

*Hawkesbury Racecourse.*

**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. [19th December, 1890.]**

HAWKESBURY  
RACECOURSE.

**W**HEREAS 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, 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,

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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 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

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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. 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. 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 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 Actions to be in the name of the chairman.

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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.

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

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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.

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.

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.

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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 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.

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, to be dealt with according to law.

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 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.

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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.

## 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 .