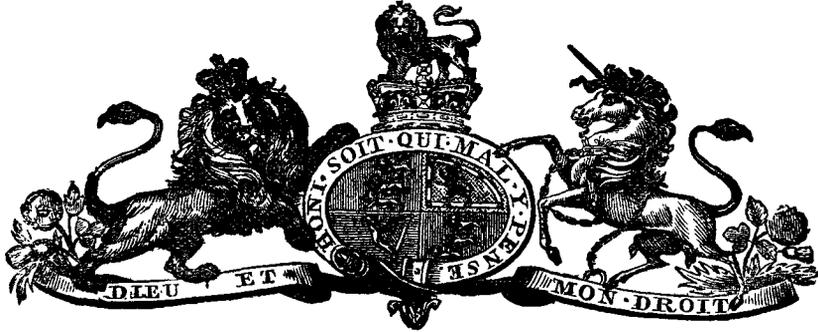


NEW ZEALAND.



QUADRAGESIMO SECUNDO
VICTORIÆ REGINÆ.
 No. 34.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Repeal. 3. Retrospective clause. 4. Interpretation. 5. Public reserves shall be classed. 6. Governor may vest or exchange or define or change purpose of reserves in Class I. 7. Governor to gazette intention to define purpose of reserves not in Class I. 8. Proposed change of reserves in Class II. to be gazetted. 9. Notice by Governor under preceding sections to be laid before Parliament. | <ol style="list-style-type: none"> 10. Governor may issue grants and execute deeds. 11. Change of dedication of reserves in Class III. shall only be by special Act. 12. Grant may be registered under "Land Transfer Act, 1870." 13. When grant does not contain trusts. 14. Grantee to hold land upon trusts mentioned in grant. 15. If trusts changed, revoked, or altered, memorial of same to be made by District Land Registrar in register-book. 16. Powers of Commissioner of Crown Lands. Schedule. |
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AN ACT to amend "The Public Reserves Act, 1877." Title.
[1st November, 1878.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act shall be "The Public Reserves Act Amendment Act, 1878." Short Title.
2. Sections four, five, twelve, thirteen, and fourteen of "The Public Reserves Act, 1877" (hereinafter called "the said Act"), are hereby repealed. Repeal.
3. The provisions hereinafter contained shall be and be deemed to have been in operation as on and from the day the said Act came into operation. Retrospective clause.
4. For the purposes of the said Act and this Act, and of Part VII. of "The Land Act, 1877," the following words and expressions shall have the meanings hereby assigned, except there is something in the context repugnant thereto:—
 "Public reserve" and "reserve" includes land heretofore granted, reserved, or set apart for any of the purposes

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mentioned in the Schedule hereto, by or under the authority of Her Majesty's Letters Patent or Royal Instructions, or of any Ordinance of the Governor, Governor-in-Chief, or Lieutenant-Governor, passed in each case with the advice and consent of the Legislative Council of New Zealand or of New Munster respectively, or of any Act of the General Assembly, or of any Ordinance of a Provincial Council, or by the Governor-in-Chief, Governor, or Lieutenant-Governor, or by the New Zealand Company or its agents, or the Canterbury Association or its agents, and any land which has heretofore been granted, reserved, or set apart for any such purposes as aforesaid by any authority whatsoever which in the opinion of the Governor in Council shall be thought sufficient, and any land hereafter granted, reserved, or set apart for any such purposes as aforesaid by or under the authority of "The Land Act, 1877," or any other lawful authority, and any land heretofore or hereafter vested in or acquired by Her Majesty or the Governor, or any Superintendent, for any of the purposes aforesaid, by purchase, gift, or otherwise.

"Crown grant" and "grant" includes certificate of title, memorandum of transfer, conveyance, or instrument evidencing or affecting the title to any public reserve.

5. All public reserves within the colony shall be divided into the classes named in Parts I., II., and III. of the Schedule hereto respectively.

6. In the case of any public reserve set apart for any of the purposes named in Part I. of the Schedule hereto, whether the same be now vested in Her Majesty or the Governor, or be set apart under the one hundred and forty-fourth section of "The Land Act, 1877," and whether the same be granted or not, the Governor may, by Order in Council published in the *Gazette*, do any of the following things:—

If in the opinion of the Governor there is any doubt or uncertainty as to which of the purposes named in the said Part I. the reserve should be dedicated, the Governor may define the purpose of such reserve or any part thereof to be such one or more of the purposes named as aforesaid as to him shall seem fit; and thereafter such reserve or part thereof, as the case may be, shall be deemed for all purposes whatsoever to be dedicated to the purpose or purposes defined in such Order in Council.

If in the opinion of the Governor it is expedient that such reserve or any part thereof should become vested in any Municipal Corporation or other local governing body or trustees, the Governor may declare that, from and after a date to be named in such order, such reserve or part thereof shall be so vested; and thereafter such reserve or part thereof, as the case may be, shall be vested in such municipality, governing body, or trustees, as the Governor shall appoint, to hold upon trust for the same purposes as those for which such reserve was or shall be set apart.

