

Public Domains Act 1860

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An Act to provide for the Management of the Public Domains.

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

I Short Title.

The Short Title of this Act shall be “The Public Domains Act, 1860.”

II Interpretation.

In the Interpretation of this Act, the words “lands” shall mean lands, tenements, and hereditaments, of any tenure or nature.

DEFINITION OF CROWN LANDS SUBJECT TO ACT Subject of Act.

III Certain lands subject to Act.

The Lands specified in the Schedule to this Act, and lands which may hereafter with lawful authority be set apart by Her Majesty or by the Governor in the name of Her Majesty, for the purposes of this Act, are hereby declared to be Crown Lands subject to the provisions of this Act, and to be managed, administered, and dealt with by the (governor in manner herein-after set forth.

IV Lands derelict subject to Act.

All land derelict on the borders of or within the boundaries of the said lands or any of them shall from time to time be and shall remain Crown Lands subject to the provisions of this Act, as fully and effectually as if the same had been mentioned in the Schedule to this Act.

POWERS OF THE GOVERNOR UNDER ACT Powers of Governor.

V May manage and administer lands.

The Governor may manage and administer all such lands, and may exercise all or any of the powers following:—

Lay out lands.

1. Lay out, enclose, and plant the same or any of them, and build any lodge, museum or other ornamental building therein, and in such manner as he may think fit:

Make Bye laws.

2. By Order in Council from time to time make and enforce any such bye-laws, orders, and regulations, for the management, preservation, disposition, and care of the said lands or any of them, and the government of all persons using or frequenting the same, and the depasturing of cattle therein, as shall be in accordance with the conditions of the grant (if any) and the provisions of this Act, and impose a penalty not exceeding Five Pounds for each breach of every such bye-law, order, or regulation:

Dedicate ground for specific purposes.

3. From time to time set apart and dedicate any part of the said lands for any specific purpose of public amusement or recreation, and annul any such setting apart and dedication:

Treat for purchase of any lands.

4. Treat and agree for the purchase or for the lease of any tenements and hereditaments which he may deem necessary for the purposes of this Act, or for the improvement of the said lands, and enter into any contract which he may think fit; and all tenements and hereditaments so agreed to be purchased shall be conveyed to Her Majesty, to be subject to the provisions of this Act:

Make leases.

5. When and as he shall think fit, in the name and on behalf of Her Majesty, by deed, demise, and lease any of the said lands for such consideration in money or otherwise to such persons for such period not exceeding twenty-one years, subject to such rents or conditions, and in such manner and form as he shall from time to time think fit:

Accept release.

6. Accept any surrender of any lease granted:

Set apart land for Squares, &c.

7. Appropriate any part of the said lands for squares, gardens, or, open places, and leave any part thereof for yards or courts to be attached to any houses agreed to be leased as he may think fit:

Lay out foot and carriage ways.

8. Cause such parts of the said lands to be laid out for carriage ways and such parts thereof for footways as he may think proper:

Step up and alter roads and make approaches.

9. From time to time make, step up, divert, widen, or alter any bridges, ways, or water-courses in, upon, through, across, or over any part of the said lands:

Execute deeds.

10. In the name and on behalf of Her Majesty, execute all deeds and assurances that may be necessary for effectually executing the powers by this Act Conferred upon him or any of them, and such deeds and assurances shall be valid and effectual against Her Majesty and all persons claiming under her:

General Powers.

11. Do any other thing which may be requisite for the proper and beneficial management and administration of the said Lands, or any part thereof:

*APPLICATION OF MONIES Monies.***VI Application of monies**

All sums of money which shall be received under or by virtue of this Act or by vote of the General Assembly or of any Provincial Government or in any other manner howsoever, in respect of the lands from time to time subject to the provisions of this Act, may be applied after the payment or costs and expenses of the transaction from whence any money may have arisen, in managing, administering, and improving the lands in respect of which the money may have been received, and generally towards carrying into execution the purposes and objects of this Act.

*ACCOUNTS Accounts.***VII Account to the Treasury to be rendered.**

In the month of January in every year there shall be rendered and given an account to the Auditor of public accounts, of the amount of all monies which shall have been received during the year ending on the 31st of December preceding, under or by virtue of the authority of this Act, or by vote of the General Assembly or of any Provincial Council or otherwise howsoever, and of the application of all such monies for the purposes of this Act with the vouchers thereof respectively.

VIII Audit of same.

The Auditor of public accounts shall examine every such account, in like manner as the receipt and expenditure of public money are examined under "The Audit Act, 1858," and the same, when so examined, shall be published in the *Government Gazette*.

*OFFENCES Offences.***IX Offences.**

Whoever shall do or attempt to do any of the following things upon or within the boundaries of the said lands or any of them, without the license of the Governor, shall be liable to a penalty over and above the damage done not exceeding twenty pounds:—

Light a fire.

Wilfully break a fence or any part of a fence.

Wilfully break or cut any tree or plant.

Wilfully dig or cut the sod.

Shoot at any bird or animal with a gun or other instrument.

Wilfully take away, destroy or injure any bird or animal being upon the said lands, or any egg of any bird.

Take away any wood, shrub, plant, or other thing.

X Recovery and application of penalties.

All penalties, and forfeitures under this Act may be recovered in a summary way, and shall be applied as other monies under this Act are directed to be applied.

XI Governor may delegate powers.

The Governor, by Order in Council, may from time to time delegate all or any of the powers hereby conferred to any person for any period and subject to such stipulations as may be specified in such Order; and every such delegation may from time to time in like manner be altered or revoked: Provided that such alteration or revocation shall not destroy or affect the validity of instruments executed or acts done during the subsistence of such delegation.

Schedule

1. All that piece or parcel of land situated in the Parish of Waitemata in the County of Eden, containing 196 acres more or less, and known as the Government Domain or Auckland Park;—bounded towards the North-east by Suburban Section, No. 95—120 links, 300 links, 310 links, 306 links, 306 links, 304 links, and 300 links, and by a stream. Towards the South East by a road 1876 links, and by a road 960 links and 560 links, Towards the South by a road 569 links, and by a road 1187 links. Towards the South west by a road 1612 links. Towards the West by the Provincial Hospital Grounds 299 links, 520 links; 824 links, and 220 links, by a stream dividing it from Suburban Section No. 18, to a marked Puriri tree, and by the said Suburban Section No. 18, 691 links and 396 links. Towards the North-west and North by a Mill race, by a line 175 links, and again by the Mill race, and by a line 423 links, and 405 links, to where the Boundary commenced.
2. All that piece or parcel of land situated in the City of Auckland, containing 8 acres, 3 roods, and 5 perches more or less, and known as the Government House Grounds. Bounded towards the North-east by Waterloo Quadrant 950 links, and by a curved line connecting that street with Symonds Street. On the East by the said curved line and by Symonds Street, 970 links. Towards the South-west by the wall of the Albert Barracks, 175 links, 23 links, 212 links, 23 links, 198 links, 197 links, 23 links, 213 links, 22 links, 230 links, 174 links, 43 links, and 70 links. Towards the West by the Military Road 558 links, and by a curved line about 456 links, and towards the North by a line 99 links.
3. All that piece or parcel of land situated in the City of Wellington, containing 5 acres, 2 roods, and 16 perches, more or less, and known as the Government House Domain:—Bounded towards the North by Sydney Street, 834 links; towards the North-east by Charlotte Street, 528 links; towards the South east by Lambton Quay, 283 links; towards the South by Kumutoto Street, 818 links; and towards the West by Town Section No. 505, 556 links.