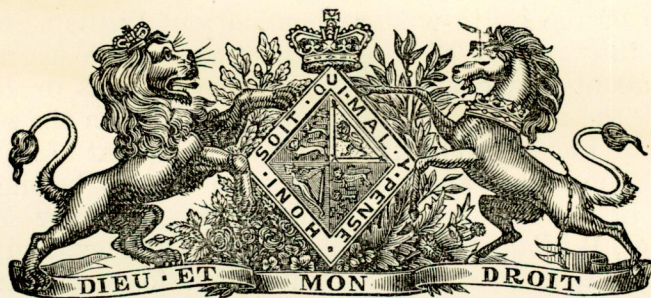


New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act for the purpose of enabling the Trustees of the Hawkesbury Racecourse to grant Leases thereof; and to enable the Members of the Hawkesbury Race Club to sue and be sued in the name of the Chairman of the Committee for the time being of the said Club; and for other purposes. [Assented to, 19th December, 1890.]

WHEREAS by deed-poll or grant from the Crown, bearing date Preamble. the twenty-seventh day of July, in the forty-seventh year of our reign, in the year of our Lord one thousand eight hundred and eighty-three, under the hand of His Excellency Sir Augustus William Frederick Loftus (commonly called Lord Augustus Loftus), then Governor and Commander-in-Chief of the Colony of New South Wales, and under the seal of the said Colony, all that piece or parcel of land in the Colony of New South Wales containing by admeasurement two hundred acres, be the same more or less, situated in the county of Cumberland, parishes of Saint Matthew and Ham Common: Commencing on the left bank of the Chain of Ponds or Rickaby's Creek at the south-eastern end of the north-eastern boundary-line of portion fifteen of four acres, parish of Saint Matthew; and bounded thence on the south-west by that boundary-line the end of a road one chain wide and the north-eastern boundaries of portions fourteen, thirteen, twelve, eleven, ten, nine, eight, seven, and six of five acres each,

Hawkesbury Racecourse.

each, parish of Saint Matthew, and the north-eastern boundary of portion five of four acres two roods twenty-one perches, in all bearing north fifty degrees west fifty-two chains forty-six links; on the north-west by part of the south-eastern boundary of a measured portion of thirty-one acres two roods bearing north fifty-five degrees fifteen minutes east three chains nine links; again on the south-west by the north-eastern boundary of that portion bearing north thirty-eight degrees twenty minutes west twenty-six chains seventy-nine links; again on the north-west by a road one chain wide and a line in all bearing north fifty-three degrees forty minutes east twenty-eight chains sixty-three links; on part of the north-east by lines along the south-western boundary fence of the railway bearing south sixty-eight degrees ten minutes east four chains forty-six links south seventy degrees ten minutes east two chains seventy-eight links south seventy-two degrees twenty-five minutes east one chain seventy links; and thence by part of the south-western boundary of William Ezzys' one hundred and thirty acres bearing south twenty-nine degrees forty minutes east about fifty chains to the Chain of Ponds or Rickaby's Creek; and on the remainder of the north-east and on the south-east by that Chain of Ponds or creek upwards to the point of commencement, with all the rights and appurtenances thereto belonging, was granted unto Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, upon trust in their discretion to permit and suffer the said land or any part thereof to be used by such persons, clubs, or associations at such times and upon such terms and conditions as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or other the trustees of the said land appointed as thereafter provided should think fit and proper for any of the purposes thereafter described (that is to say)—

Firstly—As a racecourse upon which horse-races might be run under the protection of any clubs or associations then existing, or which might thereafter be founded for the purpose of horse-racing.

Secondly—As a training-ground for the purpose of training horses intending to race.

Thirdly—As a cricket ground, or place at and upon which the game of cricket might be played.

Fourthly—And for any other public amusement or purpose for which the said lands or any part thereof should or might be used.

Provided always, and it was thereby declared that it should or might be lawful for the trustees for the time being of the said lands for any of the purposes aforesaid to make all, any, or every such rules and regulations for the use of the said land, or any part thereof, and to vary or alter the same from time to time as they might deem fit for any of the purposes aforesaid. Provided always, and it was thereby declared when, and so often as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or any trustees, or trustee, to be appointed by virtue thereof should die, resign, cease to reside in the Colony of New South Wales, or become incapable to act in the trust thereby created, it should be lawful for the Governor for the time being of the said Colony, with the advice of the Executive Council thereof, from time to time by writing under his hand, to name and appoint a new trustee or trustees in the place and stead of any trustee or trustees so dying, resigning, ceasing to reside in the said Colony of New South Wales, or becoming incapable of acting in the said

Hawkesbury Racecourse.

said trust, and thereupon the said lands should be conveyed and assured by the surviving or continuing trustee or trustees, or by the heirs of the last surviving trustee, their or his heirs or assigns upon the trusts, and for the intents and purposes thereinbefore created and declared of and concerning the said lands. And whereas John Henry Crowley, one of the trustees hereinbefore mentioned, having departed this life, Alexander Benson, of Richmond, Esquire, was duly appointed a trustee in his place and stead. And whereas Andrew Town, another of the said trustees, lately departed this life, and the said Benjamin Richards, Henry McQuade, William Gosper, William Dargin, Thomas Richards, junior, and Alexander Benson are now the only trustees of the said lands. And whereas on the thirty-first day of December, one thousand eight hundred and eighty-nine, it was notified in the *Government Gazette* of that date, number six hundred and ninety, for public information, that the trustees of the land hereinbefore described should be known by the corporate name of "The Trustees of the Hawkesbury Racecourse," such name having been approved by His Excellency the Governor in Council. And whereas the said trustees have for some years past permitted the members of the Hawkesbury Race Club to have the use and enjoyment of the said land for the purpose of horse-racing, and the said Hawkesbury Race Club have expended large sums of money in making, forming, and improving a course for horses to race on and a tan gallop for horses to train on, and in erecting fences, stands, and other buildings on the said land in connection with horse-racing. And whereas the said Hawkesbury Race Club are desirous of erecting other permanent improvements on the said land and have applied to the said trustees for a lease thereof, which the said trustees are willing to grant. And whereas it is desirable that power shall be given to the said trustees to grant a lease of the said lands in manner hereinafter mentioned. And whereas the members of the said club are desirous of obtaining authority, if occasion arise, to borrow money for the purpose of improving the said lands and of obtaining the powers and privileges hereinafter granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the consent of the Legislative Council and the Legislative Assembly of the Colony of New South Wales in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the "Hawkesbury Racecourse Act of 1890." Short title.

2. In this Act—

The term "Governor" means the Governor, with the advice of the Executive Council. Interpretation clause.

The term "Lessee" means any person, club, or association, other than the Hawkesbury Race Club.

The term "Club" means the Hawkesbury Race Club, or any other race club to which the course and premises may be leased by the trustees.

The term "Committee" means the committee for the time being of the club.

The term "Chairman" means the person who is chairman for the time being of the committee.

The term "Trustees" means the trustees for the time being of the Hawkesbury Racecourse.

The term "Justice" means a Justice of the Peace in and for the Colony of New South Wales.

The term "building" means any house, outhouse, stand, booth, stable, shed, tent, fence, or other building, edifice, or erection of any description whatsoever for the time being standing or being upon any land for the time being vested under or by virtue of this Act in the chairman.

Hawkesbury Racecourse.

Power to trustees
to grant leases.

3. It shall and may be lawful for the said trustees, and they are hereby authorized by writing under their hands, to grant to the said club or to any other lessee upon such terms and conditions as to them shall seem expedient the right to use and occupy the said lands or any part or parts thereof as the said trustees shall in their discretion think fit, for the purpose of horse-racing and for the purpose of promoting or engaging in any other public amusement or purpose for which it is intended the said lands should or might be used, for any term not exceeding twenty-one years, commencing from the time of signing the instrument by which the said lands or any part thereof shall be demised, with power also for the said trustees from time to time to renew any lease, and with power also in any lease or in any renewal thereof to make such stipulations for the use of the said lands or any buildings erected or to be erected thereon as may be available for the purposes aforesaid.

Actions to be in the
name of the chair-
man.

4. All actions, suits, and proceedings at law or in equity for any cause, matter, or thing happening after this Act to be commenced, instituted, prosecuted, or carried on by or on behalf of the said club, or wherein the said club is or shall be in any way concerned, against any person or persons, body or bodies, political or corporate, whether members or a member of the club or otherwise, may be lawfully commenced, instituted, and prosecuted in the name of the chairman as the nominal plaintiff or petitioner for and on behalf of the club, and all actions, suits and proceedings as aforesaid to be commenced, instituted, or prosecuted against the club, or any of the members thereof as such, shall be commenced, instituted, and prosecuted against the chairman as the nominal defendant, for and on behalf of the club or members, and in all indictments and informations it shall be lawful to state the property of the club to be the property of such chairman, and any offence committed with any intent to injure or defraud the club shall, and lawfully may in any prosecution for the same, be stated or laid to have been committed with intent to injure or defraud the said chairman, and any offender or offenders may thereupon be lawfully convicted of any such offence. In all other charges or indictments, informations, or other proceedings, it shall and may be lawful and sufficient to state the name of such chairman, and the death, resignation, removal, or other act of such chairman shall not abate any such action, suit, or prosecution, but the same may be continued and prosecuted and concluded in the name of any person who may be or become the chairman.

Memorial to be
recorded.

5. A memorial of the names of the chairman and of each of the members of the committee respectively, in the form or to the effect set forth in the Schedule to this Act, signed by such chairman and verified upon oath by the secretary or acting-secretary for the time being of the said club, shall be filed of record in the Supreme Court of New South Wales within one calendar month after the passing of this Act; and when and so often as any chairman or member of the committee shall be newly elected, a memorial of the name of such newly elected chairman or member, in the same form and to the same effect as the above-mentioned memorial, signed and verified as aforesaid, shall in like manner be filed or recorded in the said Supreme Court within one calendar month next after every such chairman or member shall be elected, and for all purposes whatsoever the production of the memorial recorded as by this Act directed or of an office copy thereof shall be received as sufficient and conclusive evidence in all Courts of Justice, or before any person having by law or by consent of parties authority to receive evidence of all matters contained or set forth in such memorial, nor shall any proof be required of the authority of the person before whom the oath verifying the said memorial shall appear to have been sworn to have administered such oath.

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6. Until such memorial as hereinbefore is mentioned, shall be recorded in the manner herein directed, no action, suit, or other proceedings shall be brought by the club or any of the members thereof in the name of the chairman under the authority of this Act.

No action to be brought until memorial recorded.

7. Every judgment, and every decree or order, which shall be at any time after the passing of this Act obtained against the chairman on behalf of the club, shall and may take effect and be enforced, and execution thereof issued against the property and effects of the club.

Effect of judgment against the chairman.

8. It shall be lawful for such chairman, and his successors in office from time to time, and at any time hereafter to purchase any lands on behalf of the club, or to accept the lease of and to hold by demise from the said trustees for the purposes of this Act the said lands as aforesaid, or from any other person any other lands it may be thought desirable to lease.

Chairman may hold lands.

9. All lands, tenements, and hereditaments, chattels, real and all personal chattels and effects which are now vested in, or held by any person or persons whomsoever in trust for, or for the benefit of the club or the members thereof shall, immediately upon the passing of this Act, without any further assurance, become and be vested in and be held by the chairman in trust for the club in like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate; and all real and personal property which may hereafter be contracted for or be acquired by, or belong to the club or to the members thereof collectively, may be conveyed, assigned, and assured to, and shall therefrom become vested in the chairman in trust for the club in the like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate.

Lands and other property to be vested in the chairman.

10. The lands comprised in the hereinbefore recited Crown grant, and by this Act authorized to be demised shall be held only for the purpose of being maintained and used for a public racecourse, or for one or other of the purposes in the said recited grant mentioned under and subject to the provisions of this Act, and any by-laws to be made under or by virtue hereof.

Lands vested in chairman to be held for racecourse only.

11. The committee may maintain any buildings now standing and being upon the said land comprised in the hereinbefore recited grant or any part thereof, and may also from time to time complete or erect upon the said land, or any other land for the time being vested in the chairman either in addition to or substitution for the buildings now standing thereon, all such other buildings as may in the opinion of the majority of the committee be necessary or expedient for, or in connection with the use of the said land as a public racecourse.

Committee may maintain buildings already erected, and erect others.

12. The committee or an absolute majority in number of such committee present at any meeting, may from time to time subject to the special provisions of this Act, make such by-laws as they may think fit for regulating all matters concerned or connected with the lands comprised in the hereinbefore recited grant, or any lands which may hereafter be vested in the said chairman, and for the protection of the shrubs, trees, and herbage growing upon the said lands, and for regulating the use and enjoyment thereof, and the admission thereto, and the expulsion therefrom of members of the club, or any other person or persons whomsoever causing annoyance or inconvenience, and the rates or charges to be paid for such admission and all other necessary by-laws for the general management of the said racecourse, and may impose penalties on the breach of any such by-law, not in any case to exceed the sum of *ten* pounds; and may from time to time, by any other by-laws, alter or repeal any such by-laws, provided that no such by-laws be repugnant to the laws for the time being in force in New South Wales, and every such by-law shall be reduced into writing, and shall be signed by the chairman.

Committee may make by-laws.

Hawkesbury Racecourse.

Disallowance of
by-laws by Governor.

13. No by-law made under the authority of this Act shall be of any force or effect until the expiration of one month after the same, or a copy thereof signed and certified by the chairman shall have been sent to the Chief Secretary of New South Wales for the time being, and until publication hereinafter mentioned, and at any time within the said period of one month, the Governor may disallow any such by-law.

Publication of
by-laws.

14. Every by-law shall, immediately upon the expiration of one month after the same shall have been sent as aforesaid, if not disallowed as aforesaid, be published in the *Gazette*, together with a notice stating when such by-law was sent to the Colonial Secretary, and that such by-law has not been disallowed, and such by-law shall come into operation from the date of such publication.

Public notification of
by-laws.

15. One or more copies of all by-laws made under this Act, and for the time being in force, shall be painted on boards, or printed on paper, and posted in some conspicuous place or places, at or near the principal entrance to the said racecourse, or on the front or other conspicuous part of the grand-stand on the said racecourse.

Evidence of by-laws.

16. Such by-laws, when so posted and published as aforesaid, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same, and the production of the copy of the *Gazette* containing any notification of such by-laws, or of any of them, shall be conclusive evidence that such by-laws were duly made, and not disallowed, and it shall be presumed that such by-laws were duly posted and published, until the contrary be shown.

The Governor may
repeal by-laws.

17. The Governor may at any time by order in Council declare that from a time to be named in such order and not less than six months from the date of the publication of such order in the *Gazette*, any by-law made under this Act shall be repealed, and from and after the time so named in such order such by-law shall unless previously otherwise repealed under the provisions herein contained be absolutely repealed and of no effect. Provided always that such repeal shall not interfere with or affect any action, suit, prosecution, or other proceedings commenced before the time of such repeal, but the same shall be continued as if no such repeal had taken place.

Offence against
by-laws.

18. Any person offending against any by-law made under this Act shall forfeit for every such offence any sum not exceeding ten pounds, to be imposed by such by-law as a penalty for any such offence, and to be recovered by proceedings which may be taken in a summary way before a Stipendiary or Police Magistrate or any two Justices. Provided that in any proceedings which may be taken in the recovery of any penalty imposed for the breach of any by-law, the persons prosecuting shall not be called upon to define or prove the boundaries of the lands comprised in the hereinbefore mentioned grant or of any other lands vested in the said chairman, and coming within the provision of this Act where the complaints form an act committed on such lands or any of them, and if the infraction or non-observance of any such by-laws be attended with danger or annoyance to the public or hindrance to the committee or any of the officers of the said club or the public in the lawful use of the said racecourse, it shall be lawful for the committee, or any member, officer, or servant thereof summarily to interfere, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law.

Obstructing officers
of lessee or
trespassing on the
racecourse.

19. Whosoever shall wilfully obstruct or impede any officer, servant, or agent of the lessee in the execution of his duty upon any land for the time being vested in such lessee or upon or in any building or premises thereon, or remove or wilfully injure any building, enclosure, post, tree, or shrub upon any such land shall, on conviction

Hawkesbury Racecourse.

conviction thereof before a Stipendiary or Police Magistrate or any two Justices, forfeit and pay for every such offence, over and above the amount of the injury done, any sum not exceeding ten pounds.

20. Any member or officer or servant of the committee and all persons called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or by-laws made under this Act, and whose name and residence shall not be given to such member, officer, or servant upon his requiring same to be given, and give such offender in charge to a police constable who shall convey him with all despatch before some Justice without any warrant or authority than this Act, to be dealt with according to law.

An offender may be arrested.

21. Notwithstanding the liability of any person to any penalty under the provisions of this Act or by-laws made thereunder, he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed.

Liability to penalty not to relieve from other liability.

22. The committee or a majority of them may, by any by-law to be made and come into operation as hereinbefore provided, from time to time prescribe, and vary at pleasure the scale of tolls and charges to be levied or taken for admission to any lands for the time being vested in the club or other lessee, or to any building standing or being thereon, and the conditions for such admission, and may demand, sue for, recover, and receive such tolls and charges from any person coming upon such land, or into, or upon any such building.

Committee may fix by-laws and charges.

23. The chairman or any lessee may demise for any particular race meeting or meetings, or for any other amusement or sport, the whole or any portion of the lands for the time being vested in him, or any building erected thereon, or all or any of the tolls or charges demandable under and by virtue of this Act, and the sub-lessee, his collectors, servants, and agents shall have the same powers of demanding, recovering, and receiving the said tolls and charges as are hereby given to the committee.

Chairman may let lands, buildings, or tolls.

24. It shall be lawful for the said committee, in the name of the chairman, from time to time as they shall see fit on behalf of the said club, for any purposes connected therewith, to procure advances and to borrow money by way of cash credit bond, or debentures, and to pay and discharge such advances in such manner as may be agreed upon.

Power to borrow money.

25. Nothing herein contained shall extend or be deemed, taken, or considered to extend, to incorporate the club, or the members thereof, or to relieve or to discharge them or any of them from any responsibility, debts, contracts, or obligations whatsoever which they would be subject or liable to, either between the club and others, or between the individual members of the club or any of them if this Act had not been passed.

Club not to be incorporated.

Hawkesbury Racecourse.

SCHEDULE.

Hawkesbury Race Club.

MEMORIAL of the names of the chairman and of the committee of the "Hawkesbury Race Club" to be recorded in the Supreme Court of New South Wales pursuant to an Act of Parliament of the said Colony passed in the fifty-third year of the reign of Her Majesty Queen Victoria.

A.B. Chairman.

C.D. }

E.F. } Committee.

&c. }

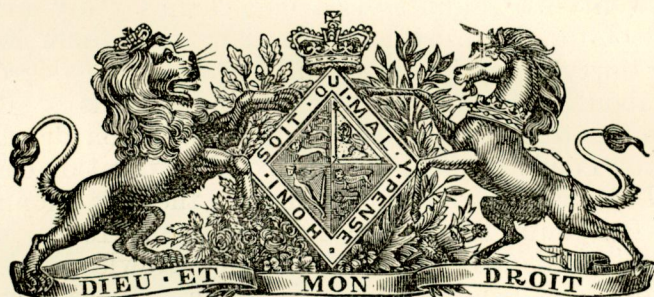
(Signed) A.B. Chairman.

I of make oath and say—

1. I am the Secretary (*or* Acting-Secretary) of the "Hawkesbury Race Club."
2. The above memorial is correct in all its particulars and was duly signed by
, the abovenamed chairman, in my presence.

Sworn this day of .

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act for the purpose of enabling the Trustees of the Hawkesbury Racecourse to grant Leases thereof; and to enable the Members of the Hawkesbury Race Club to sue and be sued in the name of the Chairman of the Committee for the time being of the said Club; and for other purposes. [Assented to, 19th December, 1890.]

WHEREAS by deed-poll or grant from the Crown, bearing date Preamble. the twenty-seventh day of July, in the forty-seventh year of our reign, in the year of our Lord one thousand eight hundred and eighty-three, under the hand of His Excellency Sir Augustus William Frederick Loftus (commonly called Lord Augustus Loftus), then Governor and Commander-in-Chief of the Colony of New South Wales, and under the seal of the said Colony, all that piece or parcel of land in the Colony of New South Wales containing by admeasurement two hundred acres, be the same more or less, situated in the county of Cumberland, parishes of Saint Matthew and Ham Common: Commencing on the left bank of the Chain of Ponds or Rickaby's Creek at the south-eastern end of the north-eastern boundary-line of portion fifteen of four acres, parish of Saint Matthew; and bounded thence on the south-west by that boundary-line the end of a road one chain wide and the north-eastern boundaries of portions fourteen, thirteen, twelve, eleven, ten, nine, eight, seven, and six of five acres each,

Hawkesbury Racecourse.

each, parish of Saint Matthew, and the north-eastern boundary of portion five of four acres two roods twenty-one perches, in all bearing north fifty degrees west fifty-two chains forty-six links; on the north-west by part of the south-eastern boundary of a measured portion of thirty-one acres two roods bearing north fifty-five degrees fifteen minutes east three chains nine links; again on the south-west by the north-eastern boundary of that portion bearing north thirty-eight degrees twenty minutes west twenty-six chains seventy-nine links; again on the north-west by a road one chain wide and a line in all bearing north fifty-three degrees forty minutes east twenty-eight chains sixty-three links; on part of the north-east by lines along the south-western boundary fence of the railway bearing south sixty-eight degrees ten minutes east four chains forty-six links south seventy degrees ten minutes east two chains seventy-eight links south seventy-two degrees twenty-five minutes east one chain seventy links; and thence by part of the south-western boundary of William Ezzys' one hundred and thirty acres bearing south twenty-nine degrees forty minutes east about fifty chains to the Chain of Ponds or Rickaby's Creek; and on the remainder of the north-east and on the south-east by that Chain of Ponds or creek upwards to the point of commencement, with all the rights and appurtenances thereto belonging, was granted unto Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, upon trust in their discretion to permit and suffer the said land or any part thereof to be used by such persons, clubs, or associations at such times and upon such terms and conditions as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or other the trustees of the said land appointed as thereafter provided should think fit and proper for any of the purposes thereafter described (that is to say)—

Firstly—As a racecourse upon which horse-races might be run under the protection of any clubs or associations then existing, or which might thereafter be founded for the purpose of horse-racing.

Secondly—As a training-ground for the purpose of training horses intending to race.

Thirdly—As a cricket ground, or place at and upon which the game of cricket might be played.

Fourthly—And for any other public amusement or purpose for which the said lands or any part thereof should or might be used.