If, in the opinion of the Governor, it is expedient to change the purpose of such reserve or any part thereof to some other purpose being one or more of the purposes named in the said Part I., or to exchange any land for the time being set apart as such reserve for other land of

Public reserves shall be classed.

Governor may vest or exchange or define or change purpose of reserves in Class I.

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equal value to be dedicated to the same or one or more of the purposes so named, the Governor may make such change, exchange, or dedication, as the case may be, and define the purpose to which such reserve or part thereof, or such land acquired in exchange, shall be dedicated; and thereafter such reserve or part of a reserve or land so acquired shall be deemed to be dedicated to the purpose defined in such Order in Council.

7. In the case of any public reserve now vested in Her Majesty or the Governor, whether the same be granted or not, such reserve not being for one of the purposes named in Part I. of the Schedule hereto, if there shall, in the opinion of the Governor, be any doubt or uncertainty as to the purpose for which such reserve was set apart, and if he shall deem it expedient to remove such doubt or uncertainty and to define the purpose or purposes for which such reserve shall be dedicated, the Governor may, by notice published in the *Gazette*, declare his intention to define such purpose or purposes as to either the whole or any part of such reserve, and to declare that such reserve or part thereof shall, from and after a date to be named in such notice, be deemed to be dedicated to such purpose or purposes, as the case may be.

Governor to gazette intention to define purpose of reserves not in Class I.

8. In the case of any public reserve now or hereafter vested in Her Majesty or the Governor for any of the purposes named in Part II. of the Schedule hereto, whether the same be granted or not, and in the case of any reserve made under the authority of section one hundred and forty-four of "The Land Act, 1877:" if it shall, in the opinion of the Governor, be expedient to change the purpose of such reserve or any part thereof, from the purpose or presumed purpose for which it was set apart, to any other purpose; or if it shall, in the opinion of the Governor, be expedient to exchange any of the land comprised in such reserve for other land of equal value, to be dedicated to one or more of the purposes named in the said Part II. :

Proposed change of reserves in Class II. to be gazetted.

The Governor may, by notice published in the *Gazette*, declare his intention to make such change, exchange, or dedication, as the case may be, and, in such notice, declare the manner and terms in which the same is intended to be so made.

9. Every notice by the Governor under sections seven and eight of this Act shall be published in the *Gazette* for four consecutive weeks, and shall be laid before both Houses of Assembly within ten days of the first publication thereof, if Parliament be then sitting, and, if not, within ten days after the beginning of the then ensuing session.

Notice by Governor under preceding sections to be laid before Parliament.

If either House of Assembly shall during such session declare, by resolution, that such House does not concur in the intention declared in any such notice, then no further steps shall be taken therein by the Governor.

If no such resolution be passed by either House, then the Governor may, by Order in Council, after the termination of the then session of Parliament, define the change, exchange, or dedication, as the case may be, which, in accordance with the terms of such notice, is to be made; and thereupon such change, exchange, or dedication, as the case may be, shall be valid and effectual for all purposes whatsoever.

10. For the purpose of giving full effect to any Order in Council as hereinbefore provided, the Governor may issue such grants, and execute such deeds, assurances, and instruments, as the circumstances of each case may require, and may antevest the legal estate as he may think necessary or advisable; and any instrument signed by the Go-

Governor may issue grants and execute deeds.

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vernor, and purporting to change, exchange, or dedicate any reserve, or part thereof, in pursuance of any such Order in Council, shall be conclusive evidence that all provisions relating to such changing, exchanging, or dedication have been complied with, and that such change, exchange, or dedication is duly and lawfully made.

Change of dedication of reserves in Class III. shall only be by special Act.

11. No change shall be made in the dedication of any public reserve made or set apart for any of the purposes named in Part III. of the Schedule hereto, except by special Act of the General Assembly in that behalf; and any provision in any Act inconsistent with this section and the five last foregoing sections of this Act is hereby repealed.

Grant may be registered under "Land Transfer Act, 1870."

12. Every Crown grant of a public reserve which has been or hereafter shall be issued or made may be registered under the provisions of "The Land Transfer Act, 1870," notwithstanding that the trusts of such reserve are expressed or referred to in the Crown grant; and every such Crown grant already registered under "The Land Transfer Act, 1870," shall, notwithstanding such expressions of trust, be deemed duly registered.

When grant does not contain trusts.

13. Whenever any grant registered under "The Land Transfer Act, 1870," does not contain or have expressed therein the trusts of such reserve, and the trusts to which such reserve is to be dedicated shall have been declared by any Order in Council, as hereinbefore provided, the Governor may, by notice in writing, direct the District Land Registrar to indorse on the folium of the register-book constituted by such grant, and on the duplicate thereof, if produced to him for that purpose, a memorial of the trusts of such reserve as expressed in such notice, and the trusts so indorsed shall be deemed the trusts of such reserve, and such trusts shall be deemed as valid and effectual as if set forth in the grant itself.

