



Western Australia.

ANNO QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

PRIVATE ACT.

AN ACT to enable the Members of "The Western Australian Turf Club" to sue and be sued in the name of the Chairman for the time being of the Committee of the said Club and for other purposes.

[Assented to, 18th March, 1892.]

WHEREAS by deed poll or grant from the Crown dated the eleventh day of September One thousand eight hundred and seventy-seven Her Majesty demised and leased unto Alfred Robert Waylen Walter Padbury and Stephen Henry Parker (thereinafter and hereinafter referred to as "the Lessees") their executors administrators and allowed assigns All that tract or parcel of land situate and being in the District of Swan in the Colony of Western Australia containing one hundred and five acres more or less and marked and distinguished in the Maps and Books of the Survey Office of the said Colony as No. 823 Perth Racecourse Bounded on the South-west by about forty-three chains eighty links of the North-east boundary of Swan Location 33 extending South-east from left bank of Swan River through centre of a certain blue gum tree marked on its River side and on its Land side about

Preamble.

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seventy-five links South-east from said bank through a squared and pointed post and terminating at centre of a similar post about seven chains eighty links farther South-east On the South-east by a line about twenty-two chains ninety-four links in length extending North fifty-four degrees East from post last aforesaid to another squared and pointed post and then by a line about five chains fifty-six links in length extending North fifty-nine degrees thirty-six minutes East to another similar post On the East by a line about eighteen chains twenty links in length extending North twenty-two degrees ten minutes West to left bank of the Swan River through centre of a squared and pointed post about one chain ninety links South-east from said bank And on the North by left bank aforesaid between North end of the East and South-west boundaries all bearings and boundaries being true or thereabouts Excepting and reserving to Her Majesty her heirs and successors or for any person or persons acting in that behalf by her or their authority full power during the term thereby granted from time to time and at all times thereafter to resume and enter upon possession of any part of the said piece or parcel of land which it might at any time by Her Majesty her heirs and successors be deemed necessary to resume for making roads canals bridges towing paths or other works of public utility or convenience To have and to hold the premises thereby demised except as aforesaid and subject to the powers reservations and conditions therein and in certain Regulations for the sale letting disposal and occupation of the Waste Lands of the Crown within the said Colony contained unto the said Lessees their executors administrators and allowed assigns for the term of Nine hundred and ninety-nine years to be computed from the first day of September One thousand eight hundred and seventy seven Yielding and paying therefor one peppercorn of yearly rent on the twenty-first day of March in each year or so soon thereafter as the same should be lawfully demanded In trust for certain persons then associated together under the name or style of The Western Australian Turf Club and for such other persons as might from time to time during the said term be recognised by the Governor of the said Colony for the time being as forming The Western Australian Turf Club And by the said deed poll it is expressly provided that the said piece or parcel of land should during the said term be used as a place of public enjoyment and especially for the training and running of Race Horses and other purposes connected therewith and in accordance with the Rules and Regulations of The Western Australian Turf Club for the time being And that a Race Meeting should be held upon the said land at least once in every year And that pedestrians should be admitted on the said land (with the exception of such portions thereof as might be reserved with the approval of the Commissioner of Crown Lands) during such Race Meeting free of charge or on payment of such

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charges as might from time to time be approved by the Governor And provided further that it should at any time be lawful for the persons appointed by the said Club as Stewards of the said Races to turn off the said land any persons who might be found injuring the said land or any property thereon or violating the Rules of the Club for the time being or behaving in a riotous or unbecoming manner And provided further that persons on horseback and also carriages should be admitted to such race meeting on payment of such charges as might be authorised in that behalf by the Governor of the said Colony for the time being And also that if at any time during the said term the said piece or parcel of land should cease to be so used or if Race Meetings should not be held and persons whether on foot or horseback or in carriages should not be admitted as aforesaid then and in every such case it should be lawful for Her Majesty her heirs and successors and for any person or persons acting in her or their behalf into and upon the said demised premises or any part thereof in the name of the whole to re-enter and the same to have again re-possess and enjoy as if the said deed poll had not been executed Provided also that the Governor for the time being of the said Colony should have power from time to time to nominate in writing any person or persons to supply the place of any Trustee or Trustees for the time being of the said deed poll who should die or disclaim or be unable or unfit to act or desire to retire from the office and on every such appointment that the necessary assurances should be executed for vesting the said land and premises in the new and old Trustees or in the new Trustees solely as the case might be And whereas with the consent of the said Trustees the Committee of the Western Australian Turf Club have now the control and management of the said land and premises and the Course and buildings thereon And whereas the said Club have expended very considerable sums of money in improving the said Course and in erecting improving and maintaining divers good and substantial buildings erections and fences thereon and the Club proposes from time to time to expend still further sums of money in further improving the said Course and erecting additional buildings thereon And whereas for the management of the affairs of the said Club and the better maintenance and control of the said Racecourse and the buildings now or hereafter to be erected thereon it is desirable that the said Club should be entrusted with the care maintenance and control of the said Racecourse and buildings and that all such powers and authorities as may be necessary or expedient for that purpose should be conferred upon the said Club Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia in this present Parliament assembled and by the authority of the same as follows:

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- Short Title. **1.** THIS Act may be cited for all purposes as “The Western Australian Turf Club Act, 1892.”
- Interpretation clause.
Club. **2.** IN this Act:—
 The term “club” means The Western Australian Turf Club.
- Committee. The term “committee” means the committee for the time being of the club.
- Chairman. The term “chairman” means the person who is the chairman for the time being of the committee.
- Justice. The term “justice” means a justice of the peace acting in and for the colony of Western Australia or in and for the city borough or session district where the matter requiring the cognizance of such justice shall arise.
- Building. The term “building” means any house outhouse stand booth stable shed tent fence or other buildings railways and tramways 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.
- Actions to be in the name of the Chairman. **3.** ALL actions suits and proceedings at law or in equity to be commenced instituted prosecuted or carried on by or on behalf of the club or wherein the club is or shall be in any way concerned against any person or persons body or bodies politic or corporate whether a member or members of the club or otherwise shall and may be lawfully commenced instituted and prosecuted or carried on in the name of the chairman at the time any such action suit or proceeding shall be commenced or instituted as the nominal plaintiff complainant 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 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 chairman and any offender or offenders may thereupon be lawfully convicted of any such offence and in all other allegations or indictments informations or other proceedings it shall and may be lawful and sufficient to state the name of such

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chairman and the death resignation or removal or other act of such chairman shall not abate any such action suit or prosecution but the same may be continued where it left off and prosecuted and concluded in the name of any person who may be or may become chairman. Provided always that nothing herein contained shall interfere with or affect any action suit prosecution or other proceeding commenced before the passing of this Act but the same shall be continued as if this Act had not been passed.

4. 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 First Schedule to this Act signed by such chairman and by a majority of the committee shall be recorded upon oath in the Supreme Court of the Colony of Western Australia within one calendar month after the passing of this Act and when and so often as any chairman or member of 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 by such newly elected chairman or member and by a majority of the committee at the time of such election shall in like manner be recorded upon oath 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 or examined 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 the matters contained or set forth in such memorial and that the members of committee who signed such memorial formed a majority of the committee at the respective times aforesaid 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 administer such oath.

Memorial of the Chairman's name to be recorded in the Supreme Court. First Schedule.

5. UNTIL such memorial as hereinbefore first mentioned shall be recorded in the manner herein directed no action suit or other proceeding shall be brought by the club or any of the members thereof in the name of the chairman of the committee of the club under the authority of this Act.

No action to be brought until memorial is recorded.

6. 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 thereon be issued against the property and effects of the club save and except the land by this Act vested in the chairman and his successors in office and any land hereafter demised to the chairman under or by virtue of this Act.

Effect of judgment against the chairman.

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Racecourse vested in chairman for term created by Crown grant of eleventh September One thousand eight hundred and seventy-seven.

7. FROM and after the passing of this Act the said Alfred Robert Waylen Walter Padbury and Stephen Henry Parker and their respective executors administrators and assigns or other the trustees of the said land at the time of the passing of this Act shall cease to have or hold any estate or interest in the land described in and demised by the said grant from the Crown dated the eleventh day of September one thousand eight hundred and seventy-seven and the said land is hereby without the necessity for any conveyance or other connecting title than this Act vested in the chairman and his successors in such office in trust for the club and in the like manner as if such chairman and his respective successors in such office were in law a corporation sole and shall henceforth be held by such chairman and his successors in office for the term and upon and for the trusts intents and purposes and with under and subject to the powers provisoes and declarations in the said grant limited expressed declared and contained of and concerning the said land or such of them as are now subsisting or capable of taking effect.