Provided always, and it was thereby declared that it should or might be lawful for the trustees for the time being of the said lands for any of the purposes aforesaid to make all, any, or every such rules and regulations for the use of the said land, or any part thereof, and to vary or alter the same from time to time as they might deem fit for any of the purposes aforesaid. Provided always, and it was thereby declared when, and so often as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or any trustees, or trustee, to be appointed by virtue thereof should die, resign, cease to reside in the Colony of New South Wales, or become incapable to act in the trust thereby created, it should be lawful for the Governor for the time being of the said Colony, with the advice of the Executive Council thereof, from time to time by writing under his hand, to name and appoint a new trustee or trustees in the place and stead of any trustee or trustees so dying, resigning, ceasing to reside in the said Colony of New South Wales, or becoming incapable of acting in the said

Hawkesbury Racecourse.

said trust, and thereupon the said lands should be conveyed and assured by the surviving or continuing trustee or trustees, or by the heirs of the last surviving trustee, their or his heirs or assigns upon the trusts, and for the intents and purposes thereinbefore created and declared of and concerning the said lands. And whereas John Henry Crowley, one of the trustees hereinbefore mentioned, having departed this life, Alexander Benson, of Richmond, Esquire, was duly appointed a trustee in his place and stead. And whereas Andrew Town, another of the said trustees, lately departed this life, and the said Benjamin Richards, Henry McQuade, William Gosper, William Dargin, Thomas Richards, junior, and Alexander Benson are now the only trustees of the said lands. And whereas on the thirty-first day of December, one thousand eight hundred and eighty-nine, it was notified in the *Government Gazette* of that date, number six hundred and ninety, for public information, that the trustees of the land hereinbefore described should be known by the corporate name of "The Trustees of the Hawkesbury Racecourse," such name having been approved by His Excellency the Governor in Council. And whereas the said trustees have for some years past permitted the members of the Hawkesbury Race Club to have the use and enjoyment of the said land for the purpose of horse-racing, and the said Hawkesbury Race Club have expended large sums of money in making, forming, and improving a course for horses to race on and a tan gallop for horses to train on, and in erecting fences, stands, and other buildings on the said land in connection with horse-racing. And whereas the said Hawkesbury Race Club are desirous of erecting other permanent improvements on the said land and have applied to the said trustees for a lease thereof, which the said trustees are willing to grant. And whereas it is desirable that power shall be given to the said trustees to grant a lease of the said lands in manner hereinafter mentioned. And whereas the members of the said club are desirous of obtaining authority, if occasion arise, to borrow money for the purpose of improving the said lands and of obtaining the powers and privileges hereinafter granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the consent of the Legislative Council and the Legislative Assembly of the Colony of New South Wales in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the "Hawkesbury Racecourse Act of 1890." Short title.

2. In this Act—

The term "Governor" means the Governor, with the advice of the Executive Council.

The term "Lessee" means any person, club, or association, other than the Hawkesbury Race Club.

The term "Club" means the Hawkesbury Race Club, or any other race club to which the course and premises may be leased by the trustees.

The term "Committee" means the committee for the time being of the club.

The term "Chairman" means the person who is chairman for the time being of the committee.

The term "Trustees" means the trustees for the time being of the Hawkesbury Racecourse.

The term "Justice" means a Justice of the Peace in and for the Colony of New South Wales.

The term "building" means any house, outhouse, stand, booth, stable, shed, tent, fence, or other building, edifice, or erection of any description whatsoever for the time being standing or being upon any land for the time being vested under or by virtue of this Act in the chairman.

Interpretation
clause.

Hawkesbury Racecourse.

Power to trustees
to grant leases.

3. It shall and may be lawful for the said trustees, and they are hereby authorized by writing under their hands, to grant to the said club or to any other lessee upon such terms and conditions as to them shall seem expedient the right to use and occupy the said lands or any part or parts thereof as the said trustees shall in their discretion think fit, for the purpose of horse-racing and for the purpose of promoting or engaging in any other public amusement or purpose for which it is intended the said lands should or might be used, for any term not exceeding twenty-one years, commencing from the time of signing the instrument by which the said lands or any part thereof shall be demised, with power also for the said trustees from time to time to renew any lease, and with power also in any lease or in any renewal thereof to make such stipulations for the use of the said lands or any buildings erected or to be erected thereon as may be available for the purposes aforesaid.

Actions to be in the
name of the chair-
man.

4. All actions, suits, and proceedings at law or in equity for any cause, matter, or thing happening after this Act to be commenced, instituted, prosecuted, or carried on by or on behalf of the said club, or wherein the said club is or shall be in any way concerned, against any person or persons, body or bodies, political or corporate, whether members or a member of the club or otherwise, may be lawfully commenced, instituted, and prosecuted in the name of the chairman as the nominal plaintiff or petitioner for and on behalf of the club, and all actions, suits and proceedings as aforesaid to be commenced, instituted, or prosecuted against the club, or any of the members thereof as such, shall be commenced, instituted, and prosecuted against the chairman as the nominal defendant, for and on behalf of the club or members, and in all indictments and informations it shall be lawful to state the property of the club to be the property of such chairman, and any offence committed with any intent to injure or defraud the club shall, and lawfully may in any prosecution for the same, be stated or laid to have been committed with intent to injure or defraud the said chairman, and any offender or offenders may thereupon be lawfully convicted of any such offence. In all other charges or indictments, informations, or other proceedings, it shall and may be lawful and sufficient to state the name of such chairman, and the death, resignation, removal, or other act of such chairman shall not abate any such action, suit, or prosecution, but the same may be continued and prosecuted and concluded in the name of any person who may be or become the chairman.

Memorial to be
recorded.

5. A memorial of the names of the chairman and of each of the members of the committee respectively, in the form or to the effect set forth in the Schedule to this Act, signed by such chairman and verified upon oath by the secretary or acting-secretary for the time being of the said club, shall be filed of record in the Supreme Court of New South Wales within one calendar month after the passing of this Act; and when and so often as any chairman or member of the committee shall be newly elected, a memorial of the name of such newly elected chairman or member, in the same form and to the same effect as the above-mentioned memorial, signed and verified as aforesaid, shall in like manner be filed or recorded in the said Supreme Court within one calendar month next after every such chairman or member shall be elected, and for all purposes whatsoever the production of the memorial recorded as by this Act directed or of an office copy thereof shall be received as sufficient and conclusive evidence in all Courts of Justice, or before any person having by law or by consent of parties authority to receive evidence of all matters contained or set forth in such memorial, nor shall any proof be required of the authority of the person before whom the oath verifying the said memorial shall appear to have been sworn to have administered such oath.

Hawkesbury Racecourse.

6. Until such memorial as hereinbefore is mentioned, shall be recorded in the manner herein directed, no action, suit, or other proceedings shall be brought by the club or any of the members thereof in the name of the chairman under the authority of this Act.

No action to be brought until memorial recorded.

7. Every judgment, and every decree or order, which shall be at any time after the passing of this Act obtained against the chairman on behalf of the club, shall and may take effect and be enforced, and execution thereof issued against the property and effects of the club.

Effect of judgment against the chairman.

8. It shall be lawful for such chairman, and his successors in office from time to time, and at any time hereafter to purchase any lands on behalf of the club, or to accept the lease of and to hold by demise from the said trustees for the purposes of this Act the said lands as aforesaid, or from any other person any other lands it may be thought desirable to lease.

Chairman may hold lands.

9. All lands, tenements, and hereditaments, chattels, real and all personal chattels and effects which are now vested in, or held by any person or persons whomsoever in trust for, or for the benefit of the club or the members thereof shall, immediately upon the passing of this Act, without any further assurance, become and be vested in and be held by the chairman in trust for the club in like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate; and all real and personal property which may hereafter be contracted for or be acquired by, or belong to the club or to the members thereof collectively, may be conveyed, assigned, and assured to, and shall therefrom become vested in the chairman in trust for the club in the like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate.

Lands and other property to be vested in the chairman.

10. The lands comprised in the hereinbefore recited Crown grant, and by this Act authorized to be demised shall be held only for the purpose of being maintained and used for a public racecourse, or for one or other of the purposes in the said recited grant mentioned under and subject to the provisions of this Act, and any by-laws to be made under or by virtue hereof.

Lands vested in chairman to be held for racecourse only.

11. The committee may maintain any buildings now standing and being upon the said land comprised in the hereinbefore recited grant or any part thereof, and may also from time to time complete or erect upon the said land, or any other land for the time being vested in the chairman either in addition to or substitution for the buildings now standing thereon, all such other buildings as may in the opinion of the majority of the committee be necessary or expedient for, or in connection with the use of the said land as a public racecourse.

Committee may maintain buildings already erected, and erect others.

12. The committee or an absolute majority in number of such committee present at any meeting, may from time to time subject to the special provisions of this Act, make such by-laws as they may think fit for regulating all matters concerned or connected with the lands comprised in the hereinbefore recited grant, or any lands which may hereafter be vested in the said chairman, and for the protection of the shrubs, trees, and herbage growing upon the said lands, and for regulating the use and enjoyment thereof, and the admission thereto, and the expulsion therefrom of members of the club, or any other person or persons whomsoever causing annoyance or inconvenience, and the rates or charges to be paid for such admission and all other necessary by-laws for the general management of the said racecourse, and may impose penalties on the breach of any such by-law, not in any case to exceed the sum of *ten* pounds; and may from time to time, by any other by-laws, alter or repeal any such by-laws, provided that no such by-laws be repugnant to the laws for the time being in force in New South Wales, and every such by-law shall be reduced into writing, and shall be signed by the chairman.

Committee may make by-laws.

Hawkesbury Racecourse.

Disallowance of
by-laws by Governor.

13. No by-law made under the authority of this Act shall be of any force or effect until the expiration of one month after the same, or a copy thereof signed and certified by the chairman shall have been sent to the Chief Secretary of New South Wales for the time being, and until publication hereinafter mentioned, and at any time within the said period of one month, the Governor may disallow any such by-law.

Publication of
by-laws.

14. Every by-law shall, immediately upon the expiration of one month after the same shall have been sent as aforesaid, if not disallowed as aforesaid, be published in the *Gazette*, together with a notice stating when such by-law was sent to the Colonial Secretary, and that such by-law has not been disallowed, and such by-law shall come into operation from the date of such publication.

Public notification of
by-laws.

15. One or more copies of all by-laws made under this Act, and for the time being in force, shall be painted on boards, or printed on paper, and posted in some conspicuous place or places, at or near the principal entrance to the said racecourse, or on the front or other conspicuous part of the grand-stand on the said racecourse.

Evidence of by-laws.

16. Such by-laws, when so posted and published as aforesaid, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same, and the production of the copy of the *Gazette* containing any notification of such by-laws, or of any of them, shall be conclusive evidence that such by-laws were duly made, and not disallowed, and it shall be presumed that such by-laws were duly posted and published, until the contrary be shown.

The Governor may
repeal by-laws.

17. The Governor may at any time by order in Council declare that from a time to be named in such order and not less than six months from the date of the publication of such order in the *Gazette*, any by-law made under this Act shall be repealed, and from and after the time so named in such order such by-law shall unless previously otherwise repealed under the provisions herein contained be absolutely repealed and of no effect. Provided always that such repeal shall not interfere with or affect any action, suit, prosecution, or other proceedings commenced before the time of such repeal, but the same shall be continued as if no such repeal had taken place.

Offence against
by-laws.

18. Any person offending against any by-law made under this Act shall forfeit for every such offence any sum not exceeding ten pounds, to be imposed by such by-law as a penalty for any such offence, and to be recovered by proceedings which may be taken in a summary way before a Stipendiary or Police Magistrate or any two Justices. Provided that in any proceedings which may be taken in the recovery of any penalty imposed for the breach of any by-law, the persons prosecuting shall not be called upon to define or prove the boundaries of the lands comprised in the hereinbefore mentioned grant or of any other lands vested in the said chairman, and coming within the provision of this Act where the complaints form an act committed on such lands or any of them, and if the infraction or non-observance of any such by-laws be attended with danger or annoyance to the public or hindrance to the committee or any of the officers of the said club or the public in the lawful use of the said racecourse, it shall be lawful for the committee, or any member, officer, or servant thereof summarily to interfere, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law.

Obstructing officers
of lessee or
trespassing on the
racecourse.

19. Whosoever shall wilfully obstruct or impede any officer, servant, or agent of the lessee in the execution of his duty upon any land for the time being vested in such lessee or upon or in any building or premises thereon, or remove or wilfully injure any building, enclosure, post, tree, or shrub upon any such land shall, on conviction

Hawkesbury Racecourse.

conviction thereof before a Stipendiary or Police Magistrate or any two Justices, forfeit and pay for every such offence, over and above the amount of the injury done, any sum not exceeding ten pounds.

20. Any member or officer or servant of the committee and all persons called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or by-laws made under this Act, and whose name and residence shall not be given to such member, officer, or servant upon his requiring same to be given, and give such offender in charge to a police constable who shall convey him with all despatch before some Justice without any warrant or authority than this Act, to be dealt with according to law. An offender may be arrested.

21. Notwithstanding the liability of any person to any penalty under the provisions of this Act or by-laws made thereunder, he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed. Liability to penalty not to relieve from other liability.

22. The committee or a majority of them may, by any by-law to be made and come into operation as hereinbefore provided, from time to time prescribe, and vary at pleasure the scale of tolls and charges to be levied or taken for admission to any lands for the time being vested in the club or other lessee, or to any building standing or being thereon, and the conditions for such admission, and may demand, sue for, recover, and receive such tolls and charges from any person coming upon such land, or into, or upon any such building. Committee may fix by-laws and charges.

23. The chairman or any lessee may demise for any particular race meeting or meetings, or for any other amusement or sport, the whole or any portion of the lands for the time being vested in him, or any building erected thereon, or all or any of the tolls or charges demandable under and by virtue of this Act, and the sub-lessee, his collectors, servants, and agents shall have the same powers of demanding, recovering, and receiving the said tolls and charges as are hereby given to the committee. Chairman may let lands, buildings, or tolls.

24. It shall be lawful for the said committee, in the name of the chairman, from time to time as they shall see fit on behalf of the said club, for any purposes connected therewith, to procure advances and to borrow money by way of cash credit bond, or debentures, and to pay and discharge such advances in such manner as may be agreed upon. Power to borrow money.

25. Nothing herein contained shall extend or be deemed, taken, or considered to extend, to incorporate the club, or the members thereof, or to relieve or to discharge them or any of them from any responsibility, debts, contracts, or obligations whatsoever which they would be subject or liable to, either between the club and others, or between the individual members of the club or any of them if this Act had not been passed. Club not to be incorporated.

Hawkesbury Racecourse.

SCHEDULE.

Hawkesbury Race Club.

MEMORIAL of the names of the chairman and of the committee of the "Hawkesbury Race Club" to be recorded in the Supreme Court of New South Wales pursuant to an Act of Parliament of the said Colony passed in the fifty-third year of the reign of Her Majesty Queen Victoria.

A.B. Chairman.

C.D.	}	Committee.
E.F.		
&c.		

(Signed) A.B. Chairman.

I of make oath and say—

1. I am the Secretary (*or* Acting-Secretary) of the "Hawkesbury Race Club."
2. The above memorial is correct in all its particulars and was duly signed by , the abovenamed chairman, in my presence.

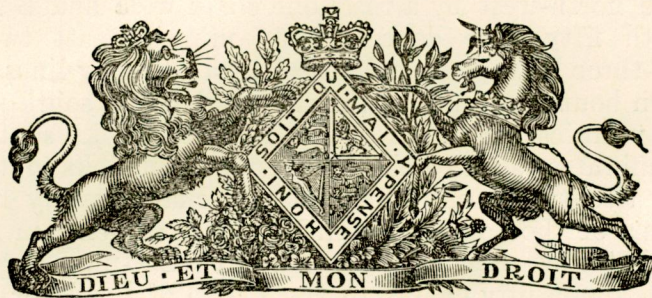
Sworn this day of .

I Certify that this PRIVATE BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 11th December, 1890. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act for the purpose of enabling the Trustees of the Hawkesbury Racecourse to grant Leases thereof; and to enable the Members of the Hawkesbury Race Club to sue and be sued in the name of the Chairman of the Committee for the time being of the said Club; and for other purposes.
[Assented to, 19th December, 1890.]

WHEREAS by deed-poll or grant from the Crown, bearing date ^{Preamble.} the twenty-seventh day of July, in the forty-seventh year of our reign, in the year of our Lord one thousand eight hundred and eighty-three, under the hand of His Excellency Sir Augustus William Frederick Loftus (commonly called Lord Augustus Loftus), then Governor and Commander-in-Chief of the Colony of New South Wales, and under the seal of the said Colony, all that piece or parcel of land in the Colony of New South Wales containing by admeasurement two hundred acres, be the same more or less, situated in the county of Cumberland, parishes of Saint Matthew and Ham Common: Commencing on the left bank of the Chain of Ponds or Rickaby's Creek at the south-eastern end of the north-eastern boundary-line of portion fifteen of four acres, parish of Saint Matthew; and bounded thence on the south-west by that boundary-line the end of a road one chain wide and the north-eastern boundaries of portions fourteen, thirteen, twelve, eleven, ten, nine, eight, seven, and six of five acres each,

I Certify that I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

ARCHD. H. JACOB,
Chairman of Committees of the Legislative Council.

Hawkesbury Racecourse.

each, parish of Saint Matthew, and the north-eastern boundary of portion five of four acres two roods twenty-one perches, in all bearing north fifty degrees west fifty-two chains forty-six links; on the north-west by part of the south-eastern boundary of a measured portion of thirty-one acres two roods bearing north fifty-five degrees fifteen minutes east three chains nine links; again on the south-west by the north-eastern boundary of that portion bearing north thirty-eight degrees twenty minutes west twenty-six chains seventy-nine links; again on the north-west by a road one chain wide and a line in all bearing north fifty-three degrees forty minutes east twenty-eight chains sixty-three links; on part of the north-east by lines along the south-western boundary fence of the railway bearing south sixty-eight degrees ten minutes east four chains forty-six links south seventy degrees ten minutes east two chains seventy-eight links south seventy-two degrees twenty-five minutes east one chain seventy links; and thence by part of the south-western boundary of William Ezzys' one hundred and thirty acres bearing south twenty-nine degrees forty minutes east about fifty chains to the Chain of Ponds or Rickaby's Creek; and on the remainder of the north-east and on the south-east by that Chain of Ponds or creek upwards to the point of commencement, with all the rights and appurtenances thereto belonging, was granted unto Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, upon trust in their discretion to permit and suffer the said land or any part thereof to be used by such persons, clubs, or associations at such times and upon such terms and conditions as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or other the trustees of the said land appointed as hereinafter provided should think fit and proper for any of the purposes hereinafter described (that is to say)—

Firstly—As a racecourse upon which horse-races might be run under the protection of any clubs or associations then existing, or which might thereafter be founded for the purpose of horse-racing.

Secondly—As a training-ground for the purpose of training horses intending to race.

Thirdly—As a cricket ground, or place at and upon which the game of cricket might be played.

Fourthly—And for any other public amusement or purpose for which the said lands or any part thereof should or might be used.

Provided always, and it was thereby declared that it should or might be lawful for the trustees for the time being of the said lands for any of the purposes aforesaid to make all, any, or every such rules and regulations for the use of the said land, or any part thereof, and to vary or alter the same from time to time as they might deem fit for any of the purposes aforesaid. Provided always, and it was thereby declared when, and so often as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or any trustees, or trustee, to be appointed by virtue thereof should die, resign, cease to reside in the Colony of New South Wales, or become incapable to act in the trust thereby created, it should be lawful for the Governor for the time being of the said Colony, with the advice of the Executive Council thereof, from time to time by writing under his hand, to name and appoint a new trustee or trustees in the place and stead of any trustee or trustees so dying, resigning, ceasing to reside in the said Colony of New South Wales, or becoming incapable of acting in the said

Hawkesbury Racecourse.

said trust, and thereupon the said lands should be conveyed and assured by the surviving or continuing trustee or trustees, or by the heirs of the last surviving trustee, their or his heirs or assigns upon the trusts, and for the intents and purposes thereinbefore created and declared of and concerning the said lands. And whereas John Henry Crowley, one of the trustees hereinbefore mentioned, having departed this life, Alexander Benson, of Richmond, Esquire, was duly appointed a trustee in his place and stead. And whereas Andrew Town, another of the said trustees, lately departed this life, and the said Benjamin Richards, Henry McQuade, William Gosper, William Dargin, Thomas Richards, junior, and Alexander Benson are now the only trustees of the said lands. And whereas on the thirty-first day of December, one thousand eight hundred and eighty-nine, it was notified in the *Government Gazette* of that date, number six hundred and ninety, for public information, that the trustees of the land hereinbefore described should be known by the corporate name of "The Trustees of the Hawkesbury Racecourse," such name having been approved by His Excellency the Governor in Council. And whereas the said trustees have for some years past permitted the members of the Hawkesbury Race Club to have the use and enjoyment of the said land for the purpose of horse-racing, and the said Hawkesbury Race Club have expended large sums of money in making, forming, and improving a course for horses to race on and a tan gallop for horses to train on, and in erecting fences, stands, and other buildings on the said land in connection with horse-racing. And whereas the said Hawkesbury Race Club are desirous of erecting other permanent improvements on the said land and have applied to the said trustees for a lease thereof, which the said trustees are willing to grant. And whereas it is desirable that power shall be given to the said trustees to grant a lease of the said lands in manner hereinafter mentioned. And whereas the members of the said club are desirous of obtaining authority, if occasion arise, to borrow money for the purpose of improving the said lands and of obtaining the powers and privileges hereinafter granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the consent of the Legislative Council and the Legislative Assembly of the Colony of New South Wales in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the "Hawkesbury Racecourse Act of 1890." Short title.

2. In this Act—

The term "Governor" means the Governor, with the advice of the Executive Council.

The term "Lessee" means any person, club, or association, other than the Hawkesbury Race Club.

The term "Club" means the Hawkesbury Race Club, or any other race club to which the course and premises may be leased by the trustees.

The term "Committee" means the committee for the time being of the club.

The term "Chairman" means the person who is chairman for the time being of the committee.

The term "Trustees" means the trustees for the time being of the Hawkesbury Racecourse.

The term "Justice" means a Justice of the Peace in and for the Colony of New South Wales.

The term "building" means any house, outhouse, stand, booth, stable, shed, tent, fence, or other building, edifice, or erection of any description whatsoever for the time being standing or being upon any land for the time being vested under or by virtue of this Act in the chairman.

Interpretation
clause.

Hawkesbury Racecourse.

Power to trustees
to grant leases.

3. It shall and may be lawful for the said trustees, and they are hereby authorized by writing under their hands, to grant to the said club or to any other lessee upon such terms and conditions as to them shall seem expedient the right to use and occupy the said lands or any part or parts thereof as the said trustees shall in their discretion think fit, for the purpose of horse-racing and for the purpose of promoting or engaging in any other public amusement or purpose for which it is intended the said lands should or might be used, for any term not exceeding twenty-one years, commencing from the time of signing the instrument by which the said lands or any part thereof shall be demised, with power also for the said trustees from time to time to renew any lease, and with power also in any lease or in any renewal thereof to make such stipulations for the use of the said lands or any buildings erected or to be erected thereon as may be available for the purposes aforesaid.

Actions to be in the
name of the chair-
man.

4. All actions, suits, and proceedings at law or in equity for any cause, matter, or thing happening after this Act to be commenced, instituted, prosecuted, or carried on by or on behalf of the said club, or wherein the said club is or shall be in any way concerned, against any person or persons, body or bodies, political or corporate, whether members or a member of the club or otherwise, may be lawfully commenced, instituted, and prosecuted in the name of the chairman as the nominal plaintiff or petitioner for and on behalf of the club, and all actions, suits and proceedings as aforesaid to be commenced, instituted, or prosecuted against the club, or any of the members thereof as such, shall be commenced, instituted, and prosecuted against the chairman as the nominal defendant, for and on behalf of the club or members, and in all indictments and informations it shall be lawful to state the property of the club to be the property of such chairman, and any offence committed with any intent to injure or defraud the club shall, and lawfully may in any prosecution for the same, be stated or laid to have been committed with intent to injure or defraud the said chairman, and any offender or offenders may thereupon be lawfully convicted of any such offence. In all other charges or indictments, informations, or other proceedings, it shall and may be lawful and sufficient to state the name of such chairman, and the death, resignation, removal, or other act of such chairman shall not abate any such action, suit, or prosecution, but the same may be continued and prosecuted and concluded in the name of any person who may be or become the chairman.

