

No. XXXIII.

PUBLIC PARKS. An Act for the Regulation and Protection of
Parks and other places of Public Recreation
Convenience Health and Enjoyment. [1st
December, 1854.]

Preamble. **W**HEREAS it is expedient that bodies of Trustees with perpetual
succession should be created for the purpose of holding
managing and protecting lands granted for or dedicated to purposes
of public recreation convenience health and enjoyment Be it therefore
enacted by His Excellency the Governor of New South Wales with
the advice and consent of the Legislative Council thereof as follows:—

Public Parks.

1. When and so often as any grant from the Crown shall be made unto and to the use of Trustees (and their successors) of any lands for the purpose of recreation convenience health and enjoyment of the inhabitants of any city town or place in the Colony such Trustees and their successors to be appointed as hereinafter is provided shall be a body corporate under such name as the Governor shall think fit and by that name shall have perpetual succession and shall sue and be sued in relation to the said land and shall be capable of holding such land in perpetuity upon the trusts and for the uses and purposes declared in such grant.

Trustees in grants incorporated.

2. If the Governor shall so think fit it shall be lawful for him to appoint Trustees of any lands in the Colony which have been already dedicated or may hereafter be dedicated by Proclamation to the purposes aforesaid or either of them without issuing any grants and such Trustees when so appointed as aforesaid and their successors to be appointed as herein mentioned shall be a body corporate and shall possess the same powers as the Trustees named in any deed of grant which may be issued as mentioned in the preceding section.

Power for the Governor to appoint Trustees without issuing grants.

3. When any Trustee of any such lands shall die or be absent from the Colony for more than twelve months or shall resign or refuse or become incapable to act in the trusts or powers reposed in him in relation to the said lands it shall be lawful for the Governor to appoint a new Trustee to fill every such vacancy.

Vacancies how supplied.

4. Such Trustees shall make such rules as they may think fit for regulating the time and manner of their meetings and the management of their trust and generally for conducting the affairs and business arising out of such trust.

Trustees to regulate their own meetings and management.

5. The Trustees appointed by virtue of this Act shall have the powers of absolute owners (except for the purposes of alienation) in respect of the land granted to or placed in trust under them and it shall be lawful for them to make such rules and regulations for the protection of the shrubs trees and herbage growing upon such lands and for regulating the use and enjoyment of such lands and for the removal of trespassers thereon and other parties causing annoyance or inconvenience thereon as to them shall seem necessary or expedient and for the enforcement of any such rules and regulations to impose fines not in any case to exceed the sum of ten pounds for the breaches thereof respectively Provided always that no such rules or regulations shall be of any force until the same shall have been approved of by the Governor and Executive Council nor until a copy thereof shall have been posted in some conspicuous place on the said land and published in the *Government Gazette* for at least one week.

Rules and regulations may be made for protection of trees removal of trespassers &c. &c.

Subject to the approval of the Governor and Executive Council.

6. It shall be lawful for the said Trustees or any ranger or other officer appointed by them to call in the aid of the police for the removal by force if necessary of any person who shall be found committing a breach of any of the said regulations or who shall by disorderly or insulting conduct in the immediate neighbourhood of such lands cause annoyance or inconvenience to the persons on the said lands or going to or coming from the same.

Aid of police may be called in if necessary.

7. All fines and penalties recovered under this Act or under any rule or regulation made in pursuance thereof shall be applied in manner following that is to say—the whole thereof shall be paid to the said Trustees for the purposes of their trust if the proceedings for recovery thereof shall have been taken by or by the direction of the said Trustees and if such proceedings shall have been taken by any other person such person and the said Trustees shall be entitled each to one-half of the said fines and penalties.

Application of penalties.

Appropriation (1855).

Penalties may be recovered in a summary way.

Title.

8. All such fines and penalties as aforesaid may in case of non-payment be recovered by the said Trustees or any other person before any Justice of the Peace in a summary way.

9. In all proceedings this Act may be cited as the "Public Parks Act of 1854."
