

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
22nd October, 1877.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Reid.

Public Reserves.

ANALYSIS.

<ul style="list-style-type: none"> Title. Preamble. 1. Short Title. 2. Repeals. 3. Interpretation. 4. Public Reserves may be granted. 5. Reserves not heretofore granted, or granted to Superintendents, may be granted. 6. Temporary management of reserves. 7. Powers of grantees as to leasing reserves. 8. Reserves for municipal purposes valid. 9. Reserves granted to boroughs to be property of borough under fresh incorporation. 	<ul style="list-style-type: none"> 10. Reserves outside borough may be granted to borough. 11. Recreation reserves may be granted to trustees, or brought under Public Domains Acts. 12. Grants of public or Native reserves may be registered notwithstanding trusts expressed. 13. Reserves to be held subject to trusts. 14. Revocation or alteration of original trusts. 15. Reserves not to be dealt with except according to trusts. 16. 17. Schedule.
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A BILL INTITULED

AN ACT to Regulate the Vesting and the Administration of the Public Reserves in the Colony. Title.

WHEREAS it is necessary to make provision for the administration of public reserves in cases where no special provision exists in that behalf: Preamble.

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 shall be "The Public Reserves Act, 1877." Short Title.

2. The several enactments enumerated in the Schedule hereunto annexed are hereby repealed; but this repeal shall not affect— Repeals.

(1.) Anything already done or suffered; or

(2.) Any right or title already acquired or accrued;

And all grants, leases, licenses, and other instruments, and contracts made, granted, entered into, and all things done under the authority

15 or in pursuance of the enactments hereby repealed, shall be as valid and effectual as if this Act had not been passed, and shall be regulated and governed by the said enactments except so far as is otherwise provided herein.

Any enactment repealed by this Act shall, notwithstanding the repeal thereof, continue and be in force for the purpose of continuing and perfecting any act, matter, or thing, or any proceedings entered into or commenced under such enactment.

Interpretation.

3. In the construction of this Act the terms and expressions following, within inverted commas, shall have the meanings hereby assigned to them respectively, unless there be something in the context or subject matter repugnant to such meaning, that is to say,—

“Alienate” and “alienation” shall respectively include a limited disposal by lease or license, as well as an absolute disposal by sale or otherwise. 10

“Crown lands” shall include all lands heretofore designated Crown lands, waste lands, and confiscated lands respectively.

“Land Transfer Act” shall mean and include “The Land Transfer Act, 1870,” and all Acts amending the same. 15

“District Land Registrar” shall mean the Land Registrar of the District within which any land referred to is situate.

“Native Reserve” shall have the meaning assigned thereto by any Act for the time being in force relating to Native reserves. 20

“Borough” shall mean any city, town, or borough incorporated under any enactment of the General Assembly or of any Provincial Legislature.

“Governing body” shall include the Council of any borough as herein defined, or of any county, and also any Board of Commissioners, Wardens, River Conservators, trustees, or the persons or body having the management or control of the local affairs of any city, town, district, or place, and also the trustees, managers, or other persons however designated, whether incorporated or not, having the management, custody, or control of any agricultural or pastoral society, charitable institution, cemetery, museum, library, athenæum, mechanics’ institute, school, and other institutions of a similar character. 25 30

Public reserves may be granted.

4. All Crown lands which have at any time heretofore been lawfully reserved or *which have been* set apart by resolution of any Provincial Council, and duly gazetted, for the purpose of being reserved for any specific purpose, and all lands vested in the Superintendent of any former province by purchase, or in any other manner, for the *aforesaid purpose*, shall be deemed to be public reserves under this Act, and may be granted and otherwise dealt with in the manner provided by this Act. 35 40

Provided always that no such public reserve or any part thereof shall be sold or exchanged except under some expressed authority of law in that behalf. 45

Reserves not heretofore granted, or granted to Superintendents, may be granted.

5. All public reserves heretofore lawfully made which have not been granted to or vested in any governing body, trustees, or other persons, and all public reserves heretofore granted to any Superintendent, and which have become vested in Her Majesty under the provisions of “The Abolition of Provinces Act, 1875,” and all public reserves hereafter to be lawfully made, may be granted to or vested in any governing body, trustees, or other persons respectively for the specific purpose for which such reserve was made. 50

Temporary management of reserves.

6. The Governor may nominate such fit persons as he shall approve, to have the control and management of any reserve until the same shall be vested or granted in any particular manner. 55

Powers of grantees as to leasing reserves

7. All governing bodies, trustees, or other persons to whom any reserve shall be granted, or in whom any reserve shall be vested shall, in respect of such reserve, have the same powers and duties as a Commissioner of Crown lands has in respect of Crown lands, and shall have the power of leasing the same, or any portion thereof, for any term not exceeding twenty-one years, for such rent and upon such 60

terms, as they may think fit : Provided that every such lease shall be disposed of either by public auction or by public tender as the lessors in each case may think fit.

5 8. All reserves heretofore made for the endowment of Municipal Corporations, or generally for municipal or other public purposes for any town or township not incorporated at the time of making such reservation, shall nevertheless be valid, and shall be granted to or vested in the governing body of such town or township whenever the same shall become incorporated.

Reserves for municipal purposes valid.

10 9. All reserves heretofore granted or vested in the governing body for the time being of any borough, which may have been or may become incorporated afresh under the provisions of an enactment other than that under which such borough was originally incorporated, shall be deemed to be vested for the same purposes and no other in the governing body of the said borough under its new incorporation without any deed or instrument of conveyance or transfer.

Reserves granted to boroughs to be property of borough under fresh incorporation.