Memorial to be
recorded.

5. A memorial of the names of the chairman and of each of the members of the committee respectively, in the form or to the effect set forth in the Schedule to this Act, signed by such chairman and verified upon oath by the secretary or acting-secretary for the time being of the said club, shall be filed of record in the Supreme Court of New South Wales within one calendar month after the passing of this Act; and when and so often as any chairman or member of the committee shall be newly elected, a memorial of the name of such newly elected chairman or member, in the same form and to the same effect as the above-mentioned memorial, signed and verified as aforesaid, shall in like manner be filed or recorded in the said Supreme Court within one calendar month next after every such chairman or member shall be elected, and for all purposes whatsoever the production of the memorial recorded as by this Act directed or of an office copy thereof shall be received as sufficient and conclusive evidence in all Courts of Justice, or before any person having by law or by consent of parties authority to receive evidence of all matters contained or set forth in such memorial, nor shall any proof be required of the authority of the person before whom the oath verifying the said memorial shall appear to have been sworn to have administered such oath.

Hawkesbury Racecourse.

6. Until such memorial as hereinbefore is mentioned, shall be recorded in the manner herein directed, no action, suit, or other proceedings shall be brought by the club or any of the members thereof in the name of the chairman under the authority of this Act.

No action to be brought until memorial recorded.

7. Every judgment, and every decree or order, which shall be at any time after the passing of this Act obtained against the chairman on behalf of the club, shall and may take effect and be enforced, and execution thereof issued against the property and effects of the club.

Effect of judgment against the chairman.

8. It shall be lawful for such chairman, and his successors in office from time to time, and at any time hereafter to purchase any lands on behalf of the club, or to accept the lease of and to hold by demise from the said trustees for the purposes of this Act the said lands as aforesaid, or from any other person any other lands it may be thought desirable to lease.

Chairman may hold lands.

9. All lands, tenements, and hereditaments, chattels, real and all personal chattels and effects which are now vested in, or held by any person or persons whomsoever in trust for, or for the benefit of the club or the members thereof shall, immediately upon the passing of this Act, without any further assurance, become and be vested in and be held by the chairman in trust for the club in like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate; and all real and personal property which may hereafter be contracted for or be acquired by, or belong to the club or to the members thereof collectively, may be conveyed, assigned, and assured to, and shall therefrom become vested in the chairman in trust for the club in the like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate.

Lands and other property to be vested in the chairman.

10. The lands comprised in the hereinbefore recited Crown grant, and by this Act authorized to be demised shall be held only for the purpose of being maintained and used for a public racecourse, or for one or other of the purposes in the said recited grant mentioned under and subject to the provisions of this Act, and any by-laws to be made under or by virtue hereof.

Lands vested in chairman to be held for racecourse only.

11. The committee may maintain any buildings now standing and being upon the said land comprised in the hereinbefore recited grant or any part thereof, and may also from time to time complete or erect upon the said land, or any other land for the time being vested in the chairman either in addition to or substitution for the buildings now standing thereon, all such other buildings as may in the opinion of the majority of the committee be necessary or expedient for, or in connection with the use of the said land as a public racecourse.

Committee may maintain buildings already erected, and erect others.

12. The committee or an absolute majority in number of such committee present at any meeting, may from time to time subject to the special provisions of this Act, make such by-laws as they may think fit for regulating all matters concerned or connected with the lands comprised in the hereinbefore recited grant, or any lands which may hereafter be vested in the said chairman, and for the protection of the shrubs, trees, and herbage growing upon the said lands, and for regulating the use and enjoyment thereof, and the admission thereto, and the expulsion therefrom of members of the club, or any other person or persons whomsoever causing annoyance or inconvenience, and the rates or charges to be paid for such admission and all other necessary by-laws for the general management of the said racecourse, and may impose penalties on the breach of any such by-law, not in any case to exceed the sum of *ten* pounds; and may from time to time, by any other by-laws, alter or repeal any such by-laws, provided that no such by-laws be repugnant to the laws for the time being in force in New South Wales, and every such by-law shall be reduced into writing, and shall be signed by the chairman.

Committee may make by-laws.

Hawkesbury Racecourse.

Disallowance of
by-laws by Governor.

13. No by-law made under the authority of this Act shall be of any force or effect until the expiration of one month after the same, or a copy thereof signed and certified by the chairman shall have been sent to the Chief Secretary of New South Wales for the time being, and until publication hereinafter mentioned, and at any time within the said period of one month, the Governor may disallow any such by-law.

Publication of
by-laws.

14. Every by-law shall, immediately upon the expiration of one month after the same shall have been sent as aforesaid, if not disallowed as aforesaid, be published in the *Gazette*, together with a notice stating when such by-law was sent to the Colonial Secretary, and that such by-law has not been disallowed, and such by-law shall come into operation from the date of such publication.

Public notification of
by-laws.

15. One or more copies of all by-laws made under this Act, and for the time being in force, shall be painted on boards, or printed on paper, and posted in some conspicuous place or places, at or near the principal entrance to the said racecourse, or on the front or other conspicuous part of the grand-stand on the said racecourse.

Evidence of by-laws.

16. Such by-laws, when so posted and published as aforesaid, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same, and the production of the copy of the *Gazette* containing any notification of such by-laws, or of any of them, shall be conclusive evidence that such by-laws were duly made, and not disallowed, and it shall be presumed that such by-laws were duly posted and published, until the contrary be shown.

The Governor may
repeal by-laws.

17. The Governor may at any time by order in Council declare that from a time to be named in such order and not less than six months from the date of the publication of such order in the *Gazette*, any by-law made under this Act shall be repealed, and from and after the time so named in such order such by-law shall unless previously otherwise repealed under the provisions herein contained be absolutely repealed and of no effect. Provided always that such repeal shall not interfere with or affect any action, suit, prosecution, or other proceedings commenced before the time of such repeal, but the same shall be continued as if no such repeal had taken place.

Offence against
by-laws.

18. Any person offending against any by-law made under this Act shall forfeit for every such offence any sum not exceeding ten pounds, to be imposed by such by-law as a penalty for any such offence, and to be recovered by proceedings which may be taken in a summary way before a Stipendiary or Police Magistrate or any two Justices. Provided that in any proceedings which may be taken in the recovery of any penalty imposed for the breach of any by-law, the persons prosecuting shall not be called upon to define or prove the boundaries of the lands comprised in the hereinbefore mentioned grant or of any other lands vested in the said chairman, and coming within the provision of this Act where the complaints form an act committed on such lands or any of them, and if the infraction or non-observance of any such by-laws be attended with danger or annoyance to the public or hindrance to the committee or any of the officers of the said club or the public in the lawful use of the said racecourse, it shall be lawful for the committee, or any member, officer, or servant thereof summarily to interfere, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law.

Obstructing officers
of lessee or
trespassing on the
racecourse.

19. Whosoever shall wilfully obstruct or impede any officer, servant, or agent of the lessee in the execution of his duty upon any land for the time being vested in such lessee or upon or in any building or premises thereon, or remove or wilfully injure any building, enclosure, post, tree, or shrub upon any such land shall, on conviction

Hawkesbury Racecourse.

conviction thereof before a Stipendiary or Police Magistrate or any two Justices, forfeit and pay for every such offence, over and above the amount of the injury done, any sum not exceeding ten pounds.

20. Any member or officer or servant of the committee and all persons called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or by-laws made under this Act, and whose name and residence shall not be given to such member, officer, or servant upon his requiring same to be given, and give such offender in charge to a police constable who shall convey him with all despatch before some Justice without any warrant or authority than this Act, to be dealt with according to law. An offender may be arrested.

21. Notwithstanding the liability of any person to any penalty under the provisions of this Act or by-laws made thereunder, he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed. Liability to penalty not to relieve from other liability.

22. The committee or a majority of them may, by any by-law to be made and come into operation as hereinbefore provided, from time to time prescribe, and vary at pleasure the scale of tolls and charges to be levied or taken for admission to any lands for the time being vested in the club or other lessee, or to any building standing or being thereon, and the conditions for such admission, and may demand, sue for, recover, and receive such tolls and charges from any person coming upon such land, or into, or upon any such building. Committee may fix by-laws and charges.

23. The chairman or any lessee may demise for any particular race meeting or meetings, or for any other amusement or sport, the whole or any portion of the lands for the time being vested in him, or any building erected thereon, or all or any of the tolls or charges demandable under and by virtue of this Act, and the sub-lessee, his collectors, servants, and agents shall have the same powers of demanding, recovering, and receiving the said tolls and charges as are hereby given to the committee. Chairman may let lands, buildings, or tolls.

24. It shall be lawful for the said committee, in the name of the chairman, from time to time as they shall see fit on behalf of the said club, for any purposes connected therewith, to procure advances and to borrow money by way of cash credit bond, or debentures, and to pay and discharge such advances in such manner as may be agreed upon. Power to borrow money.

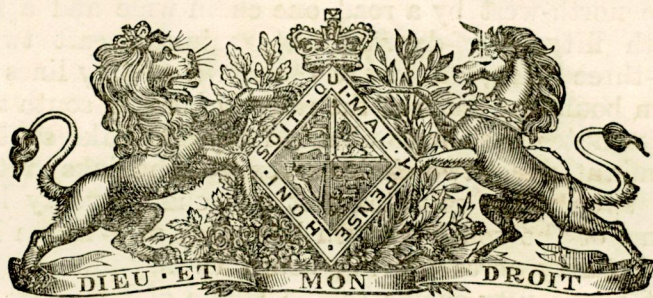
25. Nothing herein contained shall extend or be deemed, taken, or considered to extend, to incorporate the club, or the members thereof, or to relieve or to discharge them or any of them from any responsibility, debts, contracts, or obligations whatsoever which they would be subject or liable to, either between the club and others, or between the individual members of the club or any of them if this Act had not been passed. Club not to be incorporated.

23 12 90
I Certify that this PRIVATE BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council Chamber,
Sydney, 11th December, 1890. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act for the purpose of enabling the Trustees of the Hawkesbury Racecourse to grant Leases thereof; and to enable the Members of the Hawkesbury Race Club to sue and be sued in the name of the Chairman of the Committee for the time being of the said Club; and for other purposes. [Assented to, 19th December, 1890.]

WHEREAS by deed-poll or grant from the Crown, bearing date ^{Preamble.} the twenty-seventh day of July, in the forty-seventh year of our reign, in the year of our Lord one thousand eight hundred and eighty-three, under the hand of His Excellency Sir Augustus William Frederick Loftus (commonly called Lord Augustus Loftus), then Governor and Commander-in-Chief of the Colony of New South Wales, and under the seal of the said Colony, all that piece or parcel of land in the Colony of New South Wales containing by admeasurement two hundred acres, be the same more or less, situated in the county of Cumberland, parishes of Saint Matthew and Ham Common: Commencing on the left bank of the Chain of Ponds or Rickaby's Creek at the south-eastern end of the north-eastern boundary-line of portion fifteen of four acres, parish of Saint Matthew; and bounded thence on the south-west by that boundary-line the end of a road one chain wide and the north-eastern boundaries of portions fourteen, thirteen, twelve, eleven, ten, nine, eight, seven, and six of five acres each,

I Certify that I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

ARCHD. H. JACOB,
Chairman of Committees of the Legislative Council.

Hawkesbury Racecourse.

each, parish of Saint Matthew, and the north-eastern boundary of portion five of four acres two roods twenty-one perches, in all bearing north fifty degrees west fifty-two chains forty-six links; on the north-west by part of the south-eastern boundary of a measured portion of thirty-one acres two roods bearing north fifty-five degrees fifteen minutes east three chains nine links; again on the south-west by the north-eastern boundary of that portion bearing north thirty-eight degrees twenty minutes west twenty-six chains seventy-nine links; again on the north-west by a road one chain wide and a line in all bearing north fifty-three degrees forty minutes east twenty-eight chains sixty-three links; on part of the north-east by lines along the south-western boundary fence of the railway bearing south sixty-eight degrees ten minutes east four chains forty-six links south seventy degrees ten minutes east two chains seventy-eight links south seventy-two degrees twenty-five minutes east one chain seventy links; and thence by part of the south-western boundary of William Ezzys' one hundred and thirty acres bearing south twenty-nine degrees forty minutes east about fifty chains to the Chain of Ponds or Rickaby's Creek; and on the remainder of the north-east and on the south-east by that Chain of Ponds or creek upwards to the point of commencement, with all the rights and appurtenances thereto belonging, was granted unto Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, upon trust in their discretion to permit and suffer the said land or any part thereof to be used by such persons, clubs, or associations at such times and upon such terms and conditions as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or other the trustees of the said land appointed as thereafter provided should think fit and proper for any of the purposes thereafter described (that is to say)—

Firstly—As a racecourse upon which horse-races might be run under the protection of any clubs or associations then existing, or which might thereafter be founded for the purpose of horse-racing.

Secondly—As a training-ground for the purpose of training horses intending to race.

Thirdly—As a cricket ground, or place at and upon which the game of cricket might be played.

Fourthly—And for any other public amusement or purpose for which the said lands or any part thereof should or might be used.

Provided always, and it was thereby declared that it should or might be lawful for the trustees for the time being of the said lands for any of the purposes aforesaid to make all, any, or every such rules and regulations for the use of the said land, or any part thereof, and to vary or alter the same from time to time as they might deem fit for any of the purposes aforesaid. Provided always, and it was thereby declared when, and so often as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or any trustees, or trustee, to be appointed by virtue thereof should die, resign, cease to reside in the Colony of New South Wales, or become incapable to act in the trust thereby created, it should be lawful for the Governor for the time being of the said Colony, with the advice of the Executive Council thereof, from time to time by writing under his hand, to name and appoint a new trustee or trustees in the place and stead of any trustee or trustees so dying, resigning, ceasing to reside in the said Colony of New South Wales, or becoming incapable of acting in the said

Hawkesbury Racecourse.

said trust, and thereupon the said lands should be conveyed and assured by the surviving or continuing trustee or trustees, or by the heirs of the last surviving trustee, their or his heirs or assigns upon the trusts, and for the intents and purposes thereinbefore created and declared of and concerning the said lands. And whereas John Henry Crowley, one of the trustees hereinbefore mentioned, having departed this life, Alexander Benson, of Richmond, Esquire, was duly appointed a trustee in his place and stead. And whereas Andrew Town, another of the said trustees, lately departed this life, and the said Benjamin Richards, Henry McQuade, William Gosper, William Dargin, Thomas Richards, junior, and Alexander Benson are now the only trustees of the said lands. And whereas on the thirty-first day of December, one thousand eight hundred and eighty-nine, it was notified in the *Government Gazette* of that date, number six hundred and ninety, for public information, that the trustees of the land hereinbefore described should be known by the corporate name of "The Trustees of the Hawkesbury Racecourse," such name having been approved by His Excellency the Governor in Council. And whereas the said trustees have for some years past permitted the members of the Hawkesbury Race Club to have the use and enjoyment of the said land for the purpose of horse-racing, and the said Hawkesbury Race Club have expended large sums of money in making, forming, and improving a course for horses to race on and a tan gallop for horses to train on, and in erecting fences, stands, and other buildings on the said land in connection with horse-racing. And whereas the said Hawkesbury Race Club are desirous of erecting other permanent improvements on the said land and have applied to the said trustees for a lease thereof, which the said trustees are willing to grant. And whereas it is desirable that power shall be given to the said trustees to grant a lease of the said lands in manner hereinafter mentioned. And whereas the members of the said club are desirous of obtaining authority, if occasion arise, to borrow money for the purpose of improving the said lands and of obtaining the powers and privileges hereinafter granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the consent of the Legislative Council and the Legislative Assembly of the Colony of New South Wales in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the "Hawkesbury Racecourse Act of 1890." Short title.

2. In this Act—

The term "Governor" means the Governor, with the advice of the Executive Council. Interpretation clause.

The term "Lessee" means any person, club, or association, other than the Hawkesbury Race Club.

The term "Club" means the Hawkesbury Race Club, or any other race club to which the course and premises may be leased by the trustees.

The term "Committee" means the committee for the time being of the club.

The term "Chairman" means the person who is chairman for the time being of the committee.

The term "Trustees" means the trustees for the time being of the Hawkesbury Racecourse.

The term "Justice" means a Justice of the Peace in and for the Colony of New South Wales.

The term "building" means any house, outhouse, stand, booth, stable, shed, tent, fence, or other building, edifice, or erection of any description whatsoever for the time being standing or being upon any land for the time being vested under or by virtue of this Act in the chairman. 3.

Hawkesbury Racecourse.

Power to trustees
to grant leases.

3. It shall and may be lawful for the said trustees, and they are hereby authorized by writing under their hands, to grant to the said club or to any other lessee upon such terms and conditions as to them shall seem expedient the right to use and occupy the said lands or any part or parts thereof as the said trustees shall in their discretion think fit, for the purpose of horse-racing and for the purpose of promoting or engaging in any other public amusement or purpose for which it is intended the said lands should or might be used, for any term not exceeding twenty-one years, commencing from the time of signing the instrument by which the said lands or any part thereof shall be demised, with power also for the said trustees from time to time to renew any lease, and with power also in any lease or in any renewal thereof to make such stipulations for the use of the said lands or any buildings erected or to be erected thereon as may be available for the purposes aforesaid.

Actions to be in the
name of the chair-
man.

4. All actions, suits, and proceedings at law or in equity for any cause, matter, or thing happening after this Act to be commenced, instituted, prosecuted, or carried on by or on behalf of the said club, or wherein the said club is or shall be in any way concerned, against any person or persons, body or bodies, political or corporate, whether members or a member of the club or otherwise, may be lawfully commenced, instituted, and prosecuted in the name of the chairman as the nominal plaintiff or petitioner for and on behalf of the club, and all actions, suits and proceedings as aforesaid to be commenced, instituted, or prosecuted against the club, or any of the members thereof as such, shall be commenced, instituted, and prosecuted against the chairman as the nominal defendant, for and on behalf of the club or members, and in all indictments and informations it shall be lawful to state the property of the club to be the property of such chairman, and any offence committed with any intent to injure or defraud the club shall, and lawfully may in any prosecution for the same, be stated or laid to have been committed with intent to injure or defraud the said chairman, and any offender or offenders may thereupon be lawfully convicted of any such offence. In all other charges or indictments, informations, or other proceedings, it shall and may be lawful and sufficient to state the name of such chairman, and the death, resignation, removal, or other act of such chairman shall not abate any such action, suit, or prosecution, but the same may be continued and prosecuted and concluded in the name of any person who may be or become the chairman.

Memorial to be
recorded.

5. A memorial of the names of the chairman and of each of the members of the committee respectively, in the form or to the effect set forth in the Schedule to this Act, signed by such chairman and verified upon oath by the secretary or acting-secretary for the time being of the said club, shall be filed of record in the Supreme Court of New South Wales within one calendar month after the passing of this Act; and when and so often as any chairman or member of the committee shall be newly elected, a memorial of the name of such newly elected chairman or member, in the same form and to the same effect as the above-mentioned memorial, signed and verified as aforesaid, shall in like manner be filed or recorded in the said Supreme Court within one calendar month next after every such chairman or member shall be elected, and for all purposes whatsoever the production of the memorial recorded as by this Act directed or of an office copy thereof shall be received as sufficient and conclusive evidence in all Courts of Justice, or before any person having by law or by consent of parties authority to receive evidence of all matters contained or set forth in such memorial, nor shall any proof be required of the authority of the person before whom the oath verifying the said memorial shall appear to have been sworn to have administered such oath.

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6. Until such memorial as hereinbefore is mentioned, shall be recorded in the manner herein directed, no action, suit, or other proceedings shall be brought by the club or any of the members thereof in the name of the chairman under the authority of this Act.

No action to be brought until memorial recorded.

7. Every judgment, and every decree or order, which shall be at any time after the passing of this Act obtained against the chairman on behalf of the club, shall and may take effect and be enforced, and execution thereof issued against the property and effects of the club.

Effect of judgment against the chairman.

8. It shall be lawful for such chairman, and his successors in office from time to time, and at any time hereafter to purchase any lands on behalf of the club, or to accept the lease of and to hold by demise from the said trustees for the purposes of this Act the said lands as aforesaid, or from any other person any other lands it may be thought desirable to lease.

Chairman may hold lands.

9. All lands, tenements, and hereditaments, chattels, real and all personal chattels and effects which are now vested in, or held by any person or persons whomsoever in trust for, or for the benefit of the club or the members thereof shall, immediately upon the passing of this Act, without any further assurance, become and be vested in and be held by the chairman in trust for the club in like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate; and all real and personal property which may hereafter be contracted for or be acquired by, or belong to the club or to the members thereof collectively, may be conveyed, assigned, and assured to, and shall therefrom become vested in the chairman in trust for the club in the like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate.

Lands and other property to be vested in the chairman.

10. The lands comprised in the hereinbefore recited Crown grant, and by this Act authorized to be demised shall be held only for the purpose of being maintained and used for a public racecourse, or for one or other of the purposes in the said recited grant mentioned under and subject to the provisions of this Act, and any by-laws to be made under or by virtue hereof.

Lands vested in chairman to be held for racecourse only.

11. The committee may maintain any buildings now standing and being upon the said land comprised in the hereinbefore recited grant or any part thereof, and may also from time to time complete or erect upon the said land, or any other land for the time being vested in the chairman either in addition to or substitution for the buildings now standing thereon, all such other buildings as may in the opinion of the majority of the committee be necessary or expedient for, or in connection with the use of the said land as a public racecourse.

Committee may maintain buildings already erected, and erect others.

12. The committee or an absolute majority in number of such committee present at any meeting, may from time to time subject to the special provisions of this Act, make such by-laws as they may think fit for regulating all matters concerned or connected with the lands comprised in the hereinbefore recited grant, or any lands which may hereafter be vested in the said chairman, and for the protection of the shrubs, trees, and herbage growing upon the said lands, and for regulating the use and enjoyment thereof, and the admission thereto, and the expulsion therefrom of members of the club, or any other person or persons whomsoever causing annoyance or inconvenience, and the rates or charges to be paid for such admission and all other necessary by-laws for the general management of the said racecourse, and may impose penalties on the breach of any such by-law, not in any case to exceed the sum of *ten* pounds; and may from time to time, by any other by-laws, alter or repeal any such by-laws, provided that no such by-laws be repugnant to the laws for the time being in force in New South Wales, and every such by-law shall be reduced into writing, and shall be signed by the chairman.

Committee may make by-laws.

Hawkesbury Racecourse.

Disallowance of
by-laws by Governor.

13. No by-law made under the authority of this Act shall be of any force or effect until the expiration of one month after the same, or a copy thereof signed and certified by the chairman shall have been sent to the Chief Secretary of New South Wales for the time being, and until publication hereinafter mentioned, and at any time within the said period of one month, the Governor may disallow any such by-law.

Publication of
by-laws.

14. Every by-law shall, immediately upon the expiration of one month after the same shall have been sent as aforesaid, if not disallowed as aforesaid, be published in the *Gazette*, together with a notice stating when such by-law was sent to the Colonial Secretary, and that such by-law has not been disallowed, and such by-law shall come into operation from the date of such publication.

Public notification of
by-laws.

15. One or more copies of all by-laws made under this Act, and for the time being in force, shall be painted on boards, or printed on paper, and posted in some conspicuous place or places, at or near the principal entrance to the said racecourse, or on the front or other conspicuous part of the grand-stand on the said racecourse.