Grantee to hold land upon trusts mentioned in grant.

14. Every grantee or other person in whom any public reserve has been or hereafter shall be granted or vested as aforesaid shall, notwithstanding registration under "The Land Transfer Act, 1870," hold such public reserve unto him, and his heirs, successors, and assigns, upon the trusts expressed or referred to in the grant or indorsed thereon.

If trusts changed, revoked, or altered, memorial of same to be made by District Land Registrar in register-book.

15. If such trusts shall, after registration of the grant, be legally changed, revoked, or altered, the District Land Registrar shall, upon being satisfied thereof, enter in the register-book, and also upon the duplicate Crown grant, if the same can be obtained for that purpose, a memorial of the particulars of such change, revocation, or alteration, and the authority whereby such change, revocation, or alteration has been effected, and the day and hour of such entry in the register-book; and from and after such entry the land the subject thereof shall be discharged from the original trusts, or such of them as shall have been changed, revoked, or altered, and shall be held by the grantees, their heirs, successors, or assigns, upon the substituted trusts (if any) as if such trusts had been originally expressed in the grant.

Powers of Commissioner of Crown Lands.

16. The Commissioner of Crown Lands for the land district within which any public reserve not granted to or vested in any governing body, trustees, or other persons is situate, shall have and exercise over such public reserve all the powers, duties, and functions which such Commissioner has over Crown lands; and, in addition, the following provisions shall be in force:—

- (1.) When any person without right, title, or license is in occupation of such public reserve as aforesaid, the Commissioner aforesaid, or any person appointed by him, may enter a plaint in the Resident Magistrate's Court of the district in which the reserve or any part lies, to recover possession. If on the hearing the defendant does not

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appear, or appears but fails to establish in himself an absolute right and title to the possession, the Court may order him to give up possession and to pay costs. If possession be not given pursuant to such order, the Resident Magistrate, or any Justice of the Peace, may issue a warrant requiring the bailiff of the Court, or any constable, to give possession of such land to the plaintiff. The provisions of sections ninety-one, ninety-two, ninety-three, and ninety-five of "The Resident Magistrates Act, 1867," shall apply to any proceedings under this subsection.

- (2.) Any person who without right, title, or license allows any cattle, horses, or other animals to trespass upon any such public reserve as aforesaid, or who without right, title, or license shall fell, remove, or sell any timber growing or being thereon, or otherwise unlawfully trespasses on such public reserve, shall be liable to a penalty not exceeding fifty pounds, recoverable in a summary way. No person shall be convicted under this subsection except on the information of the Commissioner aforesaid, or any person appointed in writing by him.

SCHEDULE.

Schedule.

PART I.

RESERVES FOR COUNTY, LOCAL, AND MUNICIPAL PURPOSES.

Abattoirs.	Bridges.
Public pounds.	Ferries.
Baths.	Canals.
Washhouses.	Internal communication by land or water.
Mechanics' institutes and athenæums.	Reservoirs.
Libraries.	Aqueducts and watercourses.
County buildings, and other objects for local governing bodies.	Water-races and canals.
Municipal buildings.	Irrigation purposes.
Public buildings other than for purposes of General Government.	Improvement and protection of rivers.
Cemeteries.	Embankments.
Supply of water to towns.	Quarries.
Police stations and purposes.	Gravel-pits.
Sites of markets.	Plantations.
Drains and watercourses.	Acclimatization.
Turupikes.	Agricultural and pastoral societies.
Sewage purposes.	Growth and preservation of timber.
Cattle-yards.	Landing-places upon rivers and lakes.
	Provincial Government purposes.

PART II.

RESERVES FOR PUBLIC WORKS AND GENERAL PURPOSES.

Railways and stations.	Gaols and prisons.
Tramways.	Museums.
Telegraphs.	Courthouses.
Quarantine grounds for stock and otherwise.	River-frontage reserves.
Shearing reserves, and for travelling stock.	Fisheries.
Drill-sheds and rifle ranges.	And any other reserve not herein defined, and made for any purpose of public safety, utility, advantage, or enjoyment.
Commonages on gold fields and elsewhere.	
Public buildings of the General Government.	

PART III.

RESERVES FOR HARBOURS AND NAVIGATION AND MISCELLANEOUS PURPOSES.

Reserves for improvement of harbours.	Landing-places.
Foreshore reserves.	Lighthouses.
Docks.	Signal stations.
Quays.	Coal reserves.
Reserves for military purposes and defence.	

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RESERVES FOR EDUCATION, CHARITABLE PURPOSES, AND RECREATION.

Sites and grounds for schools.

Colleges.

Reformatories.

Hospitals.

Asylums.

Charitable institutions.

Endowments for Universities.

Endowments for education.

Public gardens.

Parks and domains.

Recreation reserves.

NATIVE RESERVES.Reserves for the use, support, or education of aboriginal natives.

WELLINGTON, NEW ZEALAND :

Printed under authority of the New Zealand Government, by GEORGE DIDSBUXY, Government Printer.