Crown may demise lands to chairman.

8. IT shall be lawful for Her Majesty from time to time to demise to the chairman for any term of years in trust for the club and for such chairman and his successors in office to hold by such demise from Her Majesty for the purposes of this Act the said land by the last preceding section vested in the chairman and his successors in office and such other lands in Western Australia either contiguous thereto or otherwise as the Governor in Council may think fit.

Lands and other property to be vested in chairman.

9. ALL lands tenements and hereditaments real and personal and all personal chattels and effects which now are vested in or held by any persons or person whomsoever in trust for or for the benefit of the club or the members thereof shall immediately upon the passing of this Act become and be vested in and be held by the chairman and his successors in such office in trust for the club and in the like manner as if such chairman and his respective successors in such office were in law a corporation sole and as if the personalty were real estate and all lands tenements and hereditaments real and personal and all personal chattels and effects which may hereafter be contracted for or be acquired by or belong to the club or the members thereof collectively may be conveyed assigned and assured to and shall therefrom become vested in the chairman and his successors in such office in trust for the club and in the like manner as if such chairman and his respective successors in such office were in law a corporation sole and as if the personalty were real estate.

Lands vested in chairman to be held for racecourse only.

10. THE lands by this Act vested in or authorised to be demised to the chairman shall be held by such chairman and his successors in office only for the purpose of being maintained and used for a

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public racecourse under and subject to the provisions of this Act and any bye-laws to be made under and by virtue hereof and save as herein expressly provided shall not be used demised or let for building purposes or unless with the permission in writing of the Commissioner of Crown Lands first had and obtained for any other purpose whatsoever.

11. THE lands demised by the said Crown grant of the eleventh day of September, One thousand eight hundred and seventy-seven shall notwithstanding the expiration or sooner determination of the term created by the said Crown grant or by any demise hereafter to be made thereof be and remain vested in and held by the chairman for the purpose in the last preceding section mentioned subject only to the rights of Her Majesty her heirs and successors.

Lands already demised to be held for purpose of a racecourse.

12. THE committee may maintain any building now standing and being upon the said land hereby vested in the chairman or any part thereof and may also from time to time build 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 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.

13. THE committee or an absolute majority in number of such committee may from time to time subject to the special provisions of this Act make such bye-laws as they think fit for regulating the election or admission of members into the club and the expulsion of members therefrom for providing for the due management of the affairs of the club for regulating all matters concerning or connected with the said lands by this Act vested or which may hereafter be vested in the chairman and the admission thereto and expulsion therefrom of members of the club and the public respectively (and the rates or charges to be paid for such admission) and for the general management of the said racecourse and all races and race meetings and for the working and management of any totalisator or other betting machine and may from time to time by any other bye-laws alter or repeal any such bye-laws Provided that no such bye-laws be repugnant to the laws for the time being in force in Western Australia And every bye-law shall be reduced into writing and shall be signed by the chairman.

Committee may make bye-laws.

14. NO bye-law 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 Colonial Secretary of Western Australia for the time being and until publication as hereinafter mentioned and at any time within the said period of one

Disallowance of bye-laws by Governor in Council.

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month the Governor in Council may disallow such bye-law and after such disallowance such bye-law shall not come into operation.

Publication of bye-laws. **15.** EVERY bye-law shall forthwith on the expiration of one month after the same shall have been sent as aforesaid if not disallowed within that time be published in the *Government Gazette* together with a notice stating when such bye-law was sent to the Colonial Secretary and that such bye-law has not been disallowed and such bye-law shall come into operation upon such publication.

Evidence of bye-laws. **16.** THE production of a copy of the *Government Gazette* containing any such bye-law and notice as aforesaid shall be conclusive evidence that such bye-law was duly made and was not disallowed.

Governor in Council may repeal bye-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 bye-law made under this Act shall be repealed and from and after the time so named in such order such bye-law shall unless previously 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 proceeding commenced before the time of such repeal but the same shall be continued as if no such repeal had taken place.