Evidence of by-laws.

16. Such by-laws, when so posted and published as aforesaid, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same, and the production of the copy of the *Gazette* containing any notification of such by-laws, or of any of them, shall be conclusive evidence that such by-laws were duly made, and not disallowed, and it shall be presumed that such by-laws were duly posted and published, until the contrary be shown.

The Governor may
repeal by-laws.

17. The Governor may at any time by order in Council declare that from a time to be named in such order and not less than six months from the date of the publication of such order in the *Gazette*, any by-law made under this Act shall be repealed, and from and after the time so named in such order such by-law shall unless previously otherwise repealed under the provisions herein contained be absolutely repealed and of no effect. Provided always that such repeal shall not interfere with or affect any action, suit, prosecution, or other proceedings commenced before the time of such repeal, but the same shall be continued as if no such repeal had taken place.

Offence against
by-laws.

18. Any person offending against any by-law made under this Act shall forfeit for every such offence any sum not exceeding ten pounds, to be imposed by such by-law as a penalty for any such offence, and to be recovered by proceedings which may be taken in a summary way before a Stipendiary or Police Magistrate or any two Justices. Provided that in any proceedings which may be taken in the recovery of any penalty imposed for the breach of any by-law, the persons prosecuting shall not be called upon to define or prove the boundaries of the lands comprised in the hereinbefore mentioned grant or of any other lands vested in the said chairman, and coming within the provision of this Act where the complaints form an act committed on such lands or any of them, and if the infraction or non-observance of any such by-laws be attended with danger or annoyance to the public or hindrance to the committee or any of the officers of the said club or the public in the lawful use of the said racecourse, it shall be lawful for the committee, or any member, officer, or servant thereof summarily to interfere, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law.

Obstructing officers
of lessee or
trespassing on the
racecourse.

19. Whosoever shall wilfully obstruct or impede any officer, servant, or agent of the lessee in the execution of his duty upon any land for the time being vested in such lessee or upon or in any building or premises thereon, or remove or wilfully injure any building, enclosure, post, tree, or shrub upon any such land shall, on conviction

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conviction thereof before a Stipendiary or Police Magistrate or any two Justices, forfeit and pay for every such offence, over and above the amount of the injury done, any sum not exceeding ten pounds.

20. Any member or officer or servant of the committee and all persons called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or by-laws made under this Act, and whose name and residence shall not be given to such member, officer, or servant upon his requiring same to be given, and give such offender in charge to a police constable who shall convey him with all despatch before some Justice without any warrant or authority than this Act, to be dealt with according to law. An offender may be arrested.

21. Notwithstanding the liability of any person to any penalty under the provisions of this Act or by-laws made thereunder, he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed. Liability to penalty not to relieve from other liability.

22. The committee or a majority of them may, by any by-law to be made and come into operation as hereinbefore provided, from time to time prescribe, and vary at pleasure the scale of tolls and charges to be levied or taken for admission to any lands for the time being vested in the club or other lessee, or to any building standing or being thereon, and the conditions for such admission, and may demand, sue for, recover, and receive such tolls and charges from any person coming upon such land, or into, or upon any such building. Committee may fix by-laws and charges.

23. The chairman or any lessee may demise for any particular race meeting or meetings, or for any other amusement or sport, the whole or any portion of the lands for the time being vested in him, or any building erected thereon, or all or any of the tolls or charges demandable under and by virtue of this Act, and the sub-lessee, his collectors, servants, and agents shall have the same powers of demanding, recovering, and receiving the said tolls and charges as are hereby given to the committee. Chairman may let lands, buildings, or tolls.

24. It shall be lawful for the said committee, in the name of the chairman, from time to time as they shall see fit on behalf of the said club, for any purposes connected therewith, to procure advances and to borrow money by way of cash credit bond, or debentures, and to pay and discharge such advances in such manner as may be agreed upon. Power to borrow money.

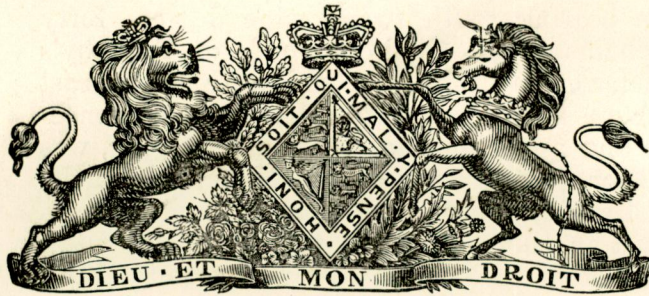
25. Nothing herein contained shall extend or be deemed, taken, or considered to extend, to incorporate the club, or the members thereof, or to relieve or to discharge them or any of them from any responsibility, debts, contracts, or obligations whatsoever which they would be subject or liable to, either between the club and others, or between the individual members of the club or any of them if this Act had not been passed. Club not to be incorporated.

This PRIVATE BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 3rd September, 1890.*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act for the purpose of enabling the Trustees of the Hawkesbury Racecourse to grant Leases thereof; and to enable the Members of the Hawkesbury Race Club to sue and be sued in the name of the Chairman of the Committee for the time being of the said Club; and for other purposes.

WHEREAS by deed-poll or grant from the Crown, bearing date Preamble. the twenty-seventh day of July, in the forty-seventh year of our reign, in the year of our Lord one thousand eight hundred and eighty-three, under the hand of His Excellency Sir Augustus William Frederick Loftus (commonly called Lord Augustus Loftus), then Governor and Commander-in-Chief of the Colony of New South Wales, and under the seal of the said Colony, all that piece or parcel of land in the Colony of New South Wales containing by admeasurement two hundred acres, be the same more or less, situated in the county of Cumberland, parishes of Saint Matthew and Ham Common: Commencing on the left bank of the Chain of Ponds or Rickaby's Creek at the south-eastern end of the north-eastern boundary-line of portion fifteen of four acres, parish of Saint Matthew; and bounded thence on the south-west by that boundary-line the end of a road one chain wide and the north-eastern boundaries of portions fourteen, thirteen, twelve, eleven, ten, nine, eight, seven, and six of five acres

Hawkesbury Racecourse.

each, parish of Saint Matthew, and the north-eastern boundary of portion five of four acres two roods twenty-one perches, in all bearing north fifty degrees west fifty-two chains forty-six links; on the north-west by part of the south-eastern boundary of a measured portion of 5 thirty-one acres two roods bearing north fifty-five degrees fifteen minutes east three chains nine links; again on the south-west by the north-eastern boundary of that portion bearing north thirty-eight degrees twenty minutes west twenty-six chains seventy-nine links; again on the north-west by a road one chain wide and a line in all 10 bearing north fifty-three degrees forty minutes east twenty-eight chains sixty-three links; on part of the north-east by lines along the south-western boundary fence of the railway bearing south sixty-eight degrees ten minutes east four chains forty-six links south seventy degrees ten minutes east two chains seventy-eight links south seventy- 15 two degrees twenty-five minutes east one chain seventy links; and thence by part of the south-western boundary of William Ezzys' one hundred and thirty acres bearing south twenty-nine degrees forty minutes east about fifty chains to the Chain of Ponds or Rickaby's Creek; and on the remainder of the north-east and on the south-east 20 by that Chain of Ponds or creek upwards to the point of commencement, with all the rights and appurtenances thereto belonging, was granted unto Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, upon trust in their discretion to permit and suffer 25 the said land or any part thereof to be used by such persons, clubs, or associations at such times and upon such terms and conditions as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or other the trustees of the said land appointed 30 as thereafter provided should think fit and proper for any of the purposes thereafter described (that is to say)—

- 35 Firstly—As a racecourse upon which horse-races might be run under the protection of any clubs or associations then existing, or which might thereafter be founded for the purpose of horse-racing.
- Secondly—As a training-ground for the purpose of training horses intending to race.
- Thirdly—As a cricket ground, or place at and upon which the game of cricket might be played.
- 40 Fourthly—And for any other public amusement or purpose for which the said lands or any part thereof should or might be used.

Provided always, and it was thereby declared that it should or might be lawful for the trustees for the time being of the said lands for any 45 of the purposes aforesaid to make all, any, or every such rules and regulations for the use of the said land, or any part thereof, and to vary or alter the same from time to time as they might deem fit for any of the purposes aforesaid. Provided always, and it was thereby declared when, and so often as the said Benjamin Richards, Andrew 50 Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or any trustees, or trustee, to be appointed by virtue thereof should die, resign, cease to reside in the Colony of New South Wales, or become incapable to act in the trust thereby created, it should be lawful for the Governor for the time 55 being of the said Colony, with the advice of the Executive Council thereof, from time to time by writing under his hand, to name and appoint a new trustee or trustees in the place and stead of any trustee or trustees so dying, resigning, ceasing to reside in the said Colony of New South Wales, or becoming incapable of acting in the said

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said trust, and thereupon the said lands should be conveyed and assured by the surviving or continuing trustee or trustees, or by the heirs of the last surviving trustee, their or his heirs or assigns upon the trusts, and for the intents and purposes thereinbefore created and
 5 declared of and concerning the said lands. And whereas John Henry Crowley, one of the trustees hereinbefore mentioned, having departed this life, Alexander Benson, of Richmond, Esquire, was duly appointed a trustee in his place and stead. And whereas Andrew Town, another
 10 of the said trustees, lately departed this life, and the said Benjamin Richards, Henry McQuade, William Gosper, William Dargin, Thomas Richards, junior, and Alexander Benson are now the only trustees of the said lands. And whereas on the thirty-first day of December, one thousand eight hundred and eighty-nine, it was notified in the *Government Gazette* of that date, number six hundred
 15 and ninety, for public information, that the trustees of the land hereinbefore described should be known by the corporate name of "The Trustees of the Hawkesbury Racecourse," such name having been approved by His Excellency the Governor in Council. And whereas the said trustees have for some years past permitted the
 20 members of the Hawkesbury Race Club to have the use and enjoyment of the said land for the purpose of horse-racing, and the said Hawkesbury Race Club have expended large sums of money in making, forming, and improving a course for horses to race on and a tan gallop for horses to train on, and in erecting fences, stands, and
 25 other buildings on the said land in connection with horse-racing. And whereas the said Hawkesbury Race Club are desirous of erecting other permanent improvements on the said land and have applied to the said trustees for a lease thereof, which the said trustees are willing to grant. And whereas it is desirable that power shall be
 30 given to the said trustees to grant a lease of the said lands in manner hereinafter mentioned. And whereas the members of the said club are desirous of obtaining authority, if occasion arise, to borrow money for the purpose of improving the said lands and of obtaining the powers and privileges hereinafter granted: Be it
 35 therefore enacted by the Queen's Most Excellent Majesty, by and with the consent of the Legislative Council and the Legislative Assembly of the Colony of New South Wales in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the "Hawkesbury Short title.
 40 Racecourse Act of 1890."

2. In this Act—

The term "Governor" means the Governor, with the advice of the Executive Council.

Interpretation clause.

45 The term "Lessee" means any person, club, or association, other than the Hawkesbury Race Club.

The term "Club" means the Hawkesbury Race Club, or any other race club to which the course and premises may be leased by the trustees.

50 The term "Committee" means the committee for the time being of the club.

The term "Chairman" means the person who is chairman for the time being of the committee.

The term "Trustees" means the trustees for the time being of the Hawkesbury Racecourse.

55 The term "Justice" means a Justice of the Peace in and for the Colony of New South Wales.

60 The term "building" means any house, outhouse, stand, booth, stable, shed, tent, fence, or other building, edifice, or erection of any description whatsoever for the time being standing or being upon any land for the time being vested under or by virtue of this Act in the chairman. 3.

Hawkesbury Racecourse.

3. It shall and may be lawful for the said trustees, and they are hereby authorized by writing under their hands, to grant to the said club or to any other lessee upon such terms and conditions as to them shall seem expedient the right to use and occupy the said
 5 lands or any part or parts thereof as the said trustees shall in their discretion think fit, for the purpose of horse-racing and for the purpose of promoting or engaging in any other public amusement or purpose for which it is intended the said lands should or might be used, for any term not exceeding twenty-one years, commencing from the time
 10 of signing the instrument by which the said lands or any part thereof shall be demised, with power also for the said trustees from time to time to renew any lease, and with power also in any lease or in any renewal thereof to make such stipulations for the use of the said lands or any buildings erected or to be erected thereon as may be available
 15 for the purposes aforesaid.

Power to trustees
to grant leases.

4. All actions, suits, and proceedings at law or in equity for any cause, matter, or thing happening after this Act to be commenced, instituted, prosecuted, or carried on by or on behalf of the said club, or wherein the said club is or shall be in any way concerned, against
 20 any person or persons, body or bodies, political or corporate, whether members or a member of the club or otherwise, may be lawfully commenced, instituted, and prosecuted in the name of the chairman as the nominal plaintiff or petitioner for and on behalf of the club, and all actions, suits and proceedings as aforesaid to be commenced,
 25 instituted, or prosecuted against the club, or any of the members thereof as such, shall be commenced, instituted, and prosecuted against the chairman as the nominal defendant, for and on behalf of the club or members, and in all indictments and informations it shall be lawful to state the property of the club to be the property of such chairman,
 30 and any offence committed with any intent to injure or defraud the club shall, and lawfully may in any prosecution for the same, be stated or laid to have been committed with intent to injure or defraud the said chairman, and any offender or offenders may thereupon be lawfully convicted of any such offence. In all other charges or indictments,
 35 informations, or other proceedings, it shall and may be lawful and sufficient to state the name of such chairman, and the death, resignation, removal, or other act of such chairman shall not abate any such action, suit, or prosecution, but the same may be continued and prosecuted and concluded in the name of any person who may be or
 40 become the chairman.

Actions to be in the
name of the chair-
man.

5. A memorial of the names of the chairman and of each of the members of the committee respectively, in the form or to the effect set forth in the Schedule to this Act, signed by such chairman and verified upon oath by the secretary or acting-secretary for the time being of
 45 the said club, shall be filed of record in the Supreme Court of New South Wales within one calendar month after the passing of this Act; and when and so often as any chairman or member of the committee shall be newly elected, a memorial of the name of such newly elected chairman or member, in the same form and to the same
 50 effect as the above-mentioned memorial, signed and verified as aforesaid, shall in like manner be filed or recorded in the said Supreme Court within one calendar month next after every such chairman or member shall be elected, and for all purposes whatsoever the production of the memorial recorded as by this Act directed or of
 55 an office copy thereof shall be received as sufficient and conclusive evidence in all Courts of Justice, or before any person having by law or by consent of parties authority to receive evidence of all matters contained or set forth in such memorial, nor shall any proof be required of the authority of the person before whom the oath verifying
 60 the said memorial shall appear to have been sworn to have administered such oath.

Memorial to be
recorded.

Hawkesbury Racecourse.

6. Until such memorial as hereinbefore is mentioned, shall be recorded in the manner herein directed, no action, suit, or other proceedings shall be brought by the club or any of the members thereof in the name of the chairman under the authority of this Act. No action to be brought until memorial recorded.
- 5 7. Every judgment, and every decree or order, which shall be at any time after the passing of this Act obtained against the chairman on behalf of the club, shall and may take effect and be enforced, and execution thereof issued against the property and effects of the club. Effect of judgment against the chairman.
- 10 8. It shall be lawful for such chairman, and his successors in office from time to time, and at any time hereafter to purchase any lands on behalf of the club, or to accept the lease of and to hold by demise from the said trustees for the purposes of this Act the said lands as aforesaid, or from any other person any other lands it may be thought desirable to lease. Chairman may hold lands.
- 15 9. All lands, tenements, and hereditaments, chattels, real and all personal chattels and effects which are now vested in, or held by any person or persons whomsoever in trust for, or for the benefit of the club or the members thereof shall, immediately upon the passing of this Act, without any further assurance, become and be vested in 20 and be held by the chairman in trust for the club in like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate; and all real and personal property which may hereafter be contracted for or be acquired by, or belong to the club or to the members thereof collectively, may be conveyed, assigned, and 25 assured to, and shall therefrom become vested in the chairman in trust for the club in the like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate. Lands and other property to be vested in the chairman.
- 30 10. The lands comprised in the hereinbefore recited Crown grant, and by this Act authorized to be demised shall be held only for the purpose of being maintained and used for a public racecourse, or for one or other of the purposes in the said recited grant mentioned under and subject to the provisions of this Act, and any by-laws to be made under or by virtue hereof. Lands vested in chairman to be held for racecourse only.
- 35 11. The committee may maintain any buildings now standing and being upon the said land comprised in the hereinbefore recited grant or any part thereof, and may also from time to time complete or erect upon the said land, or any other land for the time being vested in the chairman either in addition to or substitution for the buildings now standing thereon, all such other buildings as may in the opinion 40 of the majority of the committee be necessary or expedient for, or in connection with the use of the said land as a public racecourse. Committee may maintain buildings already erected, and erect others.
- 45 12. The committee or an absolute majority in number of such committee present at any meeting, may from time to time subject to the special provisions of this Act, make such by-laws as they may think fit for regulating all matters concerned or connected with the lands comprised in the hereinbefore recited grant, or any lands which may hereafter be vested in the said chairman, and for the protection of the shrubs, trees, and herbage growing upon the said lands, and for regulating the use and enjoyment thereof, and the admission thereto, 50 and the expulsion therefrom of members of the club, or any other person or persons whomsoever causing annoyance or inconvenience, and the rates or charges to be paid for such admission and all other necessary by-laws for the general management of the said racecourse, and may impose penalties on the breach of any such by-law, not in any 55 case to exceed the sum of *ten* pounds; and may from time to time, by any other by-laws, alter or repeal any such by-laws, provided that no such by-laws be repugnant to the laws for the time being in force in New South Wales, and every such by-law shall be reduced into writing, and shall be signed by the chairman.

Hawkesbury Racecourse.

13. No by-law made under the authority of this Act shall be of any force or effect until the expiration of one month after the same, or a copy thereof signed and certified by the chairman shall have been sent to the Chief Secretary of New South Wales for the time being, and until publication hereinafter mentioned, and at any time within the said period of one month, the Governor may disallow any such by-law. Disallowance of by-laws by Governor.
14. Every by-law shall, immediately upon the expiration of one month after the same shall have been sent as aforesaid, if not disallowed as aforesaid, be published in the *Gazette*, together with a notice stating when such by-law was sent to the Colonial Secretary, and that such by-law has not been disallowed, and such by-law shall come into operation from the date of such publication. Publication of by-laws.
15. One or more copies of all by-laws made under this Act, and for the time being in force, shall be painted on boards, or printed on paper, and posted in some conspicuous place or places, at or near the principal entrance to the said racecourse, or on the front or other conspicuous part of the grand-stand on the said racecourse. Public notification of by-laws.
16. Such by-laws, when so posted and published as aforesaid, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same, and the production of the copy of the *Gazette* containing any notification of such by-laws, or of any of them, shall be conclusive evidence that such by-laws were duly made, and not disallowed, and it shall be presumed that such by-laws were duly posted and published, until the contrary be shown. Evidence of by-laws.
17. The Governor may at any time by order in Council declare that from a time to be named in such order and not less than six months from the date of the publication of such order in the *Gazette*, any by-law made under this Act shall be repealed, and from and after the time so named in such order such by-law shall unless previously otherwise repealed under the provisions herein contained be absolutely repealed and of no effect. Provided always that such repeal shall not interfere with or affect any action, suit, prosecution, or other proceedings commenced before the time of such repeal, but the same shall be continued as if no such repeal had taken place. The Governor may repeal by-laws.
18. Any person offending against any by-law made under this Act shall forfeit for every such offence any sum not exceeding ten pounds, to be imposed by such by-law as a penalty for any such offence, and to be recovered by proceedings which may be taken in a summary way before a Stipendiary or Police Magistrate or any two Justices. Provided that in any proceedings which may be taken in the recovery of any penalty imposed for the breach of any by-law, the persons prosecuting shall not be called upon to define or prove the boundaries of the lands comprised in the hereinbefore mentioned grant or of any other lands vested in the said chairman, and coming within the provision of this Act where the complaints form an act committed on such lands or any of them, and if the infraction or non-observance of any such by-laws be attended with danger or annoyance to the public or hindrance to the committee or any of the officers of the said club or the public in the lawful use of the said racecourse, it shall be lawful for the committee, or any member, officer, or servant thereof summarily to interfere, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law. Offence against by-laws.
19. Whosoever shall wilfully obstruct or impede any officer, servant, or agent of the lessee in the execution of his duty upon any land for the time being vested in such lessee or upon or in any building or premises thereon, or remove or wilfully injure any building, enclosure, post, tree, or shrub upon any such land shall, on conviction
- Obstructing officers of lessee or trespassing on the racecourse.

Hawkesbury Racecourse.

conviction thereof before a Stipendiary or Police Magistrate or any two Justices, forfeit and pay for every such offence, over and above the amount of the injury done, any sum not exceeding ten pounds.

20. Any member or officer or servant of the committee and all
5 persons called by him to his assistance may seize and detain any person
who shall have committed any offence against the provisions of this
Act or by-laws made under this Act, and whose name and residence
shall not be given to such member, officer, or servant upon his
requiring same to be given, and give such offender in charge to a police
10 constable who shall convey him with all despatch before some Justice
without any warrant or authority than this Act, to be dealt with
according to law.

An offender may be arrested.

21. Notwithstanding the liability of any person to any penalty
under the provisions of this Act or by-laws made thereunder, he shall
15 not be relieved from any other liability to which he would have been
subject if this Act had not been passed.

Liability to penalty not to relieve from other liability.

22. The committee or a majority of them may, by any by-law
to be made and come into operation as hereinbefore provided, from
time to time prescribe, and vary at pleasure the scale of tolls and
20 charges to be levied or taken for admission to any lands for the time
being vested in the club or other lessee, or to any building standing
or being thereon, and the conditions for such admission, and may
demand, sue for, recover, and receive such tolls and charges from any
person coming upon such land, or into, or upon any such building.

Committee may fix by-laws and charges.

23. The chairman or any lessee may demise for any particular
25 race meeting or meetings, or for any other amusement or sport, the
whole or any portion of the lands for the time being vested in him,
or any building erected thereon, or all or any of the tolls or charges
demandable under and by virtue of this Act, and the sub-lessee,
30 his collectors, servants, and agents shall have the same powers of
demanding, recovering, and receiving the said tolls and charges as are
hereby given to the committee.

Chairman may let lands, buildings, or tolls.

24. It shall be lawful for the said committee, in the name of
the chairman, from time to time as they shall see fit on behalf of the
35 said club, for any purposes connected therewith, to procure advances and
to borrow money by way of cash credit bond, or debentures, and to pay
and discharge such advances in such manner as may be agreed upon.

Power to borrow money.

25. Nothing herein contained shall extend or be deemed, taken,
or considered to extend, to incorporate the club, or the members
40 thereof, or to relieve or to discharge them or any of them from any
responsibility, debts, contracts, or obligations whatsoever which they
would be subject or liable to, either between the club and others, or
between the individual members of the club or any of them if this Act
had not been passed.

Club not to be incorporated.

Hawkesbury Racecourse.

SCHEDULE.

Hawkesbury Race Club.

MEMORIAL of the names of the chairman and of the committee of the "Hawkesbury Race Club" to be recorded in the Supreme Court of New South Wales pursuant to an Act of Parliament of the said Colony passed in the fifty-third year of the reign of Her Majesty Queen Victoria.

A.B. Chairman.
C.D. }
E.F. } Committee.
&c. }
A.B. Chairman.

