

Mr. Duthie.

WELLINGTON BOTANIC GARDEN VESTING.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Botanic Garden of Wellington to vest in the Corporation of the City of Wellington.</p> <p>4. Also personal property of Board.</p> <p>5. Contracts, &c., of Board to vest in Corporation.</p>	<p>6. Purposes for which garden to be held and used.</p> <p>7. Further powers of Council in maintaining garden.</p> <p>8. Moneys set apart under "The Wellington City Reserves Act, 1871," how applied.</p> <p>9. Certain sections of "The Public Domains Act, 1881," to apply to garden.</p> <p>10. Repeal of "The Botanic Garden Act, 1869." Saving.</p>
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A BILL INTITULED

AN ACT to provide that the Lands now held for the Purposes of the Botanic Garden of Wellington shall be vested in the Mayor, Councillors, and Citizens of the Borough of the City of Wellington. Title.

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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 is "The Wellington Botanic Garden Vesting Act, 1891." Short Title.

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2. In this Act, if not inconsistent with the context,—
 "Board" means "The Governors of the Botanic Garden," incorporated under the provisions of "The Botanic Garden Act, 1869:" Interpretation.

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"Botanic Garden" means the reserve mentioned in "The Botanic Garden Act, 1869," and includes all lands granted thereunder to the Board, and all other lands granted or otherwise conveyed or assured to the Board under that Act or "The Wellington City Reserves Act, 1871;" or which are now held by or vested in the Board for any estate or interest or in any manner:

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"Corporation" means the Mayor, Councillors, and citizens of the Borough of the City of Wellington.

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3. Upon the passing of this Act the estate and interest of the Board in the Botanic Garden, with all rights and appurtenances thereto, shall vest in the Corporation for the purposes and subject to the provisions of this Act; and upon production to the District Land Registrar at Wellington of a statutory declaration by the Mayor of the Corporation setting forth that the land therein mentioned is by this Act intended to be vested in the Corporation, together with the grant or other conveyance of such land to the Board, the Registrar shall cause such land to be registered in the name of the Corporation for such estate or interest as the Board then has therein, and such

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Registrar may make, sign, and issue such certificates, transfers, or other instruments under "The Land Transfer Act, 1885," as shall be necessary for the purpose of giving effect to this Act.

New Paragraph.

The land vested in the Corporation under this Act shall be subject to the provisions of the thirty-first section of "The Public Works Acts Amendment Act, 1889." 5

Also personal property of Board.

4. All personal property and moneys, and any security for any money, which, on the date of the passing of this Act, shall be the property of or due to the Board, shall thereupon vest in, and become the property of, the Corporation. 10

Contracts, &c., of Board to vest in Corporation.

5. All contracts or agreements lawfully made by the Board 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. 15

Purposes for which garden to be held and used.

6. The Botanic Garden shall be held by the Corporation under this Act as a place of public recreation and enjoyment for the inhabitants of the Borough of the City of Wellington, 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. 20 25

Further powers of Council in maintaining garden.

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, managing, and utilising the lands hereby vested in the Corporation for the purposes of this Act. 30

Moneys set apart under "The Wellington City Reserves Act, 1871," how applied.

8. All moneys which, under the provisions of "The Wellington City Reserves Act, 1871," or any Act amending the same, are payable to the Board shall continue to be set apart, paid, and applied by the Corporation for the purposes of this Act; and, so far as such moneys are unpaid or 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. 35

Certain sections of "The Public Domains Act, 1881," to apply to garden.

9. The tenth and eleventh and the fifteenth to the eighteenth sections of "The Public Domains Act, 1881," shall extend and apply to the Botanic Garden, and any powers thereby conferred may be exercised by the Corporation or the Council thereof without any delegation or other authority from the Governor under that Act. 40

Repeal of "The Botanic Garden Act, 1869."

10. "The Botanic Garden Act, 1869," is hereby repealed, and the Board thereby created shall be and the same is hereby dissolved, and shall be wholly released and discharged from the performance of any trust or duty imposed upon it by the said Act, or under any grant, conveyance, or instrument made or executed under "The Wellington City Reserves Act, 1871," and from all liabilities, claims, and demands resulting therefrom in any manner. 45

Saving.

This repeal shall not, however, affect the validity or invalidity of any act or thing already done or suffered under the said Acts, or any contract, agreement, right, title, or interest already made or acquired by or with the Board. 50