Public notification of bye-laws. **18.** A COPY of all bye-laws made under this Act for the time being in force shall be painted on boards or printed on paper or other material and pasted or fastened on boards and hung up and affixed and continued in some conspicuous place at or near the principal entrance to the said racecourse and also on the front or other conspicuous part of the grand stand on the said racecourse so as to give public notice thereof to the parties interested therein or affected thereby and such boards shall from time to time be renewed as often as the bye-laws thereon or any part thereof shall be obliterated or destroyed and no penalty imposed by any such bye-law shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

Bye-laws to be binding on all parties. **19.** SUCH bye-laws when so published and affixed shall be binding upon and be observed by all parties and shall be sufficient to justify all persons acting under the same and for proof of the publication of any such bye-laws it shall be sufficient to prove that a paper or other material or painted board containing a copy of such bye-laws was affixed and continued in manner by this Act directed and in case of its being afterwards displaced or damaged then that such paper or other material or board was replaced as soon as conveniently might be.

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20. ANY person offending against any bye-law made under this Act shall forfeit for every such offence any sum not exceeding Ten pounds to be imposed by such bye-law as a penalty for any such offence and to be recovered by information or complaint before any justice and if the infraction or non-observance of any of such bye-laws be attended with danger or annoyance to the public or hindrance to the committee 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 bye-law.

Offences against
bye-laws.

21. 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 connected therewith or wilfully trespass upon any such land building or premises or remove or wilfully injure any building enclosure post tree or shrub upon any such land shall on conviction thereof before a 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,
&c., of committee or
trespassing upon
racecourse.

22. ANY member 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 of the bye-laws made under this Act and whose name and residence shall not be given to such member officer or servant upon his requiring the same to be given and give such offender in charge to a police constable who shall convey him with all convenient dispatch before some justice without any warrant or other authority than this Act and such justice shall proceed with all convenient dispatch to the hearing of the complaint against the offender.

Transient offender
may be arrested.

23. NOTWITHSTANDING the liability of any person to any penalty under the provisions of this Act or of the bye-laws made under this Act 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 liabilities.

24. THE committee may by any bye-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 land for the time being vested in the chairman or to any building standing or being thereon and may demand recover and receive such tolls and charges from any person coming upon such land or any part thereof or into or upon any such building Provided that the committee may in and by any such bye-law provide that members of the club shall be exempt either wholly

Committee may fix
tolls and charges.

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Commissioner of
Crown Lands may
give notice to
repair, &c.

34. IF the person so as aforesaid authorised to inspect the said land premises and buildings certify under his hand to the Commissioner of Crown Lands that in his opinion the surface of the said land or any part thereof is imperfectly kept in order for the purpose of a public racecourse or that any building thereon is in want of repair or is unsafe to the public or in any other respect improper or unfit for use and which said certificate shall contain a detailed statement of all such defects and want of repair the Commissioner of Crown Lands may by notice in writing under his hand addressed to the chairman require the committee within a reasonable time after receipt of such notice well and sufficiently to repair and make good all or any of such defects and want of repair.

Service of notice.

35. EVERY such notice with a true copy of such certificate as aforesaid shall be personally served upon the chairman or some member or officer of the committee and a true copy of such notice shall be fixed upon some part of the land or buildings the subject of such notice and every such notice so served as aforesaid and a copy of which shall have been so fixed as aforesaid shall be deemed to have been duly served.

Committee to re-
pair, &c., upon
notice.

36. THE committee shall within a reasonable time after service of such notice in manner aforesaid well and sufficiently repair and make good all such defects and want of repair mentioned in the said certificate as by the said notice they shall be required to do.

Officers to give
security.

37. BEFORE any person entrusted with the custody or control of moneys whether treasurer collector or other officer of the club shall enter upon his office the committee shall take sufficient security from him for the faithful execution of his office.

Accounts to be
kept.

38. THE committee shall cause full and accurate accounts to be kept of all sums of money received or expended on account of the club and of the matters and things for which such sums of money shall have been received or expended.

Appointment of
auditors.

39. THE Commissioner of Crown Lands may from time to time appoint an auditor for the purpose of auditing the accounts of the club and such auditor may from time to time remove at pleasure.

Books to be
balanced and
audited.

40. THE books of the club shall in each and every year be balanced up to and inclusive of the thirtieth day of April in the year preceding and forthwith on the books being so balanced an annual account shall be made up which shall exhibit a true statement of the total receipts and expenditure of the club during the year immediately preceding the thirtieth day of April with a state-

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ment of the balance of such account and such books and accounts shall be examined and audited by the auditor so to be appointed as aforesaid and the balance and account shall be certified by the chairman and by such auditor as aforesaid.