10

(Signed)

I of make oath and say—

1. I am the Secretary (or Acting-Secretary) of the "Hawkesbury Race Club."
2. The above memorial is correct in all its particulars and was duly signed by

15

, the abovenamed chairman, in my presence.

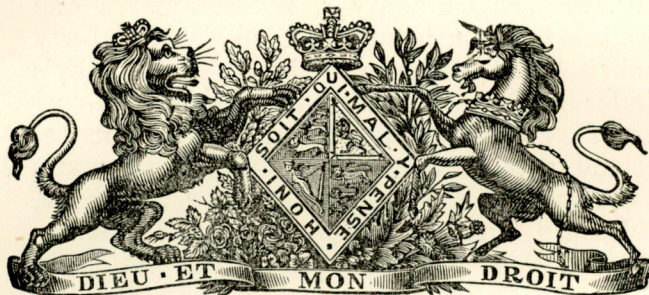
Sworn this day of .

This PRIVATE BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 3rd September, 1890.*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act for the purpose of enabling the Trustees of the Hawkesbury Racecourse to grant Leases thereof; and to enable the Members of the Hawkesbury Race Club to sue and be sued in the name of the Chairman of the Committee for the time being of the said Club; and for other purposes.

WHEREAS by deed-poll or grant from the Crown, bearing date Preamble. the twenty-seventh day of July, in the forty-seventh year of our reign, in the year of our Lord one thousand eight hundred and eighty-three, under the hand of His Excellency Sir Augustus William Frederick Loftus (commonly called Lord Augustus Loftus), then Governor and Commander-in-Chief of the Colony of New South Wales, and under the seal of the said Colony, all that piece or parcel of land in the Colony of New South Wales containing by admeasurement two hundred acres, be the same more or less, situated in the
5 county of Cumberland, parishes of Saint Matthew and Ham Common: Commencing on the left bank of the Chain of Ponds or Rickaby's Creek at the south-eastern end of the north-eastern boundary-line of portion fifteen of four acres, parish of Saint Matthew; and bounded
10 thence on the south-west by that boundary-line the end of a road one chain wide and the north-eastern boundaries of portions fourteen,
15 thirteen, twelve, eleven, ten, nine, eight, seven, and six of five acres
c 20— each,

Hawkesbury Racecourse.

each, parish of Saint Matthew, and the north-eastern boundary of portion five of four acres two roods twenty-one perches, in all bearing north fifty degrees west fifty-two chains forty-six links; on the north-west by part of the south-eastern boundary of a measured portion of 5 thirty-one acres two roods bearing north fifty-five degrees fifteen minutes east three chains nine links; again on the south-west by the north-eastern boundary of that portion bearing north thirty-eight degrees twenty minutes west twenty-six chains seventy-nine links; again on the north-west by a road one chain wide and a line in all 10 bearing north fifty-three degrees forty minutes east twenty-eight chains sixty-three links; on part of the north-east by lines along the south-western boundary fence of the railway bearing south sixty-eight degrees ten minutes east four chains forty-six links south seventy degrees ten minutes east two chains seventy-eight links south seventy- 15 two degrees twenty-five minutes east one chain seventy links; and thence by part of the south-western boundary of William Ezzys' one hundred and thirty acres bearing south twenty-nine degrees forty minutes east about fifty chains to the Chain of Ponds or Rickaby's Creek; and on the remainder of the north-east and on the south-east 20 by that Chain of Ponds or creek upwards to the point of commencement, with all the rights and appurtenances thereto belonging, was granted unto Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, upon trust in their discretion to permit and suffer 25 the said land or any part thereof to be used by such persons, clubs, or associations at such times and upon such terms and conditions as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or other the trustees of the said land appointed 30 as thereafter provided should think fit and proper for any of the purposes thereafter described (that is to say)—

35 Firstly—As a racecourse upon which horse-races might be run under the protection of any clubs or associations then existing, or which might thereafter be founded for the purpose of horse-racing.

Secondly—As a training-ground for the purpose of training horses intending to race.

Thirdly—As a cricket ground, or place at and upon which the game of cricket might be played.

40 Fourthly—And for any other public amusement or purpose for which the said lands or any part thereof should or might be used.

Provided always, and it was thereby declared that it should or might be lawful for the trustees for the time being of the said lands for any 45 of the purposes aforesaid to make all, any, or every such rules and regulations for the use of the said land, or any part thereof, and to vary or alter the same from time to time as they might deem fit for any of the purposes aforesaid. Provided always, and it was thereby declared when, and so often as the said Benjamin Richards, Andrew 50 Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or any trustees, or trustee, to be appointed by virtue thereof should die, resign, cease to reside in the Colony of New South Wales, or become incapable to act in the trust thereby created, it should be lawful for the Governor for the time 55 being of the said Colony, with the advice of the Executive Council thereof, from time to time by writing under his hand, to name and appoint a new trustee or trustees in the place and stead of any trustee or trustees so dying, resigning, ceasing to reside in the said Colony of New South Wales, or becoming incapable of acting in the said

Hawkesbury Racecourse.

said trust, and thereupon the said lands should be conveyed and assured by the surviving or continuing trustee or trustees, or by the heirs of the last surviving trustee, their or his heirs or assigns upon the trusts, and for the intents and purposes thereinbefore created and
 5 declared of and concerning the said lands. And whereas John Henry Crowley, one of the trustees hereinbefore mentioned, having departed this life, Alexander Benson, of Richmond, Esquire, was duly appointed a trustee in his place and stead. And whereas Andrew Town, another of the said trustees, lately departed this life, and the said Benjamin
 10 Richards, Henry McQuade, William Gosper, William Dargin, Thomas Richards, junior, and Alexander Benson are now the only trustees of the said lands. And whereas on the thirty-first day of December, one thousand eight hundred and eighty-nine, it was notified in the *Government Gazette* of that date, number six hundred
 15 and ninety, for public information, that the trustees of the land hereinbefore described should be known by the corporate name of "The Trustees of the Hawkesbury Racecourse," such name having been approved by His Excellency the Governor in Council. And whereas the said trustees have for some years past permitted the
 20 members of the Hawkesbury Race Club to have the use and enjoyment of the said land for the purpose of horse-racing, and the said Hawkesbury Race Club have expended large sums of money in making, forming, and improving a course for horses to race on and a tan gallop for horses to train on, and in erecting fences, stands, and
 25 other buildings on the said land in connection with horse-racing. And whereas the said Hawkesbury Race Club are desirous of erecting other permanent improvements on the said land and have applied to the said trustees for a lease thereof, which the said trustees are willing to grant. And whereas it is desirable that power shall be
 30 given to the said trustees to grant a lease of the said lands in manner hereinafter mentioned. And whereas the members of the said club are desirous of obtaining authority, if occasion arise, to borrow money for the purpose of improving the said lands and of obtaining the powers and privileges hereinafter granted: Be it
 35 therefore enacted by the Queen's Most Excellent Majesty, by and with the consent of the Legislative Council and the Legislative Assembly of the Colony of New South Wales in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the "Hawkesbury
 40 Racecourse Act of 1890." Short title.

2. In this Act—

The term "Governor" means the Governor, with the advice of the Executive Council. Interpretation clause.

45 The term "Lessee" means any person, club, or association, other than the Hawkesbury Race Club.

The term "Club" means the Hawkesbury Race Club, or any other race club to which the course and premises may be leased by the trustees.

50 The term "Committee" means the committee for the time being of the club.

The term "Chairman" means the person who is chairman for the time being of the committee.

The term "Trustees" means the trustees for the time being of the Hawkesbury Racecourse.

55 The term "Justice" means a Justice of the Peace in and for the Colony of New South Wales.

60 The term "building" means any house, outhouse, stand, booth, stable, shed, tent, fence, or other building, edifice, or erection of any description whatsoever for the time being standing or being upon any land for the time being vested under or by virtue of this Act in the chairman. 3.

Hawkesbury Racecourse.

3. It shall and may be lawful for the said trustees, and they are hereby authorized by writing under their hands, to grant to the said club or to any other lessee upon such terms and conditions as to them shall seem expedient the right to use and occupy the said
 5 lands or any part or parts thereof as the said trustees shall in their discretion think fit, for the purpose of horse-racing and for the purpose of promoting or engaging in any other public amusement or purpose for which it is intended the said lands should or might be used, for any term not exceeding twenty-one years, commencing from the time
 10 of signing the instrument by which the said lands or any part thereof shall be demised, with power also for the said trustees from time to time to renew any lease, and with power also in any lease or in any renewal thereof to make such stipulations for the use of the said lands or any buildings erected or to be erected thereon as may be available
 15 for the purposes aforesaid.

Power to trustees
to grant leases.

4. All actions, suits, and proceedings at law or in equity for any cause, matter, or thing happening after this Act to be commenced, instituted, prosecuted, or carried on by or on behalf of the said club, or wherein the said club is or shall be in any way concerned, against
 20 any person or persons, body or bodies, political or corporate, whether members or a member of the club or otherwise, may be lawfully commenced, instituted, and prosecuted in the name of the chairman as the nominal plaintiff or petitioner for and on behalf of the club, and all actions, suits and proceedings as aforesaid to be commenced,
 25 instituted, or prosecuted against the club, or any of the members thereof as such, shall be commenced, instituted, and prosecuted against the chairman as the nominal defendant, for and on behalf of the club or members, and in all indictments and informations it shall be lawful to state the property of the club to be the property of such chairman,
 30 and any offence committed with any intent to injure or defraud the club shall, and lawfully may in any prosecution for the same, be stated or laid to have been committed with intent to injure or defraud the said chairman, and any offender or offenders may thereupon be lawfully convicted of any such offence. In all other charges or indictments,
 35 informations, or other proceedings, it shall and may be lawful and sufficient to state the name of such chairman, and the death, resignation, removal, or other act of such chairman shall not abate any such action, suit, or prosecution, but the same may be continued and prosecuted and concluded in the name of any person who may be or
 40 become the chairman.

Actions to be in the
name of the chair-
man.

5. A memorial of the names of the chairman and of each of the members of the committee respectively, in the form or to the effect set forth in the Schedule to this Act, signed by such chairman and verified upon oath by the secretary or acting-secretary for the time being of
 45 the said club, shall be filed of record in the Supreme Court of New South Wales within one calendar month after the passing of this Act; and when and so often as any chairman or member of the committee shall be newly elected, a memorial of the name of such newly elected chairman or member, in the same form and to the same
 50 effect as the above-mentioned memorial, signed and verified as aforesaid, shall in like manner be filed or recorded in the said Supreme Court within one calendar month next after every such chairman or member shall be elected, and for all purposes whatsoever the production of the memorial recorded as by this Act directed or of
 55 an office copy thereof shall be received as sufficient and conclusive evidence in all Courts of Justice, or before any person having by law or by consent of parties authority to receive evidence of all matters contained or set forth in such memorial, nor shall any proof be required of the authority of the person before whom the oath verifying
 60 the said memorial shall appear to have been sworn to have administered such oath.

Memorial to be
recorded.

Hawkesbury Racecourse.

6. Until such memorial as hereinbefore is mentioned, shall be recorded in the manner herein directed, no action, suit, or other proceedings shall be brought by the club or any of the members thereof in the name of the chairman under the authority of this Act. No action to be brought until memorial recorded.
- 5 7. Every judgment, and every decree or order, which shall be at any time after the passing of this Act obtained against the chairman on behalf of the club, shall and may take effect and be enforced, and execution thereof issued against the property and effects of the club. Effect of judgment against the chairman.
- 10 8. It shall be lawful for such chairman, and his successors in office from time to time, and at any time hereafter to purchase any lands on behalf of the club, or to accept the lease of and to hold by demise from the said trustees for the purposes of this Act the said lands as aforesaid, or from any other person any other lands it may be thought desirable to lease. Chairman may hold lands.
- 15 9. All lands, tenements, and hereditaments, chattels, real and all personal chattels and effects which are now vested in, or held by any person or persons whomsoever in trust for, or for the benefit of the club or the members thereof shall, immediately upon the passing of this Act, without any further assurance, become and be vested in and be held by the chairman in trust for the club in like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate; and all real and personal property which may hereafter be contracted for or be acquired by, or belong to the club or to the members thereof collectively, may be conveyed, assigned, and assured to, and shall therefrom become vested in the chairman in trust for the club in the like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate. Lands and other property to be vested in the chairman.
- 20 10. The lands comprised in the hereinbefore recited Crown grant, and by this Act authorized to be demised shall be held only for the purpose of being maintained and used for a public racecourse, or for one or other of the purposes in the said recited grant mentioned under and subject to the provisions of this Act, and any by-laws to be made under or by virtue hereof. Lands vested in chairman to be held for racecourse only.
- 25 11. The committee may maintain any buildings now standing and being upon the said land comprised in the hereinbefore recited grant or any part thereof, and may also from time to time complete or erect upon the said land, or any other land for the time being vested in the chairman either in addition to or substitution for the buildings now standing thereon, all such other buildings as may in the opinion of the majority of the committee be necessary or expedient for, or in connection with the use of the said land as a public racecourse. Committee may maintain buildings already erected, and erect others.
- 35 12. The committee or an absolute majority in number of such committee present at any meeting, may from time to time subject to the special provisions of this Act, make such by-laws as they may think fit for regulating all matters concerned or connected with the lands comprised in the hereinbefore recited grant, or any lands which may hereafter be vested in the said chairman, and for the protection of the shrubs, trees, and herbage growing upon the said lands, and for regulating the use and enjoyment thereof, and the admission thereto, and the expulsion therefrom of members of the club, or any other person or persons whomsoever causing annoyance or inconvenience, and the rates or charges to be paid for such admission and all other necessary by-laws for the general management of the said racecourse, and may impose penalties on the breach of any such by-law, not in any case to exceed the sum of *ten* pounds; and may from time to time, by any other by-laws, alter or repeal any such by-laws, provided that no such by-laws be repugnant to the laws for the time being in force in New South Wales, and every such by-law shall be reduced into writing, and shall be signed by the chairman. Committee may make by-laws.

Hawkesbury Racecourse.

13. No by-law made under the authority of this Act shall be of any force or effect until the expiration of one month after the same, or a copy thereof signed and certified by the chairman shall have been sent to the Chief Secretary of New South Wales for the time being, and until publication hereinafter mentioned, and at any time within the said period of one month, the Governor may disallow any such by-law. Disallowance of by-laws by Governor.

14. Every by-law shall, immediately upon the expiration of one month after the same shall have been sent as aforesaid, if not disallowed as aforesaid, be published in the *Gazette*, together with a notice stating when such by-law was sent to the Colonial Secretary, and that such by-law has not been disallowed, and such by-law shall come into operation from the date of such publication. Publication of by-laws.

15. One or more copies of all by-laws made under this Act, and for the time being in force, shall be painted on boards, or printed on paper, and posted in some conspicuous place or places, at or near the principal entrance to the said racecourse, or on the front or other conspicuous part of the grand-stand on the said racecourse. Public notification of by-laws.

16. Such by-laws, when so posted and published as aforesaid, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same, and the production of the copy of the *Gazette* containing any notification of such by-laws, or of any of them, shall be conclusive evidence that such by-laws were duly made, and not disallowed, and it shall be presumed that such by-laws were duly posted and published, until the contrary be shown. Evidence of by-laws.

17. The Governor may at any time by order in Council declare that from a time to be named in such order and not less than six months from the date of the publication of such order in the *Gazette*, any by-law made under this Act shall be repealed, and from and after the time so named in such order such by-law shall unless previously otherwise repealed under the provisions herein contained be absolutely repealed and of no effect. Provided always that such repeal shall not interfere with or affect any action, suit, prosecution, or other proceedings commenced before the time of such repeal, but the same shall be continued as if no such repeal had taken place. The Governor may repeal by-laws.

18. Any person offending against any by-law made under this Act shall forfeit for every such offence any sum not exceeding ten pounds, to be imposed by such by-law as a penalty for any such offence, and to be recovered by proceedings which may be taken in a summary way before a Stipendiary or Police Magistrate or any two Justices. Provided that in any proceedings which may be taken in the recovery of any penalty imposed for the breach of any by-law, the persons prosecuting shall not be called upon to define or prove the boundaries of the lands comprised in the hereinbefore mentioned grant or of any other lands vested in the said chairman, and coming within the provision of this Act where the complaints form an act committed on such lands or any of them, and if the infraction or non-observance of any such by-laws be attended with danger or annoyance to the public or hindrance to the committee or any of the officers of the said club or the public in the lawful use of the said racecourse, it shall be lawful for the committee, or any member, officer, or servant thereof summarily to interfere, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law. Offence against by-laws.

19. Whosoever shall wilfully obstruct or impede any officer, servant, or agent of the lessee in the execution of his duty upon any land for the time being vested in such lessee or upon or in any building or premises thereon, or remove or wilfully injure any building, enclosure, post, tree, or shrub upon any such land shall, on conviction Obstructing officers of lessee or trespassing on the racecourse.

Hawkesbury Racecourse.

conviction thereof before a Stipendiary or Police Magistrate or any two Justices, forfeit and pay for every such offence, over and above the amount of the injury done, any sum not exceeding ten pounds.

20. Any member or officer or servant of the committee and all
5 persons called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or by-laws made under this Act, and whose name and residence shall not be given to such member, officer, or servant upon his requiring same to be given, and give such offender in charge to a police
10 constable who shall convey him with all despatch before some Justice without any warrant or authority than this Act, to be dealt with according to law.

An offender may be arrested.

21. Notwithstanding the liability of any person to any penalty
15 under the provisions of this Act or by-laws made thereunder, he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed.

Liability to penalty not to relieve from other liability.

22. The committee or a majority of them may, by any by-law
20 to be made and come into operation as hereinbefore provided, from time to time prescribe, and vary at pleasure the scale of tolls and charges to be levied or taken for admission to any lands for the time being vested in the club or other lessee, or to any building standing or being thereon, and the conditions for such admission, and may demand, sue for, recover, and receive such tolls and charges from any person coming upon such land, or into, or upon any such building.

Committee may fix by-laws and charges.

23. The chairman or any lessee may demise for any particular
25 race meeting or meetings, or for any other amusement or sport, the whole or any portion of the lands for the time being vested in him, or any building erected thereon, or all or any of the tolls or charges demandable under and by virtue of this Act, and the sub-lessee,
30 his collectors, servants, and agents shall have the same powers of demanding, recovering, and receiving the said tolls and charges as are hereby given to the committee.

Chairman may let lands, buildings, or tolls.

24. It shall be lawful for the said committee, in the name of
35 the chairman, from time to time as they shall see fit on behalf of the said club, for any purposes connected therewith, to procure advances and to borrow money by way of cash credit bond, or debentures, and to pay and discharge such advances in such manner as may be agreed upon.

Power to borrow money.

25. Nothing herein contained shall extend or be deemed, taken,
40 or considered to extend, to incorporate the club, or the members thereof, or to relieve or to discharge them or any of them from any responsibility, debts, contracts, or obligations whatsoever which they would be subject or liable to, either between the club and others, or between the individual members of the club or any of them if this Act had not been passed.

Club not to be incorporated.

Hawkesbury Racecourse.

SCHEDULE.

Hawkesbury Race Club.

MEMORIAL of the names of the chairman and of the committee of the "Hawkesbury Race Club" to be recorded in the Supreme Court of New South Wales pursuant to an Act of Parliament of the said Colony passed in the fifty-third year of the reign of Her Majesty Queen Victoria.

A.B. Chairman.

C.D. }
E.F. } Committee.
&c. }

10

(Signed)

A.B. Chairman.

I of make oath and say—

1. I am the Secretary (*or* Acting-Secretary) of the "Hawkesbury Race Club."
2. The above memorial is correct in all its particulars and was duly signed by

15

Sworn this day of .

Legislative Council.

53^o VICTORIÆ, 1890.

A BILL

For the purpose of enabling the Trustees of the Hawkesbury Racecourse to grant Leases thereof; and to enable the Members of the Hawkesbury Race Club to sue and be sued in the name of the Chairman of the Committee for the time being of the said Club; and for other purposes.

(As amended and agreed to in Select Committee.)

WHEREAS by deed-poll or grant from the Crown, bearing date Preamble. the twenty-seventh day of July, in the forty-seventh year of our reign, in the year of our Lord one thousand eight hundred and eighty-three, under the hand of His Excellency Sir Augustus
5 William Frederick Loftus (commonly called Lord Augustus Loftus), then Governor and Commander-in-Chief of the Colony of New South Wales, and under the seal of the said Colony, all that piece or parcel of land in the Colony of New South Wales containing by admeasurement two hundred acres, be the same more or less, situated in the
10 county of Cumberland, parishes of Saint Matthew and Ham Common: Commencing on the left bank of the Chain of Ponds or Rickaby's Creek at the south-eastern end of the north-eastern boundary-line of portion fifteen of four acres, parish of Saint Matthew; and bounded thence on the south-west by that boundary-line the end of a road one
15 chain wide and the north-eastern boundaries of portions fourteen, thirteen, twelve, eleven, ten, nine, eight, seven, and six of five acres
c 20— each,

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

each, parish of Saint Matthew, and the north-eastern boundary of portion five of four acres two roods twenty-one perches, in all bearing north fifty degrees west fifty-two chains forty-six links; on the north-west by part of the south-eastern boundary of a measured portion of thirty-one acres two roods bearing north fifty-five degrees fifteen 5 minutes east three chains nine links; again on the south-west by the north-eastern boundary of that portion bearing north thirty-eight degrees twenty minutes west twenty-six chains seventy-nine links; again on the north-west by a road one chain wide and a line in all bearing north fifty-three degrees forty minutes east twenty-eight 10 chains sixty-three links; on part of the north-east by lines along the south-western boundary fence of the railway bearing south sixty-eight degrees ten minutes east four chains forty-six links south seventy degrees ten minutes east two chains seventy-eight links south seventy-two degrees twenty-five minutes east one chain seventy links; and 15 thence by part of the south-western boundary of William Ezzys' one hundred and thirty acres bearing south twenty-nine degrees forty minutes east about fifty chains to the Chain of Ponds or Rickaby's Creek; and on the remainder of the north-east and on the south-east by that Chain of Ponds or creek upwards to the point of commence- 20 ment, with all the rights and appurtenances thereto belonging, was granted unto Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, upon trust in their discretion to permit and suffer the said land or any part thereof to be used by such persons, clubs, 25 or associations at such times and upon such terms and conditions as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or other the trustees of the said land appointed as thereinafter provided should think fit and proper for any of the 30 purposes thereinafter described (that is to say)—

Firstly—As a racecourse upon which horse-races might be run under the protection of any clubs or associations then existing, or which might thereafter be founded for the purpose of horse-racing. 35

Secondly—As a training-ground for the purpose of training horses intending to race.

Thirdly—As a cricket ground, or place at and upon which the game of cricket might be played.

Fourthly—And for any other public amusement or purpose for 40 which the said lands or any part thereof should or might be used.