15 10. Where any land has heretofore been lawfully set apart, reserved, or acquired for municipal purposes for any borough outside the limits of such borough, the same shall be granted to or vested in the governing body of such borough, anything to the contrary in any Act "The Counties Act, 1876," or "The Municipal Corporations Act, 1876," notwithstanding.

Reserves outside borough may be granted to borough.

Clause 11 erased.

25 11. All reserves made for any purpose of public health or recreation may be vested in or granted to any governing body, trustees, or other persons ; or the same may by Order in Council be brought under the operation of and declared to be subject to the provisions of "The Public Domains Act, 1860," and its amending Acts, and such reserves shall thereafter be managed, administered, and dealt with in manner directed by the said Acts.

30 And any such reserves or any part thereof may be enclosed, laid out, and planted, and there may be erected thereon any buildings for ornamental purposes, but not for making any profits therefrom : Provided always that no disposition shall be made in respect of any such reserve whereby the public shall be excluded from the free access thereto.

New clause.

40 11. All reserves already made or hereafter to be made for any purpose of public health or recreation,—

Recreation reserves may be granted to trustees, or brought under Public Domains Acts.

45 (1.) May be vested in or granted to any governing body, trustees, or other persons ; and any such reserves or any part thereof may be enclosed, laid out, and planted, and there may be erected thereon any buildings for ornamental purposes, but not for making any profits therefrom : Provided always that no disposition shall be made in respect of any such reserve whereby the public shall be excluded from the free access thereto, except that it shall be lawful for such governing body, trustees, or other persons to lease the same for any period not exceeding three years for the purpose of having the same fenced in or laid down in artificial grass : Provided also that the provisions of this section, relating to management of reserves, shall not apply to racecourses ; or,

50 (2.) May by Order in Council be brought under the operation of and declared to be subject to the provisions of "The Public Domains Act, 1860," and its amending Acts, and such reserves shall thereafter be managed, administered, and dealt with in manner directed by the said Acts.

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Grants of public or Native reserves may be registered notwithstanding trusts expressed.

12. Every Crown grant of land which has been or hereafter shall be granted as a public reserve ~~or as a Native reserve~~ within any land registration district constituted under the Land Transfer Act may be registered under the provisions of that Act, notwithstanding that the trusts upon which such reserve is granted are expressed or referred to in the grant; and every such grant already registered under the Land Transfer Act shall, notwithstanding such expression of trust, be deemed duly registered. 5

Reserves to be held subject to trusts.

13. Every public reserve ~~and every Native reserve~~ which has been or hereafter shall be granted as aforesaid shall, notwithstanding registration under the Land Transfer Act, be held by the grantees, their heirs, successors, and assigns upon the trusts expressed or referred to in the grant. 10

Revocation or alteration of original trusts.

14. If such trusts shall, after registration of the grant, be legally revoked or altered, the District Land Registrar shall, upon being satisfied thereof, enter in the register book, and also upon the duplicate grant if the same can be obtained for that purpose, notice of such change or revocation, and shall in such notice specify the authority whereby such change or revocation 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 revoked or altered, and shall be held by the grantees, their heirs, successors, or assigns upon the substituted trusts as if such trusts had been originally expressed in the grant. 15
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Reserves not to be dealt with except according to trusts.

15. No District Land Registrar shall, without special authority of law, register or otherwise give effect under the Land Transfer Act to any dealing with any public reserve ~~or with any Native reserve~~ except in conformity with the trusts upon which such reserve is held for the time being. 30

Clause 16 erased.

~~16. All surveys, charts, maps, plans, descriptions of land, and other documents prepared under the direction of the Surveyor-General, shall, for all purposes of any Act relating to the transfer of land or to the registration of deeds, be adopted as the legal surveys, charts, maps, plans, or descriptions of the land they respectively relate to. 35~~

New clause.

16. Sections *twelve to sixteen*, both inclusive, of this Act shall be deemed to apply in all cases of Crown grants of public reserves whenever the same may have been or may be issued under any Act. 40.

17. Whenever any public reserve, or any part thereof, which has at any time heretofore, or which may hereafter be granted to any corporation, governing body, trustees, or other persons, under the provisions of any Act, but which has not been acquired by purchase, and which has not been absolutely alienated by the grantees thereof, shall be required as the site of any customhouse, post office, Court of justice, gaol, telegraph office, or other public building for the use of the Government of the colony or any department thereof, it shall be lawful for the Governor, in the name of Her Majesty, after a notice published for four consecutive weeks in the *New Zealand Gazette*, to resume to Her Majesty so much of the land comprised within any such reserve as may be required for any of the purposes aforesaid, without paying any compensation for the resumption of any such land. This provision shall not be applicable in cases where any such corporation, governing body, trustees, or other persons has or have acquired any such public reserve or part thereof by purchase. 45
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5 From and after the day of the publication of the last of the afore-
 said *Gazette* notices, any land that shall be so resumed by Her
 Majesty shall vest in Her Majesty absolutely, freed from and
 discharged of any trust upon which any such land may have been
 granted: Provided always that full compensation to be ascertained in
 the manner prescribed in Part III. of "The Public Works Act, 1876,"
 shall be paid for all buildings standing upon the land so resumed at
 the time of the resumption thereof.

SCHEDULE.

Schedule.

LIST OF ENACTMENTS REPEALED.

- 1854, No. 7. "The Public Reserves Act, 1854."
- 1862, No. 15. "The Public Reserves Act Amendment Act, 1862."
- 1867, No. 56. "The Public Buildings Reserves Act, 1867."
- 1874, No. 39. "The Municipal Reserves Act, 1874."

By Authority: GEORGE DIDSBUY, Government Printer, Wellington.--1877.