, distance 195.4 links ; and towards the south-west by a line bearing $304^{\circ} 49'$, distance 383.9 links, to the place of commencement.

THIRD SCHEDULE.

ALL that parcel of land being part of Section 1, Block XCVII, Town of Oamaru, Crown grant, Volume 49, folio 185, containing by admeasurement 3 acres and 27 perches ; bounded as follows : commencing at a point on the north side of Test Street, bearing $101^{\circ} 27'$, and distant 499.9 links from the junction of Tyne and Test Streets ; thence towards the west by a line bearing $11^{\circ} 27'$, distance 979.1 links ; towards the north-east by lines bearing $124^{\circ} 49'$, distance 79 links ; bearing $152^{\circ} 39'$, distance 213.2 links ; and bearing $158^{\circ} 32'$, distance 518.3 links : towards the south-east by a line bearing $215^{\circ} 50'$, distance 381.5 links : and towards the south-west by Test Street, bearing $281^{\circ} 27'$, and distance 331 links, to the place of commencement.

FOURTH SCHEDULE.

ALL that parcel of land situate in the Town of Oamaru, being portion of a general Government reserve and portion of land vested in the Oamaru Harbour Board, containing by admeasurement 20.7 perches ; bounded as follows : commencing at the easternmost corner of the land described in the Third Schedule hereto ; thence towards the south-east by a line bearing $35^{\circ} 50'$, distance 59.4 links ; towards the north-east by a line bearing $332^{\circ} 39'$, distance 487.6 links ; and towards the south-west by a line bearing $158^{\circ} 32'$, distance 518.3 links, to the place of commencement.