Provided always, and it was thereby declared that it should or might be lawful for the trustees for the time being of the said lands for any of the purposes aforesaid to make all, any, or every such rules and 45 regulations for the use of the said land, or any part thereof, and to vary or alter the same from time to time as they might deem fit for any of the purposes aforesaid. Provided always, and it was thereby declared when, and so often as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry 50 Crowley, and Thomas Richards, junior, or any trustees, or trustee, to be appointed by virtue thereof should die, resign, cease to reside in the Colony of New South Wales, or become incapable to act in the trust thereby created, it should be lawful for the Governor for the time being of the said Colony, with the advice of the Executive Council 55 thereof, from time to time by writing under his hand, to name and appoint a new trustee or trustees in the place and stead of any trustee or trustees so dying, resigning, ceasing to reside in the said Colony of New South Wales, or becoming incapable of acting in the said
said

said trust, and thereupon the said lands should be conveyed and assured by the surviving or continuing trustee or trustees, or by the heirs of the last surviving trustee, their or his heirs or assigns upon the trusts, and for the intents and purposes thereinbefore created and
 5 declared of and concerning the said lands. And whereas John Henry Crowley, one of the trustees hereinbefore mentioned, having departed this life, Alexander Benson, of Richmond, Esquire, was duly appointed a trustee in his place and stead. And whereas Andrew Town, another
 10 of the said trustees, lately departed this life, and the said Benjamin Richards, Henry McQuade, William Gosper, William Dargin, Thomas Richards, junior, and Alexander Benson are now the only trustees of the said lands. And whereas on the thirty-first day of December, one thousand eight hundred and eighty-nine, it was notified in the *Government Gazette* of that date, number six hundred
 15 and ninety, for public information, that the trustees of the land hereinbefore described should be known by the corporate name of "The Trustees of the Hawkesbury Racecourse," such name having been approved by His Excellency the Governor in Council. And whereas the said trustees have for some years past permitted the
 20 members of the Hawkesbury Race Club to have the use and enjoyment of the said land for the purpose of horse-racing, and the said Hawkesbury Race Club have expended large sums of money in making, forming, and improving a course for horses to race on and a tan gallop for horses to train on, and in erecting fences, stands, and
 25 other buildings on the said land in connection with horse-racing. And whereas the said Hawkesbury Race Club are desirous of erecting other permanent improvements on the said land and have applied to the said trustees for a lease thereof, which the said trustees are willing to grant. And whereas it is desirable that power shall be
 30 given to the said trustees to grant a lease of the said lands in manner hereinafter mentioned. And whereas the members of the said club are desirous of obtaining authority, if occasion arise, to borrow money for the purpose of improving the said lands and of obtaining the powers and privileges hereinafter granted: Be it
 35 therefore enacted by the Queen's Most Excellent Majesty, by and with the consent of the Legislative Council and the Legislative Assembly of the Colony of New South Wales in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the "Hawkesbury
 40 Race Club Course Act of 1890." Short title.

2. In this Act—

- The term "Club" means the Hawkesbury Race Club. Interpretation clause.
 The term "Committee" means the committee for the time being of the club.
 45 The term "Chairman" means the person who is chairman for the time being of the committee.
 The term "Trustees" means the trustees for the time being of the Hawkesbury Racecourse.
 The term "Justice" means a Justice of the Peace in and for the
 50 Colony of New South Wales.
 The term "building" means any house, outhouse, stand, booth, stable, shed, tent, fence, or other building, edifice, or erection of any description whatsoever for the time being standing or being upon any land for the time being vested under or by
 55 virtue of this ~~Act~~ **Act** in the chairman.

3. It shall and may be lawful for the said trustees, and they
 are hereby authorized by writing under their hands, to grant, upon
 such terms and conditions as to them shall seem expedient, to the said
 club, or to any other club or association now formed or which may
 hereafter Power to trustee to grant leases.

hereafter be formed for the purpose of horse-racing, or for the purpose of promoting or engaging in any other public amusement or purpose for which it is intended the said lands should or might be used as aforesaid, the exclusive right to use and occupy the said lands, or any part or parts thereof as the said trustees should in their discretion think fit, for any number of years not exceeding twenty-one years, commencing from the time of signing the instrument by which the said lands shall be demised, with power also for the said trustees from time to time to renew any such lease for any further term not exceeding twenty-one years from the granting thereof, and with power also in any such lease, or any renewal or renewals thereof, to make such stipulations with reference to any buildings to be erected on the said lands, or otherwise to the improvement thereof as they may think proper.

Actions to be in the name of the chairman.

4. All actions, suits, and proceedings at law or in equity for any cause, matter, or thing happening after this Act to be commenced, instituted, prosecuted, or carried on by or on behalf of the said club, or wherein the said club is or shall be in any way concerned, against any person or persons, body or bodies, political or corporate, whether members or a member of the club or otherwise, may be lawfully commenced, instituted, and prosecuted in the name of the chairman as the nominal plaintiff or petitioner for and on behalf of the club, and all actions, suits and proceedings as aforesaid to be commenced, instituted, or prosecuted against the club, or any of the members thereof as such, shall be commenced, instituted, and prosecuted against the chairman as the nominal defendant, for and on behalf of the club or members, and in all indictments and informations it shall be lawful to state the property of the club to be the property of such chairman, and any offence committed with any intent to injure or defraud the club shall, and lawfully may in any prosecution for the same, be stated or laid to have been committed with intent to injure or defraud the said chairman, and any offender or offenders may thereupon be lawfully convicted of any such offence. In all other charges or indictments, informations, or other proceedings, it shall and may be lawful and sufficient to state the name of such chairman, and the death, resignation, removal, or other act of such chairman shall not abate any such action, suit, or prosecution, but the same may be continued and prosecuted and concluded in the name of any person who may be or become the chairman.

Memorial to be recorded.

5. A memorial of the names of the chairman and of each of the members of the committee respectively, in the form or to the effect set forth in the Schedule to this Act, signed by such chairman and verified upon oath by the secretary or acting-secretary for the time being of the said club, shall be filed of record in the Supreme Court of New South Wales within one calendar month after the passing of this Act; and when and so often as any chairman or member of the committee shall be newly elected, a memorial of the name of such newly elected chairman or member, in the same form and to the same effect as the above-mentioned memorial, signed and verified as aforesaid, shall in like manner be filed or recorded in the said Supreme Court within one calendar month next after every such chairman or member shall be elected, and for all purposes whatsoever the production of the memorial recorded as by this Act directed or of an office copy thereof shall be received as sufficient and conclusive evidence in all Courts of Justice, or before any person having by law or by consent of parties authority to receive evidence of all matters contained or set forth in such memorial, nor shall any proof be required of the authority of the person before whom the oath verifying the said memorial shall appear to have been sworn to have administered such oath.

6. Until such memorial as hereinbefore is mentioned, shall be recorded in the manner herein directed, no action, suit, or other proceedings shall be brought by the club or any of the members thereof in the name of the chairman under the authority of this Act. No action to be brought until memorial recorded.
- 5 7. Every judgment, and every decree or order, which shall be at any time after the passing of this Act obtained against the chairman on behalf of the club, shall and may take effect and be enforced, and execution thereof issued against the property and effects of the club. Effect of judgment against the chairman.
- 10 8. It shall be lawful for such chairman, and his successors in office from time to time, and at any time hereafter to purchase any lands on behalf of the club, or to accept the lease of and to hold by demise from the said trustees for the purposes of this Act the said lands as aforesaid, or from any other person any other lands it may be thought desirable to lease. Chairman may hold lands.
- 15 9. All lands, tenements, and hereditaments, chattels, real and all personal chattels and effects which are now vested in, or held by any person or persons whomsoever in trust for, or for the benefit of the club or the members thereof shall, immediately upon the passing of this Act, without any further assurance, become and be vested in and be held by the chairman in trust for the club in like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate; and all real and personal property which may hereafter be contracted for or be acquired by, or belong to the club or to the members thereof collectively, may be conveyed, assigned, and assured to, and shall therefrom become vested in the chairman in trust for the club in the like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate. Lands and other property to be vested in the chairman.
- 20 10. The lands comprised in the hereinbefore recited Crown grant, and by this Act authorized to be demised to the chairman shall be held by him only for the purpose of being maintained and used for a public racecourse, or for one or other purposes in the said recited grant mentioned under and subject to the provisions of this Act, and any by-laws to be made under or by virtue hereof. Lands vested in chairman to be held for racecourse only.
- 30 11. The committee may maintain any buildings now standing and being upon the said land comprised in the hereinbefore recited grant or any part thereof, and may also from time to time complete or erect upon the said land, or any other land for the time being vested in the chairman either in addition to or substitution for the buildings now standing thereon, all such other buildings as may in the opinion of the majority of the committee be necessary or expedient for, or in connection with the use of the said land as a public racecourse. Committee may maintain buildings already erected, and erect others.
- 35 40 12. The committee or an absolute majority in number of such committee present at any meeting, may from time to time subject to the special provisions of this Act, make such by-laws as they may think fit for regulating all matters concerned or connected with the lands comprised in the hereinbefore recited grant, or any lands which may hereafter be vested in the said chairman, and for the protection of the shrubs, trees, and herbage growing upon the said lands, and for regulating the use and enjoyment thereof, and the admission thereto, and the expulsion therefrom of members of the club, or any other person or persons whomsoever causing annoyance or inconvenience, and the rates or charges to be paid for such admission and all other necessary by-laws for the general management of the said racecourse, and may impose penalties on the breach of any such by-law, not in any case to exceed the sum of *ten* pounds; and may from time to time, by any other by-laws, alter or repeal any such by-laws, provided that no such by-laws be repugnant to the laws for the time being in force in New South Wales, and every such by-law shall be reduced into writing, and shall be signed by the chairman. Committee may make by-laws.
- 50 55

Disallowance of
by-laws by Governor
in Council.

13. No by-law made under the authority of this Act shall be of any force or effect until the expiration of one month after the same, or a copy thereof signed by the chairman shall have been sent to the Chief Secretary of New South Wales for the time being, and until publication hereinafter mentioned, and at any time within the said period of one month, the Governor in Council may disallow any such by-law which shall not then come into operation. 5

Publication of
by-laws.

14. Every by-law shall, immediately upon the expiration of one month after the same shall have been sent as aforesaid, if not disallowed as aforesaid, be published in the *Government Gazette*, together with a notice stating when such by-law was sent to the Chief Secretary, and that such by-law has not been disallowed, and such by-law shall come into operation from the date of such publication. 10

Public notification of
by-laws.

15. One or more copies of all by-laws made under this Act, and for the time being in force, shall be painted on boards, or printed on paper, and posted in some conspicuous place or places, at or near the principal entrance to the said racecourse, or on the front or other conspicuous part of the grand-stand on the said racecourse. 15

Evidence of by-laws.

16. Such by-laws, when so posted and published as aforesaid, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same, and the production of the copy of the *Government Gazette* containing any notification of such by-laws, or of any of them, shall be conclusive evidence that such by-laws were duly made, and not disallowed, and it shall be presumed that such by-laws were duly posted and published, until the contrary be shown. 20 25

The Governor in
Council may repeal
by-laws.

17. The Governor in Council may at any time by order in Council declare that from a time to be named in such order and not less than six months from the date of the publication of such order in the *Government Gazette*, any by-law made under this Act shall be repealed, and from and after the time so named in such order such by-law shall unless previously otherwise repealed under the provisions herein contained be absolutely repealed and of no effect. Provided always that such repeal shall not interfere with or effect any action, suit, prosecution, or other proceedings commenced before the time of such repeal, but the same shall be continued as if no such repeal had taken place. 30 35

Offence against
by-laws.

18. Any person offending against any by-law made under this Act shall forfeit for every such offence any sum not exceeding *ten* pounds, to be imposed by such by-law as a penalty for any such offence, and to be recovered by proceedings which may be taken in a summary way before any Stipendiary or Police Magistrate or before any Justice at the Court of Petty Sessions nearest to the place where the breach of such by-law was committed. Provided that in any proceedings which may be taken in the recovery of any penalty imposed for the breach of any by-law, the persons prosecuting shall not be called upon to define or prove the boundaries of the lands comprised in the hereinbefore mentioned grant or of any other lands vested in the said chairman, and coming within the provision of this Act where the complaints from an act committed on such lands or any of them, and if the infraction or non-observance of any such by-laws be attended with danger or annoyance to the public or hindrance to the committee or any of the officers of the said club or the public in the lawful use of the said racecourse, it shall be lawful for the committee, or any member, officer, or servant thereof summarily to interfere, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law. 40 45 50 55

19. Whosoever shall wilfully obstruct or impede any officer, servant, or agent of the committee in the execution of his duty upon any land for the time being vested in the chairman or upon or in any building or premises, or remove or wilfully injure any building, enclosure, post, tree, or shrub upon any such land shall, on conviction thereof before any Justice, forfeit and pay for every such offence, over and above the amount of the injury done, any sum not exceeding *ten* pounds.
20. Any member or officer or servant of the committee and all persons called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or by-laws made under this Act, and whose name and residence shall not be given to such member, officer, or servant upon his requiring same to be given, and give such offender in charge to a police constable who shall convey him with all despatch before some Justice without any warrant or authority than this Act, and such Justice shall thereupon proceed with all convenient despatch to the hearing of the complaint preferred against the offender.
21. Notwithstanding the liability of any person to any penalty under the provisions of this Act or by-laws made thereunder, he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed.
22. The committee or a majority of them may, by any by-law to be made and come into operation as hereinbefore provided, from time to time prescribed, and vary at pleasure the scale of tolls and charges to be levied or taken for admission to any lands for the time being vested in the chairman, or to any building standing or being thereon, and the conditions for such admission, and may demand, sue for, recover, and receive such tolls and charges from any person coming upon such land, or into, or upon any such building.
23. The chairman may demise for any particular race meeting or meetings, or for any other amusement or sport, the whole or any portion of the lands for the time being vested in him, or any building erected thereon, or all or any of the tolls or charges demandable under and by virtue of this Act, and the lessee, his collectors, servants, and agents shall have the same powers of demanding, recovering, and receiving the said tolls and charges as are hereby given to the committee.
24. It shall be lawful for the said committee, in the name of the chairman, from time to time as they shall see fit on behalf of the said club, for any purposes connected therewith, to procure advances and to borrow money by way of cash, credit, bond, mortgage, debentures, or otherwise howsoever, and to pay and discharge such advances in such manner as may be agreed upon.
25. Nothing herein contained shall extend or be deemed, taken, or considered to extend, to incorporate the club, or the members thereof, or to relieve or to discharge them or any of them from any responsibility, debts, contracts, or obligations whatsoever which they would be subject or liable to, either between the club and others, or between the individual members of the club or any of them if this Act had not been passed.

Obstructing officers of committee or trespassing on the racecourse.

An offender may be arrested.

Liability to penalty not to relieve from other liability.

Committee may fix by-laws and charges.

Chairman may let lands, buildings, or tolls.

Power to borrow money.

Club not to be incorporated.

SCHEDULE.

Hawkesbury Race Club.

MEMORIAL of the names of the chairman and of the committee of the "Hawkesbury Race Club" to be recorded in the Supreme Court of New South Wales pursuant to an Act of Parliament of the said Colony passed in the fifty-third year of the reign of Her Majesty Queen Victoria. 5

A.B. Chairman.
 C.D. }
 E.F. } Committee. 10
 &c. }

(Signed) A.B. Chairman.

I of make oath and say—

1. I am the Secretary (*or* Acting-Secretary) of the "Hawkesbury Race Club."

2. The above memorial is correct in all its particulars and was duly signed by , the abovenamed chairman, in my presence. 15

Sworn this day of .

Legislative Council.

53^o VICTORIÆ, 1890.

A BILL

For the purpose of enabling the Trustees of the Hawkesbury Racecourse to grant Leases thereof; and to enable the Members of the Hawkesbury Race Club to sue and be sued in the name of the Chairman of the Committee for the time being of the said Club; and for other purposes.

(As amended and agreed to in Select Committee.)

WHEREAS by deed-poll or grant from the Crown, bearing date Preamble. the twenty-seventh day of July, in the forty-seventh year of our reign, in the year of our Lord one thousand eight hundred and eighty-three, under the hand of His Excellency Sir Augustus William Frederick Loftus (commonly called Lord Augustus Loftus), then Governor and Commander-in-Chief of the Colony of New South Wales, and under the seal of the said Colony, all that piece or parcel of land in the Colony of New South Wales containing by admeasurement two hundred acres, be the same more or less, situated in the
5 county of Cumberland, parishes of Saint Matthew and Ham Common:
Commencing on the left bank of the Chain of Ponds or Rickaby's
10 Creek at the south-eastern end of the north-eastern boundary-line of
portion fifteen of four acres, parish of Saint Matthew; and bounded
thence on the south-west by that boundary-line the end of a road one
15 chain wide and the north-eastern boundaries of portions fourteen,
thirteen, twelve, eleven, ten, nine, eight, seven, and six of five acres
c 20— each,

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

each, parish of Saint Matthew, and the north-eastern boundary of portion five of four acres two roods twenty-one perches, in all bearing north fifty degrees west fifty-two chains forty-six links; on the north-west by part of the south-eastern boundary of a measured portion of thirty-one acres two roods bearing north fifty-five degrees fifteen 5 minutes east three chains nine links; again on the south-west by the north-eastern boundary of that portion bearing north thirty-eight degrees twenty minutes west twenty-six chains seventy-nine links; again on the north-west by a road one chain wide and a line in all bearing north fifty-three degrees forty minutes east twenty-eight 10 chains sixty-three links; on part of the north-east by lines along the south-western boundary fence of the railway bearing south sixty-eight degrees ten minutes east four chains forty-six links south seventy degrees ten minutes east two chains seventy-eight links south seventy-two degrees twenty-five minutes east one chain seventy links; and 15 thence by part of the south-western boundary of William Ezzys' one hundred and thirty acres bearing south twenty-nine degrees forty minutes east about fifty chains to the Chain of Ponds or Rickaby's Creek; and on the remainder of the north-east and on the south-east by that Chain of Ponds or creek upwards to the point of commence- 20 ment, with all the rights and appurtenances thereto belonging, was granted unto Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, upon trust in their discretion to permit and suffer the said land or any part thereof to be used by such persons, clubs, 25 or associations at such times and upon such terms and conditions as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry Crowley, and Thomas Richards, junior, or other the trustees of the said land appointed as thereafter provided should think fit and proper for any of the 30 purposes thereafter described (that is to say)—

Firstly—As a racecourse upon which horse-races might be run under the protection of any clubs or associations then existing, or which might thereafter be founded for the purpose of horse-racing. 35

Secondly—As a training-ground for the purpose of training horses intending to race.

Thirdly—As a cricket ground, or place at and upon which the game of cricket might be played.

Fourthly—And for any other public amusement or purpose for 40 which the said lands or any part thereof should or might be used.

Provided always, and it was thereby declared that it should or might be lawful for the trustees for the time being of the said lands for any of the purposes aforesaid to make all, any, or every such rules and 45 regulations for the use of the said land, or any part thereof, and to vary or alter the same from time to time as they might deem fit for any of the purposes aforesaid. Provided always, and it was thereby declared when, and so often as the said Benjamin Richards, Andrew Town, Henry M'Quade, William Gosper, William Dargin, John Henry 50 Crowley, and Thomas Richards, junior, or any trustees, or trustee, to be appointed by virtue thereof should die, resign, cease to reside in the Colony of New South Wales, or become incapable to act in the trust thereby created, it should be lawful for the Governor for the time being of the said Colony, with the advice of the Executive Council 55 thereof, from time to time by writing under his hand, to name and appoint a new trustee or trustees in the place and stead of any trustee or trustees so dying, resigning, ceasing to reside in the said Colony of New South Wales, or becoming incapable of acting in the said

said trust, and thereupon the said lands should be conveyed and assured by the surviving or continuing trustee or trustees, or by the heirs of the last surviving trustee, their or his heirs or assigns upon the trusts, and for the intents and purposes thereinbefore created and
 5 declared of and concerning the said lands. And whereas John Henry Crowley, one of the trustees hereinbefore mentioned, having departed this life, Alexander Benson, of Richmond, Esquire, was duly appointed a trustee in his place and stead. And whereas Andrew Town, another of the said trustees, lately departed this life, and the said Benjamin
 10 Richards, Henry McQuade, William Gosper, William Dargin, Thomas Richards, junior, and Alexander Benson are now the only trustees of the said lands. And whereas on the thirty-first day of December, one thousand eight hundred and eighty-nine, it was notified in the *Government Gazette* of that date, number six hundred
 15 and ninety, for public information, that the trustees of the land hereinbefore described should be known by the corporate name of "The Trustees of the Hawkesbury Racecourse," such name having been approved by His Excellency the Governor in Council. And whereas the said trustees have for some years past permitted the
 20 members of the Hawkesbury Race Club to have the use and enjoyment of the said land for the purpose of horse-racing, and the said Hawkesbury Race Club have expended large sums of money in making, forming, and improving a course for horses to race on and a tan gallop for horses to train on, and in erecting fences, stands, and
 25 other buildings on the said land in connection with horse-racing. And whereas the said Hawkesbury Race Club are desirous of erecting other permanent improvements on the said land and have applied to the said trustees for a lease thereof, which the said trustees are willing to grant. And whereas it is desirable that power shall be
 30 given to the said trustees to grant a lease of the said lands in manner hereinafter mentioned. And whereas the members of the said club are desirous of obtaining authority, if occasion arise, to borrow money for the purpose of improving the said lands and of obtaining the powers and privileges hereinafter granted: Be it
 35 therefore enacted by the Queen's Most Excellent Majesty, by and with the consent of the Legislative Council and the Legislative Assembly of the Colony of New South Wales in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the "Hawkesbury Short title.
 40 Race Club Course Act of 1890."

2. In this Act—

The term "Club" means the Hawkesbury Race Club.

Interpretation
 clause.

The term "Committee" means the committee for the time being of the club.

45 The term "Chairman" means the person who is chairman for the time being of the committee.

The term "Trustees" means the trustees for the time being of the Hawkesbury Racecourse.

50 The term "Justice" means a Justice of the Peace in and for the Colony of New South Wales.

55 The term "building" means any house, outhouse, stand, booth, stable, shed, tent, fence, or other building, edifice, or erection of any description whatsoever for the time being standing or being upon any land for the time being vested under or by virtue of this ~~Act~~ **Act** in the chairman.

3. It shall and may be lawful for the said trustees, and they Power to trustee
 to grant leases. are hereby authorized by writing under their hands, to grant, upon such terms and conditions as to them shall seem expedient, to the said club, or to any other club or association now formed or which may
 hereafter

hereafter be formed for the purpose of horse-racing, or for the purpose of promoting or engaging in any other public amusement or purpose for which it is intended the said lands should or might be used as aforesaid, the exclusive right to use and occupy the said lands, or any part or parts thereof as the said trustees should in their discretion think fit, for any number of years not exceeding twenty-one years, commencing from the time of signing the instrument by which the said lands shall be demised, with power also for the said trustees from time to time to renew any such lease for any further term not exceeding twenty-one years from the granting thereof, and with power also in any such lease, or any renewal or renewals thereof, to make such stipulations with reference to any buildings to be erected on the said lands, or otherwise to the improvement thereof as they may think proper.

Actions to be in the name of the chairman.

4. All actions, suits, and proceedings at law or in equity for any cause, matter, or thing happening after this Act to be commenced, instituted, prosecuted, or carried on by or on behalf of the said club, or wherein the said club is or shall be in any way concerned, against any person or persons, body or bodies, political or corporate, whether members or a member of the club or otherwise, may be lawfully commenced, instituted, and prosecuted in the name of the chairman as the nominal plaintiff or petitioner for and on behalf of the club, and all actions, suits and proceedings as aforesaid to be commenced, instituted, or prosecuted against the club, or any of the members thereof as such, shall be commenced, instituted, and prosecuted against the chairman as the nominal defendant, for and on behalf of the club or members, and in all indictments and informations it shall be lawful to state the property of the club to be the property of such chairman, and any offence committed with any intent to injure or defraud the club shall, and lawfully may in any prosecution for the same, be stated or laid to have been committed with intent to injure or defraud the said chairman, and any offender or offenders may thereupon be lawfully convicted of any such offence. In all other charges or indictments, informations, or other proceedings, it shall and may be lawful and sufficient to state the name of such chairman, and the death, resignation, removal, or other act of such chairman shall not abate any such action, suit, or prosecution, but the same may be continued and prosecuted and concluded in the name of any person who may be or become the chairman.

