

New Zealand

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1895, No. 12.—*Local.*

Title.

AN ACT to provide that the Lands now held for the Purposes of the Timaru Public Park and Garden Domain, and the Otipua Domain, shall be vested in the Mayor, Councillors, and Burgesses of the Borough of Timaru. [12th September, 1896.]

Preamble.

WHEREAS by Order in Council made at the Government House, Wellington, on the twenty-ninth day of June, one thousand eight hundred and eighty-six, and published in the *New Zealand Gazette* No. 36, of the first day of July, one thousand eight hundred and eighty-six, His Excellency the Governor, in pursuance of the powers vested in him by "The Public Domains Act, 1881," delegated, but only with respect to the pieces or parcels of land described in the First Schedule hereto, all the powers conferred by the Act aforesaid, except the powers under or conferred by sections five and twelve thereof, to the Corporation of the Borough of Timaru, to be known as "The Timaru Public Park and Domain Board," subject to the stipulations in the said Order contained: And whereas by Order in Council made at the Government House, Wellington, aforesaid, on the third day of July, one thousand eight hundred and ninety-four, and duly published in the *New Zealand Gazette* No. 53, of the twelfth day of July, one thousand eight hundred and ninety-four, His Excellency the Governor, in pursuance of the powers vested in him by the said "Public Domains Act, 1881," delegated, but only with respect to the piece or parcels of land described in the Second Schedule hereto, all the powers conferred by the Act aforesaid, except the powers under or conferred by sections five and twelve thereof, to the Mayor, Councillors, and Burgesses of the Borough of Timaru, to be known as "The Otipua Domain Board,"

subject to the stipulations in the said order contained: And whereas it is expedient to vest the said two pieces or parcels of land in the Corporation of the Borough of Timaru 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:—

1. The Short Title of this Act is “The Timaru Public Park and Garden Domain Reserve and Otipua Domain Reserve Vesting Act, 1895.” Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.

“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:

“Timaru Public Park and Garden Domain” and “Otipua Domain” means the parcels of land described in the First and Second Schedules hereto:

“Corporation” means the Mayor, Councillors, and Burgesses of the Borough of Timaru.

3. Upon the passing of this Act the whole of the lands described in the Schedules hereto, with all rights and appurtenances, 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 Christchurch, in the Provincial District of Canterbury, 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 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,” or any amendment thereof, as shall be necessary for the purpose of giving effect to this Act. Land to vest in Corporation.

The land vested in the Corporation under this Act shall be subject to the provisions of section thirty-five of “The Public Works Act, 1894.”

4. All personal property and moneys, and any security for money, which on the date of the passing of this Act shall be the property of or due to the Board for rent or use and occupation of any part of the said lands, or for any other purpose in connection with the said reserves, or any or either of them, shall 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 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.

Control of domain.

6. The lands described in the Schedules hereto shall be held by the Corporation under this Act as places of public recreation and enjoyment for the inhabitants of the Borough of Timaru 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.

General powers of Borough Council.

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

Expenditure for maintenance.

8. All moneys in hand of the Timaru Public Park and Garden Domain Board, for the maintenance of the said Timaru Public Park and Garden Domain, may be applied by the Council for the purposes of this Act, and, so far as such moneys do not extend, the Council may lay out and expend for the purposes of this Act such part of the Borough Fund as may be necessary.

Certain sections of "The Public Domains Act, 1881," to extend and apply to the domains vested in Corporation.

9. The tenth, eleventh, and the fifteenth to the eighteenth sections, inclusive, of "The Public Domains Act, 1881," shall extend and apply to the lands hereby vested in the Corporation. Any powers hereby conferred may be exercised by the Corporation or the Council thereof without any delegation or other authority from the Governor under that Act.

Power to lease.

10. The Corporation shall have power to let on lease the whole or such part or parts of the lands hereby vested in it as are included in the Second Schedule hereto, for such term and on such conditions as such Corporation may think fit.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that parcel of land in the Borough of Timaru, in the Land District of Canterbury, containing by admeasurement 46 acres 2 roods 44 perches, more or less, being a portion of Reserve No. 344 (in red). Bounded on the northward by the Hospital grounds, 660 links, by Queen Street, and by Reserve No. 278 (in red); eastward by the Hospital grounds, 695 links, and by High Street; southward by the Boulevard, 2 chains wide; and westward by King Street, and by Reserve No. 278 (in red). Also, all that parcel of land in the Borough of Timaru, containing by admeasurement 5 acres 3 roods 37 perches, more or less, being a portion of Reserve No. 262 (in red). Bounded on the northward by Browne Street; eastward by Rose Street, 1136 links; southward by the Gaol grounds; and westward by the Boulevard, 2 chains wide.

Also all that piece or parcel of land situate in the Borough of Timaru, bounded northward by Queen Street; westward by King Street; southward and eastward by Reserve No. 344; and being known as Reserve No. 278.

SECOND SCHEDULE.

ALL that parcel of land in the Canterbury Land District containing by admeasurement 151 acres 2 roods, more or less, being part of Reserve No. 1858, situated in the Patiti Survey District. Bounded on the eastward by a line parallel to and 1 chain

distant from the west boundary of Reserve No. 1856 (in red); on the northward by a line parallel to and 1 chain distant from the south boundaries of Sections Nos. 1702 and 2367, and Reserve No. 122, and by a line parallel to and 1 chain distant from the east and south boundaries of Section No. 1706; on the westward by Section No. 1998 and Section No. 5931, and by a straight line drawn across the mouth of the Otipua Creek, bearing $157^{\circ} 20'$ (magnetic), to the termination of the right bank of the said creek; and on the south generally by Section No. 3753.