

Public Reserves.

No. VII.

PUBLIC RESERVES.

AN Act for regulating the Management of certain Lands reserved for Public Purposes in the several Provinces of New Zealand.

[14th September, 1854.]

Preamble.

WHEREAS in the several Provinces of New Zealand lands have been heretofore and may hereafter be reserved for various purposes of public utility, the legal title whereto is vested in Her Majesty: And whereas it is expedient to establish in each of the said Provinces a system of local management of such of the said lands as are or may be held for purposes of local concern:

BE IT ENACTED by the General Assembly of New Zealand as follows:—

Governor may grant to Superintendents Her Majesty's interests in demesne lands.

1. It shall be lawful for the Governor of New Zealand, with the advice of his Executive Council, at any time and from time to time after the passing of this Act, in the name and on the behalf of Her Majesty, to grant to the Superintendent of each Province in New Zealand, and his successors, all such estate and interest as Her Majesty now hath or may have in all or any of the lands within such Province forming part of the demesne lands of the Crown, which shall have been at any time heretofore and now are or may hereafter be reserved or set apart for purposes of public utility within the said Province, except such of the said lands as shall have been and now are or may hereafter be reserved for purposes of military defence, the service of any office or department of the General Government, or for the benefit of the native inhabitants of the said Colony.

Also in lands reclaimed from the sea &c.

2. It shall be lawful for the Governor of the said Colony, with the advice of his Executive Council, to grant and dispose of any land reclaimed from the sea, and of any land below high-water mark in any harbour, arm, or creek of the sea, or in any navigable river or on the sea coast within the said Colony, either to the Superintendent of the Province and his successors, in or to which such land is situate or adjacent, or in such other manner to such other persons and upon such terms as shall be thought fit: Provided always that every such grant or disposition within any Province, other than to the Superintendent thereof, shall be made in pursuance of a joint recommendation by the Superintendent of such Province and of the Provincial Council thereof: Provided also that nothing herein contained shall prejudice the rights of persons claiming water frontage.

Such grant to be valid against Her Majesty, her heirs and successors.

3. Every such grant shall be sealed with the Public Seal of the Colony, and shall be valid and effectual as against Her Majesty, her heirs and successors, and shall have the same force and effect as a direct grant from the Crown, and for the purposes of registration shall be deemed to be a grant from the Crown, and every such grant shall declare the purposes for which such lands shall be held, whether general or specific, as the case may be.

Superintendent to be deemed and taken to be a body corporate.

4. The Superintendent of each of the said Provinces and his successors shall, for the purposes of this Act, be deemed and taken to be a body corporate, and shall take and bear the name of the Superintendent of such Province, and by that name shall have perpetual succession, and shall be capable in law to do and to suffer, in respect of the land to be vested in him by virtue of this Act, whatever may be lawfully done and suffered by a body corporate.

5. Every

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5. Every Superintendent of a Province in whom any such lands shall become vested, shall hold the same upon trust for the public service of such Province for the purposes specified in such grant, with as full power to dispose of and manage the same for such purposes as if the same were vested absolutely in such Superintendent, subject nevertheless to the provisions hereinafter contained.

Superintendent shall hold lands upon trust for the public service of his Province.

6. The management and administration of such lands within each Province so to be vested in the Superintendent thereof shall be carried on and conducted by such Superintendent and with the advice of his Executive Council in case there shall be such Council. And such management and administration shall continue until other provision be made in that behalf by some Act or Ordinance of the Provincial Council of such Province, to be passed in manner hereinafter mentioned.

Management and administration to be carried on by the Superintendent with his Executive Council (if any).

7. No lands so to be granted as aforesaid within any Province to the Superintendent thereof and his successors shall be alienated by way of sale or mortgage or by lease for any longer term than three years, except by the authority of some Act or Ordinance of the Provincial Council of such Province to be passed in that behalf, nor except by deed signed by the Superintendent and sealed with the Public Seal of the Province: Provided always that no Act or Ordinance authorizing any sale shall come into operation till the time in which such Act or Ordinance may be disallowed by the Governor shall have expired.

Land not to be alienated for more than three years, except as herein provided.

8. The specific purposes for which any such lands within any Province shall be held may be changed, and the same lands may be appropriated to other and different purposes of public utility for the public service of such Province: Provided that no such change or new appropriation shall be made without the authority of an Act or Ordinance of the Provincial Council of such Province, to be duly passed in that behalf.

Purposes may be changed.

9. The Superintendent of each Province shall, as soon as conveniently may be, lay before the Provincial Council thereof full and true particulars of all transactions matters and things whatsoever in any way relating to the management and administration of the said lands so to be vested in him as aforesaid.

Superintendent to lay particulars of all matters before Provincial Council.

10. All the rents issues profits and proceeds arising from such lands within each Province, and from the sale mortgage or other disposition thereof, shall be from time to time paid and accounted for to the Provincial Treasurer of such Province, or other person acting in that behalf, and shall be appropriated in such manner as the Superintendent and Provincial Council of such Province shall by any Act or Ordinance to be duly passed in that behalf direct.

Appropriation of rents &c.

11. The Superintendent and Provincial Council of any Province may, by any Act or Ordinance duly passed in that behalf, regulate the management and administration of the lands so to be vested in the Superintendent of such Province.

Administration to be regulated by Act or Ordinance of Provincial Council.

12. Nothing herein contained shall in any way prejudice or affect the right of any person or body corporate in to or over any such lands, except the right of Her Majesty, her heirs and successors.

Rights of others than Her Majesty not to be affected.

13. Whenever any land shall have been set apart by the Governor of New Zealand as a public reserve, and shall, by Proclamation to be published in the New Zealand Government *Gazette*, have been declared to have been so set apart as a reserve made for the General Government, such land shall not thereafter be alienated by way of sale mortgage lease or otherwise: Provided always that if, at any future time, any such land shall not be required by the General Government, it shall be lawful for the Governor, after receiving for the General Government a reasonable sum for the improvements made thereon, to grant the

Reservation to be proclaimed in New Zealand Government *Gazette*.

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same or any part thereof to the Superintendent of the Province in which such land is situate, and his successors, and the said land so granted shall thenceforth be deemed in all respects to have been land granted under the first section of this Act.

Grants already made to Trustees, and not accepted or acted on before 1st January, 1855, to be void.

14. In case any grant shall have been made by the Governor of the said Colony of any land which, but for such grant, would have come within the provisions of this Act, to any Trustee or Trustees for any purpose of public utility within the said Colony, if such grant shall not be accepted or acted on by such Trustee or Trustees on or before the first of January, one thousand eight hundred and fifty-five, such grant shall be and is hereby declared to be void and of no effect, and the lands included therein may be granted and disposed of according to the provisions of this Act in like manner as if no such grant had been made.

Interpretation of word "Governor."

15. The term "Governor" throughout this Act shall be held to include the Officer Administering the Government of this Colony for the time being.

Short Title.

16. This Act shall be entitled "*The Public Reserves Act, 1854*," and may be cited and referred to by that title.