Memorial to be recorded.

5. A memorial of the names of the chairman and of each of the members of the committee respectively, in the form or to the effect set forth in the Schedule to this Act, signed by such chairman and verified upon oath by the secretary or acting-secretary for the time being of the said club, shall be filed of record in the Supreme Court of New South Wales within one calendar month after the passing of this Act; and when and so often as any chairman or member of the committee shall be newly elected, a memorial of the name of such newly elected chairman or member, in the same form and to the same effect as the above-mentioned memorial, signed and verified as aforesaid, shall in like manner be filed or recorded in the said Supreme Court within one calendar month next after every such chairman or member shall be elected, and for all purposes whatsoever the production of the memorial recorded as by this Act directed or of an office copy thereof shall be received as sufficient and conclusive evidence in all Courts of Justice, or before any person having by law or by consent of parties authority to receive evidence of all matters contained or set forth in such memorial, nor shall any proof be required of the authority of the person before whom the oath verifying the said memorial shall appear to have been sworn to have administered such oath.

6. Until such memorial as hereinbefore is mentioned, shall be recorded in the manner herein directed, no action, suit, or other proceedings shall be brought by the club or any of the members thereof in the name of the chairman under the authority of this Act. No action to be brought until memorial recorded.
- 5 7. Every judgment, and every decree or order, which shall be at any time after the passing of this Act obtained against the chairman on behalf of the club, shall and may take effect and be enforced, and execution thereof issued against the property and effects of the club. Effect of judgment against the chairman.
- 10 8. It shall be lawful for such chairman, and his successors in office from time to time, and at any time hereafter to purchase any lands on behalf of the club, or to accept the lease of and to hold by demise from the said trustees for the purposes of this Act the said lands as aforesaid, or from any other person any other lands it may be thought desirable to lease. Chairman may hold lands.
- 15 9. All lands, tenements, and hereditaments, chattels, real and all personal chattels and effects which are now vested in, or held by any person or persons whomsoever in trust for, or for the benefit of the club or the members thereof shall, immediately upon the passing of this Act, without any further assurance, become and be vested in and be held by the chairman in trust for the club in like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate; and all real and personal property which may hereafter be contracted for or be acquired by, or belong to the club or to the members thereof collectively, may be conveyed, assigned, and assured to, and shall therefrom become vested in the chairman in trust for the club in the like manner as if such chairman was in law a corporation sole, and as if the personalty were real estate. Lands and other property to be vested in the chairman.
- 20 10. The lands comprised in the hereinbefore recited Crown grant, and by this Act authorized to be demised to the chairman shall be held by him only for the purpose of being maintained and used for a public racecourse, or for one or other purposes in the said recited grant mentioned under and subject to the provisions of this Act, and any by-laws to be made under or by virtue hereof. Lands vested in chairman to be held for racecourse only.
- 30 11. The committee may maintain any buildings now standing and being upon the said land comprised in the hereinbefore recited grant or any part thereof, and may also from time to time complete or erect upon the said land, or any other land for the time being vested in the chairman either in addition to or substitution for the buildings now standing thereon, all such other buildings as may in the opinion of the majority of the committee be necessary or expedient for, or in connection with the use of the said land as a public racecourse. Committee may maintain buildings already erected, and erect others.
- 40 12. The committee or an absolute majority in number of such committee present at any meeting, may from time to time subject to the special provisions of this Act, make such by-laws as they may think fit for regulating all matters concerned or connected with the lands comprised in the hereinbefore recited grant, or any lands which may hereafter be vested in the said chairman, and for the protection of the shrubs, trees, and herbage growing upon the said lands, and for regulating the use and enjoyment thereof, and the admission thereto, and the expulsion therefrom of members of the club, or any other person or persons whomsoever causing annoyance or inconvenience, and the rates or charges to be paid for such admission and all other necessary by-laws for the general management of the said racecourse, and may impose penalties on the breach of any such by-law, not in any case to exceed the sum of *ten* pounds; and may from time to time, by any other by-laws, alter or repeal any such by-laws, provided that no such by-laws be repugnant to the laws for the time being in force in New South Wales, and every such by-law shall be reduced into writing, and shall be signed by the chairman. Committee may make by-laws.
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- 55

Disallowance of
by-laws by Governor
in Council.

13. No by-law made under the authority of this Act shall be of any force or effect until the expiration of one month after the same, or a copy thereof signed by the chairman shall have been sent to the Chief Secretary of New South Wales for the time being, and until publication hereinafter mentioned, and at any time within the said period of one month, the Governor in Council may disallow any such by-law which shall not then come into operation. 5

Publication of
by-laws.

14. Every by-law shall, immediately upon the expiration of one month after the same shall have been sent as aforesaid, if not disallowed as aforesaid, be published in the *Government Gazette*, together with a notice stating when such by-law was sent to the Chief Secretary, and that such by-law has not been disallowed, and such by-law shall come into operation from the date of such publication. 10

Public notification of
by-laws.

15. One or more copies of all by-laws made under this Act, and for the time being in force, shall be painted on boards, or printed on paper, and posted in some conspicuous place or places, at or near the principal entrance to the said racecourse, or on the front or other conspicuous part of the grand-stand on the said racecourse. 15

Evidence of by-laws.

16. Such by-laws, when so posted and published as aforesaid, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same, and the production of the copy of the *Government Gazette* containing any notification of such by-laws, or of any of them, shall be conclusive evidence that such by-laws were duly made, and not disallowed, and it shall be presumed that such by-laws were duly posted and published, until the contrary be shown. 20 25

The Governor in
Council may repeal
by-laws.

17. The Governor in Council may at any time by order in Council declare that from a time to be named in such order and not less than six months from the date of the publication of such order in the *Government Gazette*, any by-law made under this Act shall be repealed, and from and after the time so named in such order such by-law shall unless previously otherwise repealed under the provisions herein contained be absolutely repealed and of no effect. Provided always that such repeal shall not interfere with or effect any action, suit, prosecution, or other proceedings commenced before the time of such repeal, but the same shall be continued as if no such repeal had taken place. 30 35

Offence against
by-laws.

18. Any person offending against any by-law made under this Act shall forfeit for every such offence any sum not exceeding *ten* pounds, to be imposed by such by-law as a penalty for any such offence, and to be recovered by proceedings which may be taken in a summary way before any Stipendiary or Police Magistrate or before any Justice at the Court of Petty Sessions nearest to the place where the breach of such by-law was committed. Provided that in any proceedings which may be taken in the recovery of any penalty imposed for the breach of any by-law, the persons prosecuting shall not be called upon to define or prove the boundaries of the lands comprised in the hereinbefore mentioned grant or of any other lands vested in the said chairman, and coming within the provision of this Act where the complaints from an act committed on such lands or any of them, and if the infraction or non-observance of any such by-laws be attended with danger or annoyance to the public or hindrance to the committee or any of the officers of the said club or the public in the lawful use of the said racecourse, it shall be lawful for the committee, or any member, officer, or servant thereof summarily to interfere, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law. 40 45 50 55

19. Whosoever shall wilfully obstruct or impede any officer, servant, or agent of the committee in the execution of his duty upon any land for the time being vested in the chairman or upon or in any building or premises, or remove or wilfully injure any building, enclosure, post, tree, or shrub upon any such land shall, on conviction thereof before any Justice, forfeit and pay for every such offence, over and above the amount of the injury done, any sum not exceeding ten pounds.

Obstructing officers of committee or trespassing on the racecourse.

20. Any member or officer or servant of the committee and all persons called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or by-laws made under this Act, and whose name and residence shall not be given to such member, officer, or servant upon his requiring same to be given, and give such offender in charge to a police constable who shall convey him with all despatch before some Justice without any warrant or authority than this Act, and such Justice shall thereupon proceed with all convenient despatch to the hearing of the complaint preferred against the offender.

An offender may be arrested.

21. Notwithstanding the liability of any person to any penalty under the provisions of this Act or by-laws made thereunder, he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed.

Liability to penalty not to relieve from other liability.

22. The committee or a majority of them may, by any by-law to be made and come into operation as hereinbefore provided, from time to time prescribed, and vary at pleasure the scale of tolls and charges to be levied or taken for admission to any lands for the time being vested in the chairman, or to any building standing or being thereon, and the conditions for such admission, and may demand, sue for, recover, and receive such tolls and charges from any person coming upon such land, or into, or upon any such building.

Committee may fix by-laws and charges.

23. The chairman may demise for any particular race meeting or meetings, or for any other amusement or sport, the whole or any portion of the lands for the time being vested in him, or any building erected thereon, or all or any of the tolls or charges demandable under and by virtue of this Act, and the lessee, his collectors, servants, and agents shall have the same powers of demanding, recovering, and receiving the said tolls and charges as are hereby given to the committee.

Chairman may let lands, buildings, or tolls.

24. It shall be lawful for the said committee, in the name of the chairman, from time to time as they shall see fit on behalf of the said club, for any purposes connected therewith, to procure advances and to borrow money by way of cash, credit, bond, mortgage, debentures, or otherwise howsoever, and to pay and discharge such advances in such manner as may be agreed upon.

Power to borrow money.

25. Nothing herein contained shall extend or be deemed, taken, or considered to extend, to incorporate the club, or the members thereof, or to relieve or to discharge them or any of them from any responsibility, debts, contracts, or obligations whatsoever which they would be subject or liable to, either between the club and others, or between the individual members of the club or any of them if this Act had not been passed.

Club not to be incorporated.

VICTORIÆ 1890.

AN ACT for the purpose of enabling the Trustees of The Hawkesbury Race Course to grant Leases thereof and to enable the Members of The Hawkesbury Race Club to sue and be sued in the name of the Chairman of the Committee for the time being of the said Club and for other purposes.

WHEREAS by Deed Poll or Grant from the Crown bearing date the 27th day of Preamble
July in the 47th year of our reign in the year of our Lord 1883 under the hand
of His Excellency Sir Augustus William Frederick Loftus (commonly called Lord
Augustus Loftus) then Governor and Commander-in-chief of the Colony of New South
5 Wales and under the seal of the said colony All that piece or parcel of land in the
colony of New South Wales containing by admeasurement Two hundred acres be the
same more or less situated in the county of Cumberland parishes of St. Matthew and
Ham Common Commencing on the left bank of The Chain of Ponds or Rickaby's
Creek at the south-eastern end of the north-eastern boundary line of portion XV. of
10 four acres parish of St. Matthew and bounded thence on the south-west by that
boundary line the end of a road one chain wide and the north-eastern boundaries of
portions XIV. XIII. XII. XI. X. IX. VIII. VII. and VI. of five acres each parish of
St. Matthew and the north-eastern boundary of portion V. of four acres two roods
twenty-one perches in all bearing north fifty degrees west fifty-two chains forty-six
15 links on the north-west by part of the south-eastern boundary of a measured portion
of thirty-one acres two roods bearing north fifty-five degrees fifteen minutes east three
chains nine links again on the south-west by the north-eastern boundary of that
portion bearing north thirty-eight degrees twenty minutes west twenty-six chains
seventy-nine links again on the north-west by a road one chain wide and a line in all
20 bearing north fifty-three degrees forty minutes east twenty-eight chains sixty-three
links on part of the north-east by lines along the south-western boundary fence of the
railway bearing south sixty-eight degrees ten minutes east four chains forty-six
links south seventy degrees ten minutes east two chains seventy-eight links south
seventy-two degrees twenty-five minutes east one chain seventy links and thence by
25 part of the south-western boundary of William Ezzys' one hundred and thirty
acres bearing south twenty-nine degrees forty minutes east about fifty chains to the
Chain of Ponds or Rickaby's Creek and on the remainder of the north-east and on
the south-east by that Chain of Ponds or creek upwards to the point of commencement
with all the rights and appurtenances thereto belonging was granted unto
30 Benjamin Richards Andrew Town Henry McQuade William Gosper William Dargin
John Henry Crowley and Thomas Richards Junr. upon trust in their discretion to
permit and suffer the said land or any part thereof to be used by such persons clubs
or associations at such times and upon such terms and conditions as the said Benjamin
Richards Andrew Town Henry McQuade William Gosper William Dargin John
35 Henry Crowley and Thomas Richards Junr. or other the Trustees of the said land

The Hawkesbury Race Course.

appointed as thereafter provided should think fit and proper for any of the purposes thereafter described (that is to say)—

Firstly—As a Race Course upon which Horse Races might be run under the protection of any clubs or associations then existing or which might thereafter be founded for the purpose of horse racing. 5

Secondly—As a training ground for the purpose of training horses intending to race.

Thirdly—As a cricket ground or place at and upon which the game of cricket might be played.

Fourthly—And for any other public amusement or purpose for which the said lands or any part thereof should or might be used. 10

Provided always and it was thereby declared that it should or might be lawful for the trustees for the time being of the said lands for any of the purposes aforesaid to make all any or every such rules and regulations for the use of the said land or any part thereof and to vary or alter the same from time to time as they might deem fit for any of the purposes aforesaid. Provided always and it was thereby declared when and so 15 often as the said Benjamin Richards Andrew Town Henry McQuade William Gosper William Dargin John Henry Crowley and Thomas Richards Junr. or any trustees or trustee to be appointed by virtue thereof should die resign cease to reside in the Colony of New South Wales or become incapable to act in the trust thereby created it should be lawful for the Governor for the time being of the said Colony with the 20 advice of the Executive Council thereof from time to time by writing under his hand to name and appoint a new trustee or trustees in the place and stead of any trustee or trustees so dying resigning ceasing to reside in the said Colony of New South Wales or becoming incapable of acting in the said trust and thereupon the said lands should be conveyed and assured by the surviving or continuing trustee or trustees or by the 25 heirs of the last surviving trustee their or his heirs or assigns upon the trusts and for the intents and purposes thereinbefore created and declared of and concerning the said lands. And whereas John Henry Crowley one of the trustees hereinbefore mentioned having departed this life Alexander Benson of Richmond Esquire was duly appointed a trustee in his place and stead. And whereas Andrew Town another of the said 30 trustees lately departed this life and the said Benjamin Richards Henry McQuade William Gosper William Dargin Thomas Richards Junr. and Alexander Benson are now the only trustees of the said lands. And whereas on the 31st day of December 1889 it was notified in the Government Gazette of that date No. 690 for public information that the trustees of the land hereinbefore described should be known by 35 the corporate name of "The Trustees of The Hawkesbury Racecourse" such name having been approved by His Excellency the Governor in Council.

And whereas the said Trustees have for some years past permitted the Members of the Hawkesbury Race Club to have the use and enjoyment of the said land for the purpose of horse racing and the said Hawkesbury Race Club have expended large 40 sums of money in making forming and improving a course for horses to race on and a tan gallop for horses to train on and in erecting fences stands and other buildings on the said land in connection with horse racing. And whereas the said Hawkesbury Race Club are desirous of erecting other permanent improvements on the said land and have applied to the said Trustees for a lease thereof which the said Trustees are 45 willing to grant. And whereas it is desirable that power shall be given to the said Trustees to grant a lease of the said lands in manner hereinafter mentioned. And whereas the members of the said club are desirous of obtaining authority if occasion arise to borrow money for the purpose of improving the said lands and of obtaining the powers and privileges hereinafter granted. Be it therefore enacted by the Queen's 50 most excellent Majesty by and with the consent of the Legislative Council and the Legislative Assembly of the colony of New South Wales in this present parliament assembled and by the authority of the same as follows :—

1. This Act may be cited for all purposes as The Hawkesbury Race Club Act of 1890.

The Hawkesbury Race Course.

2. In this Act

Interpretation
clause

The term " Club " means The Hawkesbury Race Club.

The term " Committee " means the Committee for the time being of the Club.

5 The term " Chairman " means the person who is Chairman for the time being of the Committee.

The term " Trustees " means the Trustees for the time being of The Hawkesbury Race Course.

10 The term " Justice " means a Justice of the Peace in and for the colony of New South Wales.

The term " Building " means any House Outhouse Stand Booth Stable Shed Tent Fence or other Building Edifice or Erection of any description whatsoever for the time being standing or being upon any land for the time being vested under or by virtue of this acting Chairman.

15 3. It shall and may be lawful for the said trustees and they are hereby authorised by writing under their hands to grant upon such terms and conditions as to them shall seem expedient to the said club or to any other club or association now formed or which may hereafter be formed for the purpose of horse racing or for the purpose of promoting or engaging in any other public amusement or purpose for which
20 it is intended the said lands should or might be used as aforesaid the exclusive right to use and occupy the said lands or any part or parts thereof as the said trustees should in their discretion think fit for any number of years not exceeding twenty-one years commencing from the time of signing the instrument by which the said lands shall be demised with power also for the said trustees from time to time to renew any
25 such lease for any further term not exceeding twenty-one years from the granting thereof and with power also in any such lease or any renewal or renewals thereof to make such stipulations with reference to any buildings to be erected on the said lands or otherwise to the improvement thereof as they may think proper.

Power to
Trustees to
grant leases

30 4. All actions suits and proceedings at law or in equity for any cause matter or thing happening after this Act to be commenced instituted prosecuted or carried on by or on behalf of the said club or wherein the said club is or shall be in anyway concerned against any person or persons body or bodies political or corporate whether members or a member of the club or otherwise may be lawfully commenced instituted and prosecuted in the name of the chairman as the nominal plaintiff or petitioner for and on behalf of the
35 club and all actions suits and proceedings as aforesaid to be commenced instituted or prosecuted against the club or any of the members thereof as such shall be commenced instituted and prosecuted against the chairman as the nominal defendant for and on behalf of the club or members and in all indictments and informations it shall be lawful
40 to state the property of the club to be the property of such chairman and any offence committed with any intent to injure or defraud the club shall and lawfully may in any prosecution for the same be stated or laid to have been committed with intent to injure or defraud the said chairman and any offender or offenders may thereupon be lawfully convicted of any such offence In all other charges or indictments informa-
45 tions or other proceedings it shall and may be lawful and sufficient to state the name of such chairman and the death resignation removal or other act of such chairman shall not abate any such action suit or prosecution but the same may be continued and prosecuted and concluded in the name of any person who may be or become the chairman.

Actions to be in
the name of the
chairman

50 5. A memorial of the names of the chairman and of each of the members of the committee respectively in the form or to the effect set forth in the Schedule to this Act signed by such chairman and verified upon oath by the secretary or acting-secretary for the time being of the said club shall be filed of record in the Supreme Court of New South Wales within one calendar month after the passing of this Act and when and so often as any chairman or member of the committee shall be newly elected a
55 memorial of the name of such newly elected chairman or member in the same form

Memorial to be
recorded

The Hawkesbury Race Course.

and to the same effect as the above mentioned memorial signed and verified as aforesaid shall in like manner be filed or recorded in the said Supreme Court within one calendar month next after every such chairman or member shall be elected and for all purposes whatsoever the production of the memorial recorded as by this Act directed or of an office copy thereof shall be received as sufficient and conclusive evidence in all courts of Justice or before any person having by law or by consent of parties authority to receive evidence of all matters contained or set forth in such memorial nor shall any proof be required of the authority of the person before whom the oath verifying the said memorial shall appear to have been sworn to have administered such oath.

No action to be brought until memorial recorded.

6. Until such memorial as hereinbefore is mentioned shall be recorded in the manner herein directed no action suit or other proceedings shall be brought by the club or any of the members thereof in the name of the chairman under the authority of this act.

Effect of judgment against the chairman

7. Every judgment and every decree or order which shall be at any time after the passing of this Act obtained against the chairman on behalf of the club shall and may take effect and be enforced and execution thereof issued against the property and effects of the club.

Chairman may hold lands

8. It shall be lawful for such chairman and his successors in office from time to time and at any time hereafter to purchase any lands on behalf of the club or to accept the lease of and to hold by demise from the said trustees for the purposes of this Act the said lands as aforesaid or from any other person any other lands it may be thought desirable to lease.

Lands and other property to be vested in the chairman

9. All lands tenements and hereditaments chattels real and all personal chattels and effects which are now vested in or held by any person or persons whomsoever in trust for or for the benefit of the club or the members thereof shall immediately upon the passing of this Act without any further assurance become and be vested in and be held by the chairman in trust for the club in like manner as if such chairman was in law a corporation sole and as if the personalty were real estate and all real and personal property which may hereafter be contracted for or be acquired by or belong to the club or to the members thereof collectively may be conveyed assigned and assured to and shall therefrom become vested in the chairman in trust for the club in the like manner as if such chairman was in law a corporation sole and as if the personalty were real estate.

Lands vested in chairman to be held for Race Course only

10. The lands comprised in the hereinbefore recited Crown Grant and by this Act authorised to be demised to the chairman shall be held by him only for the purpose of being maintained and used for a public race course or for one or other purposes in the said recited Grant mentioned under and subject to the provisions of this Act and any by-laws to be made under or by virtue hereof.

Committee may maintain buildings already erected and erect others

11. The committee may maintain any buildings now standing and being upon the said land comprised in the hereinbefore recited Grant or any part thereof and may also from time to time complete or erect upon the said land or any other land for the time being vested in the chairman either in addition to or substitution for the buildings now standing thereon all such other buildings as may in the opinion of the majority of the committee be necessary or expedient for or in connection with the use of the said land as a public race course.

Committee may make By-Laws

12. The committee or an absolute majority in number of such committee present at any meeting may from time to time subject to the special provisions of this Act make such by-laws as they may think fit for regulating all matters concerned or connected with the lands comprised in the hereinbefore recited Grant or any lands which may hereafter be vested in the said chairman and for the protection of the shrubs trees and herbage growing upon the said lands and for regulating the use and enjoyment thereof and the admission thereto and the expulsion therefrom of members of the club or any other person or persons whomsoever causing annoyance or inconvenience and the rates or charges to be paid for such admission and all other necessary by-laws for the general management of the said race course and

The Hawkesbury Race Course.

impose penalties on the breach of any such by-law not in any case to exceed the sum of £10 and may from time to time by any other by-laws alter or repeal any such by-laws provided that no such by-laws be repugnant to the laws for the time being in force in New South Wales and every such by-law shall be reduced into writing and shall be signed by the chairman.

13. No by-law made under the authority of this Act shall be of any force or effect until the expiration of one month after the same or a copy thereof signed by the chairman shall have been sent to the Chief Secretary of New South Wales for the time being and until publication hereinafter mentioned and at any time within the said period of one month the Governor in Council may disallow any such by-law which shall not then come into operation.

Disallowance of By-laws by Governor in council

14. Every by-law shall immediately upon the expiration of one month after the same shall have been sent as aforesaid if not disallowed as aforesaid be published in the Government Gazette together with a notice stating when such by-law was sent to the Chief Secretary and that such by-law has not been disallowed and such by-law shall come into operation from the date of such publication.

Publication of By-laws

15. One or more copies of all by-laws made under this Act and for the time being in force shall be painted on boards or printed on paper and posted in some conspicuous place or places at or near the principal entrance to the said race course or on the front or other conspicuous part of the grand-stand on the said race course.

Public notification of By-laws

16. Such by-laws when so posted and published as aforesaid shall be binding upon and be observed by all parties and shall be sufficient to justify all persons acting under the same and the production of the copy of the Government Gazette containing any notification of such by-laws or of any of them shall be conclusive evidence that such by-laws were duly made and not disallowed and it shall be presumed that such by-laws were duly posted and published until the contrary be shown.