41. A COPY of such annual account shall be transmitted by the chairman free of charge to the Registrar General on or before the first day of June in each year under a penalty of Five pounds for not preparing and rendering the said account to be levied by summary process and such account shall be open at all reasonable hours for the inspection of the public on payment of a fee of one shilling.

Copy of annual account to be transmitted to Registrar General.

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

Club not to be incorporated.

43. IF at any time after the passing of this Act the lands by this Act vested in or authorised to be demised to the chairman shall save and except with the consent of the Governor in Council given before the expiration of the period of twelve months hereafter mentioned cease for the period of twelve months at any one and the same time to be maintained and used as and for a public racecourse or if without the consent of the Governor in Council the said lands or any part thereof shall be used or applied for or to any other purpose than that of a public racecourse then and in either of such cases such part of the said land so ceasing to be maintained and used or so used or applied as aforesaid as the case may be shall at the end of the said period of twelve months revert to Her Majesty her heirs and successors for the benefit of the public.

If racecourse not maintained and used land to revert to the Crown.

44. NOTWITHSTANDING anything in this Act contained Her Majesty her heirs or successors shall not be entitled to take or resume possession of the lands by this Act vested or authorised to be vested in the chairman without previously paying to the chairman in trust for the club the value of all buildings then erected or being upon such lands such value to be determined in case of dispute in the manner in which disputed compensation for land is required to be determined by "The Railways Act 1878" and the other Acts amending the same.

Buildings to be paid for if possession re-resumed.

45. SAVE as herein expressly provided nothing in this Act contained shall be deemed to affect or apply to any right title or

Saving of rights.

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interest of Her Majesty her heirs or successors or of any body politic or corporate or of any person excepting such as are mentioned in this Act and those claiming by from or under them respectively.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Administrator.

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SCHEDULES.

First Schedule.

THE WESTERN AUSTRALIAN TURF CLUB.

Memorial of the name of the chairman of the committee of "*The Western Australian Turf Club*" to be recorded in the Supreme Court of the Colony of Western Australia pursuant to an Act of the Parliament of Western Australia passed in the year of the reign of Her Majesty Queen Victoria No. Section 4.

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

(Signed) A. B., Chairman.
C. D., } Members of committee of said
E. F., } Club and being a majority of
&c., } such committee.

I G. H. of _____ make oath and say that I was present and did see the foregoing memorial signed by the above-named chairman and also by the respective members of the committee whose names appear thereto and that the members of committee signing form a majority of the committee of "*The Western Australian Turf Club.*"

Sworn this _____ day of _____
One thousand eight hundred and _____ }
before me

Second Schedule.

THE WESTERN AUSTRALIAN TURF CLUB.

Mortgage No. _____ £

By virtue of "*The Western Australian Turf Club Act 1892*" I the chairman for the time being of the committee of "*The Western Australian Turf Club*" in consideration of the sum of _____ pounds paid to me by _____ of _____ do assign unto the said _____ his executors administrators and assigns all the rents and profits tolls charges and other revenue of the club present and future arising by virtue of the said Act and all the estate right title and interest of the club or of me as such chairman as aforesaid in the same To HOLD until the said _____ his executors administrators and assigns until the said sum of _____ pounds together with interest for the same at the rate of _____ for every one hundred pounds by the year be satisfied The principal sum to be repaid at the end of _____ years from the date hereof and interest to be paid half-yearly [or quarterly] on every _____ day of _____ and _____ day of _____

Section 28.

Given under by hand and seal this _____ day of _____
A.D. 189

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Third Schedule.

Section 29.

I of in consideration
of the sum of paid to me by of
do hereby transfer to the said his executors administrators
and assigns a certain mortgage No. made by the chairman for the
time being of the committee of THE WESTERN AUSTRALIAN TURF CLUB to
bearing date the day of A.D.
189 for securing the sum of and interest [*or if such*
transfer be by endorsement the within security] and all my right estate and
interest in and to the money thereby secured and in and to the rents and profits
tolls charges and other moneys thereby assigned.

In witness whereof I have hereunto set my hand and seal this
day of A.D. 189