Evidence of By-Laws

17. The Governor in Council may at any time by order in Council declare that from a time to be named in such order and not less than six months from the date of the publication of such order in the Government Gazette any by-law made under this Act shall be repealed and from and after the time so named in such order such by-law shall unless previously otherwise repealed under the provisions herein contained be absolutely repealed and of no effect Provided always that such repeal shall not interfere with or effect any action suit prosecution or other proceedings commenced before the time of such repeal but the same shall be continued as if no such repeal had taken place.

The Governor in council may repeal By-Laws

18. Any person offending against any by-law made under this Act shall forfeit for every such offence any sum not exceeding £10 to be imposed by such by-law as a penalty for any such offence and to be recovered by proceedings which may be taken in a summary way before any Stipendiary or Police Magistrate or before any Justice at the Court of Petty Sessions nearest to the place where the breach of such by-law was committed Provided that in any proceedings which may be taken in the recovery of any penalty imposed for the breach of any by-law the persons prosecuting shall not be called upon to define or prove the boundaries of the lands comprised in the hereinbefore mentioned grant or of any other lands vested in the said chairman and coming within the provision of this Act where the complaints from an act committed on such lands or any of them and if the infraction or non-observance of any such by-laws be attended with danger or annoyance to the public or hindrance to the committee or any of the officers of the said club or the public in the lawful use of the said race course it shall be lawful for the committee or any member officer or servant thereof summarily to interfere to obviate or remove such danger annoyance or hindrance and that without prejudice to any penalty incurred by the infraction of any such by-law.

Offence against By-Laws

19. Whosoever shall wilfully obstruct or impede any officer servant or agent of the committee in the execution of his duty upon any land for the time being vested in the chairman or upon or in any building or premises or remove or wilfully

Obstructing officers of committee or trespassing on the race-course

The Hawkesbury Race Course.

injure any building enclosure post tree or shrub upon any such land shall on conviction thereof before any justice forfeit and pay for every such offence over and above the amount of the injury done any sum not exceeding £10.

Transient of an offender may be arrested

20. Any member or officer or servant of the committee and all persons called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or by-laws made under this Act and whose name and residence shall not be given to such member officer or servant upon his requiring same to be given and give such offender in charge to a police constable who shall convey him with all despatch before some justice without any warrant or authority than this Act and such justice shall thereupon proceed with all convenient despatch to the hearing of the complaint preferred against the offender. 5 10

Liability to penalty not to relieve from other liability

21. Notwithstanding the liability of any person to any penalty under the provisions of this Act or by-laws made thereunder he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed.

Committee may fix By-Laws and charges

22. The committee or a majority of them may by any by-law to be made and come into operation as hereinbefore provided from time to time prescribed and vary at pleasure the scale of tolls and charges to be levied or taken for admission to any lands for the time being vested in the chairman or to any building standing or being thereon and the conditions for such admission and may demand sue for recover and receive such tolls and charges from any person coming upon such land or into or upon any such building. 15 20

Chairman may let lands buildings or tolls

23. The chairman may demise for any particular race meeting or meetings or for any other amusement or sport the whole or any portion of the lands for the time being vested in him or any building erected thereon or all or any of the tolls or charges demandable under and by virtue of this Act and the lessee his collectors servants and agents shall have the same powers of demanding recovering and receiving the said tolls and charges as are hereby given to the committee. 25

Power to borrow money.

24. It shall be lawful for the said committee in the name of the chairman from time to time as they shall see fit on behalf of the said club for any purposes connected therewith to procure advances and to borrow money by way of cash credit bond mortgage debentures or otherwise howsoever and to pay and discharge such advances in such manner as may be agreed upon. 30

Club not to be incorporated.

25. Nothing herein contained shall extend or be deemed taken or considered to extend to incorporate the club or the members thereof or to relieve or to discharge them or any of them from any responsibility debts contracts or obligations whatsoever which they would be subject or liable to either between the club and others or between the individual members of the club or any of them if this Act had not been passed. 35

The Hawkesbury Race Course.

SCHEDULE.

HAWKESBURY RACE CLUB.

Memorial of the names of the chairman and of the committee of the Hawkesbury Race Club to be recorded in the Supreme Court of New South Wales pursuant to an Act of Parliament of the said colony passed in the 53rd year of the reign of Her Majesty Queen Victoria.

A.B. } Chairman.

C.D. }
E.F. } Committe.
&c. }

(Signed) A.B., Chairman

I _____ of _____
make oath and say—

1. I am the Secretary (or Acting-Secretary) of the Hawkesbury Race Club.
2. The above memorial is correct in all its particulars and was duly signed by
the abovenamed Chairman in my presence.

Sworn this _____ day of _____

WILLIAM

WILLIAM

WILLIAM

WILLIAM

WILLIAM

WILLIAM

WILLIAM

WILLIAM

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WILLIAM

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WILLIAM

VICTORIÆ 1890.

AN ACT for the purpose of enabling the Trustees of The Hawkesbury Race Course to grant Leases thereof and to enable the Members of The Hawkesbury Race Club to sue and be sued in the name of the Chairman of the Committee for the time being of the said Club and for other purposes.

WHEREAS by Deed Poll or Grant from the Crown bearing date the 27th day of Preamble
July in the 47th year of our reign in the year of our Lord 1883 under the hand
of His Excellency Sir Augustus William Frederick Loftus (commonly called Lord
Augustus Loftus) then Governor and Commander-in-chief of the Colony of New South
5 Wales and under the seal of the said colony All that piece or parcel of land in the
colony of New South Wales containing by admeasurement Two hundred acres be the
same more or less situated in the county of Cumberland parishes of St. Matthew and
Ham Common Commencing on the left bank of The Chain of Ponds or Rickaby's
Creek at the south-eastern end of the north-eastern boundary line of portion XV. of
10 four acres parish of St. Matthew and bounded thence on the south-west by that
boundary line the end of a road one chain wide and the north-eastern boundaries of
portions XIV. XIII. XII. XI. X. IX. VIII. VII. and VI. of five acres each parish of
St. Matthew and the north-eastern boundary of portion V. of four acres two roods
twenty-one perches in all bearing north fifty degrees west fifty-two chains forty-six
15 links on the north-west by part of the south-eastern boundary of a measured portion
of thirty-one acres two roods bearing north fifty-five degrees fifteen minutes east three
chains nine links again on the south-west by the north-eastern boundary of that
portion bearing north thirty-eight degrees twenty minutes west twenty-six chains
seventy-nine links again on the north-west by a road one chain wide and a line in all
20 bearing north fifty-three degrees forty minutes east twenty-eight chains sixty-three
links on part of the north-east by lines along the south-western boundary fence of the
railway bearing south sixty-eight degrees ten minutes east four chains forty-six
links south seventy degrees ten minutes east two chains seventy-eight links south
seventy-two degrees twenty-five minutes east one chain seventy links and thence by
25 part of the south-western boundary of William Ezzys' one hundred and thirty
acres bearing south twenty-nine degrees forty minutes east about fifty chains to the
Chain of Ponds or Rickaby's Creek and on the remainder of the north-east and on
the south-east by that Chain of Ponds or creek upwards to the point of commencement
with all the rights and appurtenances thereto belonging was granted unto
30 Benjamin Richards Andrew Town Henry McQuade William Gosper William Dargin
John Henry Crowley and Thomas Richards Junr. upon trust in their discretion to
permit and suffer the said land or any part thereof to be used by such persons clubs
or associations at such times and upon such terms and conditions as the said Benjamin
Richards Andrew Town Henry McQuade William Gosper William Dargin John
35 Henry Crowley and Thomas Richards Junr. or other the Trustees of the said land

The Hawkesbury Race Course.

appointed as thereafter provided should think fit and proper for any of the purposes thereafter described (that is to say)—

Firstly—As a Race Course upon which Horse Races might be run under the protection of any clubs or associations then existing or which might thereafter be founded for the purpose of horse racing. 5

Secondly—As a training ground for the purpose of training horses intending to race.

Thirdly—As a cricket ground or place at and upon which the game of cricket might be played,

Fourthly—And for any other public amusement or purpose for which the said lands or any part thereof should or might be used. 10

Provided always and it was thereby declared that it should or might be lawful for the trustees for the time being of the said lands for any of the purposes aforesaid to make all any or every such rules and regulations for the use of the said land or any part thereof and to vary or alter the same from time to time as they might deem fit for any of the purposes aforesaid Provided always and it was thereby declared when and so 15 often as the said Benjamin Richards Andrew Town Henry McQuade William Gosper William Dargin John Henry Crowley and Thomas Richards Junr. or any trustees or trustee to be appointed by virtue thereof should die resign cease to reside in the Colony of New South Wales or become incapable to act in the trust thereby created it should be lawful for the Governor for the time being of the said Colony with the 20 advice of the Executive Council thereof from time to time by writing under his hand to name and appoint a new trustee or trustees in the place and stead of any trustee or trustees so dying resigning ceasing to reside in the said Colony of New South Wales or becoming incapable of acting in the said trust and thereupon the said lands should be conveyed and assured by the surviving or continuing trustee or trustees or by the 25 heirs of the last surviving trustee their or his heirs or assigns upon the trusts and for the intents and purposes thereinbefore created and declared of and concerning the said lands And whereas John Henry Crowley one of the trustees hereinbefore mentioned having departed this life Alexander Benson of Richmond Esquire was duly appointed a trustee in his place and stead And whereas Andrew Town another of the said 30 trustees lately departed this life and the said Benjamin Richards Henry McQuade William Gosper William Dargin Thomas Richards Junr. and Alexander Benson are now the only trustees of the said lands And whereas on the 31st day of December 1889 it was notified in the Government Gazette of that date No. 690 for public information that the trustees of the land hereinbefore described should be known by 35 the corporate name of "The Trustees of The Hawkesbury Racecourse" such name having been approved by His Excellency the Governor in Council.

And whereas the said Trustees have for some years past permitted the Members of the Hawkesbury Race Club to have the use and enjoyment of the said land for the purpose of horse racing and the said Hawkesbury Race Club have expended large 40 sums of money in making forming and improving a course for horses to race on and a tan gallop for horses to train on and in erecting fences stands and other buildings on the said land in connection with horse racing And whereas the said Hawkesbury Race Club are desirous of erecting other permanent improvements on the said land and have applied to the said Trustees for a lease thereof which the said Trustees are 45 willing to grant And whereas it is desirable that power shall be given to the said Trustees to grant a lease of the said lands in manner hereinafter mentioned. And whereas the members of the said club are desirous of obtaining authority if occasion arise to borrow money for the purpose of improving the said lands and of obtaining the powers and privileges hereinafter granted Be it therefore enacted by the Queen's 50 most excellent Majesty by and with the consent of the Legislative Council and the Legislative Assembly of the colony of New South Wales in this present parliament assembled and by the authority of the same as follows :—

Short title

1. This Act may be cited for all purposes as The Hawkesbury Race Club Act of 1890.

The Hawkesbury Race Course.

2. In this Act

Interpretation
clause

The term " Club " means The Hawkesbury Race Club.

The term " Committee " means the Committee for the time being of the Club.

5 The term " Chairman " means the person who is Chairman for the time being of the Committee.

The term " Trustees " means the Trustees for the time being of The Hawkesbury Race Course.

10 The term " Justice " means a Justice of the Peace in and for the colony of New South Wales.

The term " Building " means any House Outhouse Stand Booth Stable Shed Tent Fence or other Building Edifice or Erection of any description whatsoever for the time being standing or being upon any land for the time being vested under or by virtue of this acting Chairman.

15 3. It shall and may be lawful for the said trustees and they are hereby authorised by writing under their hands to grant upon such terms and conditions as to them shall seem expedient to the said club or to any other club or association now formed or which may hereafter be formed for the purpose of horse racing or for the purpose of promoting or engaging in any other public amusement or purpose for which
20 it is intended the said lands should or might be used as aforesaid the exclusive right to use and occupy the said lands or any part or parts thereof as the said trustees should in their discretion think fit for any number of years not exceeding twenty-one years commencing from the time of signing the instrument by which the said lands shall be demised with power also for the said trustees from time to time to renew any
25 such lease for any further term not exceeding twenty-one years from the granting thereof and with power also in any such lease or any renewal or renewals thereof to make such stipulations with reference to any buildings to be erected on the said lands or otherwise to the improvement thereof as they may think proper.

Power to
Trustees to
grant leases

30 4. All actions suits and proceedings at law or in equity for any cause matter or thing happening after this Act to be commenced instituted prosecuted or carried on by or on behalf of the said club or wherein the said club is or shall be in any way concerned against any person or persons body or bodies political or corporate whether members or a member of the club or otherwise may be lawfully commenced instituted and prosecuted in the name of the chairman as the nominal plaintiff or petitioner for and on behalf of the
35 club and all actions suits and proceedings as aforesaid to be commenced instituted or prosecuted against the club or any of the members thereof as such shall be commenced instituted and prosecuted against the chairman as the nominal defendant for and on behalf of the club or members and in all indictments and informations it shall be lawful to state the property of the club to be the property of such chairman and any offence
40 committed with any intent to injure or defraud the club shall and lawfully may in any prosecution for the same be stated or laid to have been committed with intent to injure or defraud the said chairman and any offender or offenders may thereupon be lawfully convicted of any such offence. In all other charges or indictments informations or other proceedings it shall and may be lawful and sufficient to state the name of
45 such chairman and the death resignation removal or other act of such chairman shall not abate any such action suit or prosecution but the same may be continued and prosecuted and concluded in the name of any person who may be or become the chairman.

Actions to be in
the name of the
chairman

50 5. A memorial of the names of the chairman and of each of the members of the committee respectively in the form or to the effect set forth in the Schedule to this Act signed by such chairman and verified upon oath by the secretary or acting-secretary for the time being of the said club shall be filed of record in the Supreme Court of New South Wales within one calendar month after the passing of this Act and when and so often as any chairman or member of the committee shall be newly elected a
55 memorial of the name of such newly elected chairman or member in the same form

Memorial to be
recorded

The Hawkesbury Race Course.

and to the same effect as the above mentioned memorial signed and verified as aforesaid shall in like manner be filed or recorded in the said Supreme Court within one calendar month next after every such chairman or member shall be elected and for all purposes whatsoever the production of the memorial recorded as by this Act directed or of an office copy thereof shall be received as sufficient and conclusive evidence in all courts of Justice or before any person having by law or by consent of parties authority to receive evidence of all matters contained or set forth in such memorial nor shall any proof be required of the authority of the person before whom the oath verifying the said memorial shall appear to have been sworn to have administered such oath. 5

No action to be brought until memorial recorded.

6. Until such memorial as hereinbefore is mentioned shall be recorded in the 10 manner herein directed no action suit or other proceedings shall be brought by the club or any of the members thereof in the name of the chairman under the authority of this act.

Effect of judgment against the chairman

7. Every judgment and every decree or order which shall be at any time after the passing of this Act obtained against the chairman on behalf of the club shall and 15 may take effect and be enforced and execution thereof issued against the property and effects of the club.

Chairman may hold lands

8. It shall be lawful for such chairman and his successors in office from time to time and at any time hereafter to purchase any lands on behalf of the club or to accept the lease of and to hold by demise from the said trustees for the purposes of this Act 20 the said lands as aforesaid or from any other person any other lands it may be thought desirable to lease.

Lands and other property to be vested in the chairman

9. All lands tenements and hereditaments chattels real and all personal chattels and effects which are now vested in or held by any person or persons whomsoever in trust for or for the benefit of the club or the members thereof shall 25 immediately upon the passing of this Act without any further assurance become and be vested in and be held by the chairman in trust for the club in like manner as if such chairman was in law a corporation sole and as if the personalty were real estate and all real and personal property which may hereafter be contracted for or be acquired by or belong to the club or to the members thereof collectively may be conveyed assigned 30 and assured to and shall therefrom become vested in the chairman in trust for the club in the like manner as if such chairman was in law a corporation sole and as if the personalty were real estate.

Lands vested in chairman to be held for Race Course only

10. The lands comprised in the hereinbefore recited Crown Grant and by this Act authorised to be demised to the chairman shall be held by him only for the 35 purpose of being maintained and used for a public race course or for one or other purposes in the said recited Grant mentioned under and subject to the provisions of this Act and any by-laws to be made under or by virtue hereof.

Committee may maintain buildings already erected and erect others

11. The committee may maintain any buildings now standing and being upon the said land comprised in the hereinbefore recited Grant or any part thereof and may 40 also from time to time complete or erect upon the said land or any other land for the time being vested in the chairman either in addition to or substitution for the buildings now standing thereon all such other buildings as may in the opinion of the majority of the committee be necessary or expedient for or in connection with the use of the said land as a public race course. 45

Committee may make By-Laws

12. The committee or an absolute majority in number of such committee present at any meeting may from time to time subject to the special provisions of this Act make such by-laws as they may think fit for regulating all matters concerned or connected with the lands comprised in the hereinbefore recited Grant or any lands which may hereafter be vested in the said chairman and for the protection of the 50 shrubs trees and herbage growing upon the said lands and for regulating the use and enjoyment thereof and the admission thereto and the expulsion therefrom of members of the club or any other person or persons whomsoever causing annoyance or inconvenience and the rates or charges to be paid for such admission and all other necessary by-laws for the general management of the said race course and may 55

The Hawkesbury Race Course.

impose penalties on the breach of any such by-law not in any case to exceed the sum of £10 and may from time to time by any other by-laws alter or repeal any such by-laws provided that no such by-laws be repugnant to the laws for the time being in force in New South Wales and every such by-law shall be reduced into writing and
5 shall be signed by the chairman.

13. No by-law made under the authority of this Act shall be of any force or effect until the expiration of one month after the same or a copy thereof signed by the chairman shall have been sent to the Chief Secretary of New South Wales for the time being and until publication hereinafter mentioned and at any time within the said period of one month the Governor in Council may disallow any such by-law which shall not then come into operation.

Disallowance of
By-laws by
Governor in
council

14. Every by-law shall immediately upon the expiration of one month after the same shall have been sent as aforesaid if not disallowed as aforesaid be published in the Government Gazette together with a notice stating when such by-law was sent
15 to the Chief Secretary and that such by-law has not been disallowed and such by-law shall come into operation from the date of such publication.

Publication of
By-laws

15. One or more copies of all by-laws made under this Act and for the time being in force shall be painted on boards or printed on paper and posted in some conspicuous place or places at or near the principal entrance to the said race course or on
20 the front or other conspicuous part of the grand-stand on the said race course.

Public notifica-
tion of By-laws

16. Such by-laws when so posted and published as aforesaid shall be binding upon and be observed by all parties and shall be sufficient to justify all persons acting under the same and the production of the copy of the Government Gazette containing any notification of such by-laws or of any of them shall be conclusive evidence that
25 such by-laws were duly made and not disallowed and it shall be presumed that such by-laws were duly posted and published until the contrary be shown.

Evidence of
By-Laws

17. The Governor in Council may at any time by order in Council declare that from a time to be named in such order and not less than six months from the date of the publication of such order in the Government Gazette any by-law made under this
30 Act shall be repealed and from and after the time so named in such order such by-law shall unless previously otherwise repealed under the provisions herein contained be absolutely repealed and of no effect Provided always that such repeal shall not interfere with or effect any action suit prosecution or other proceedings commenced before the time of such repeal but the same shall be continued as if no such repeal
35 had taken place.

The Governor
in council may
repeal By-Laws

18. Any person offending against any by-law made under this Act shall forfeit for every such offence any sum not exceeding £10 to be imposed by such by-law as a penalty for any such offence and to be recovered by proceedings which may be taken in a summary way before any Stipendiary or Police Magistrate or before any Justice
40 at the Court of Petty Sessions nearest to the place where the breach of such by-law was committed Provided that in any proceedings which may be taken in the recovery of any penalty imposed for the breach of any by-law the persons prosecuting shall not be called upon to define or prove the boundaries of the lands comprised in the hereinbefore mentioned grant or of any other lands vested in the said chairman
45 and coming within the provision of this Act where the complaints from an act committed on such lands or any of them and if the infraction or non-observance of any such by-laws be attended with danger or annoyance to the public or hindrance to the committee or any of the officers of the said club or the public in the lawful use of the said race course it shall be lawful for the committee or any member officer
50 or servant thereof summarily to interfere to obviate or remove such danger annoyance or hindrance and that without prejudice to any penalty incurred by the infraction of any such by-law.

Offence against
By-Laws

19. Whosoever shall wilfully obstruct or impede any officer servant or agent of the committee in the execution of his duty upon any land for the time being vested
55 in the chairman or upon or in any building or premises or remove or wilfully

Obstructing
officers of
committee or
trespassing on
the race-course

The Hawkesbury Race Course.

injure any building enclosure post tree or shrub upon any such land shall on conviction thereof before any justice forfeit and pay for every such offence over and above the amount of the injury done any sum not exceeding £10.

Transient of an offender may be arrested

20. Any member or officer or servant of the committee and all persons called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or by-laws made under this Act and whose name and residence shall not be given to such member officer or servant upon his requiring same to be given and give such offender in charge to a police constable who shall convey him with all despatch before some justice without any warrant or authority than this Act and such justice shall thereupon proceed with all convenient despatch to the hearing of the complaint preferred against the offender. 5 10

Liability to penalty not to relieve from other liability

21. Notwithstanding the liability of any person to any penalty under the provisions of this Act or by-laws made thereunder he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed.

Committee may fix By-Laws and charges

22. The committee or a majority of them may by any by-law to be made and come into operation as hereinbefore provided from time to time prescribed and vary at pleasure the scale of tolls and charges to be levied or taken for admission to any lands for the time being vested in the chairman or to any building standing or being thereon and the conditions for such admission and may demand sue for recover and receive such tolls and charges from any person coming upon such land or into or upon any such building. 15 20

Chairman may let lands buildings or tolls

23. The chairman may demise for any particular race meeting or meetings or for any other amusement or sport the whole or any portion of the lands for the time being vested in him or any building erected thereon or all or any of the tolls or charges demandable under and by virtue of this Act and the lessee his collectors servants and agents shall have the same powers of demanding recovering and receiving the said tolls and charges as are hereby given to the committee. 25

Power to borrow money.

24. It shall be lawful for the said committee in the name of the chairman from time to time as they shall see fit on behalf of the said club for any purposes connected therewith to procure advances and to borrow money by way of cash credit bond mortgage debentures or otherwise howsoever and to pay and discharge such advances in such manner as may be agreed upon. 30

Club not to be incorporated.

25. Nothing herein contained shall extend or be deemed taken or considered to extend to incorporate the club or the members thereof or to relieve or to discharge them or any of them from any responsibility debts contracts or obligations whatsoever which they would be subject or liable to either between the club and others or between the individual members of the club or any of them if this Act had not been passed. 35

The Hawkesbury Race Course.

SCHEDULE.

HAWKESBURY RACE CLUB.

Memorial of the names of the chairman and of the committee of the Hawkesbury Race Club to be recorded in the Supreme Court of New South Wales pursuant to an Act of Parliament of the said colony passed in the 53rd year of the reign of Her Majesty Queen Victoria.

A.B. } Chairman.

C.D. }
 E.F. } Committe.
 &c. }

(Signed) A.B., Chairman

I _____ of _____
 make oath and say—

1. I am the Secretary (or Acting-Secretary) of the Hawkesbury Race Club.
2. The above memorial is correct in all its particulars and was duly signed by the abovenamed Chairman in my presence.

Sworn this _____ day of _____
