



MEMORANDUM OF TRANSFER.

WHEREAS CHARLES HAYWARD BURGESS, of New Plymouth, Merchant, (hereinafter referred to as " the Transferor ") is registered as the proprietor of an estate of freehold in fee simple subject however to such encumbrances, liens and interests as are notified by Memorandum underwritten or endorsed hereon in ALL THOSE pieces of land situate in the Land District of Taranaki BEING FIRSTLY that piece of land containing eleven acres three roods twenty-six perches (1lac. 3r. 26 p.) be the same a little more or less BEING part of Sections numbers seven hundred and seventy one (771) and seven hundred and seventy two (772) Grey District as the same is more particularly described in a plan deposited in the office of the District Land Registrar at New Plymouth as Number 514 AND BEING the whole of the land comprised in Certificate of Title Volume 26 Folio 289A Taranaki Registry AND SECONDLY that piece of land containing Twelve decimal four perches (Oac. Or. 12.4 p.) be the same a little more or less BEING Section Three (3) Block (IX) Paritutu Survey District (formerly part Avenue Road closed) AND BEING the whole of the land comprised in Certificate of Title Volume 131 Folio 11 Taranaki Registry AND WHEREAS the Transferor is desirous of transferring the said pieces of land as a voluntary gift to THE MAYOR COUNCILLORS AND BURGESSES OF THE BOROUGH OF NEW PLYMOUTH a body corporate duly constituted under " The Municipal Corporations Act, 1933" (hereinafter together with the Council of the said Borough referred to as and included in the term " the Corporation ") for the purposes and upon the trusts hereinafter mentioned AND WHEREAS the Corporation (as is evidenced by its execution of these presents) has agreed to accept the transfer for the said purposes and subject to the said trusts NOW THIS MEMORANDUM WITNESSETH that in pursuance of the premises the Transferor DOTH HEREBY TRANSFER unto the

same a little more or less BEING part of Sections numbers seven hundred and seventy one (771) and seven hundred and seventy two (772) Grey District as the same is more particularly described in a plan deposited in the office of the District Land Registrar at New Plymouth as Number 514 AND BEING the whole of the land comprised in Certificate of Title Volume 26 Folio 289A Taranaki Registry AND SECONDLY that piece of land containing Twelve decimal four perches (Oac. Or. 12.4 p.) be the same a little more or less BEING Section Three (3) Block (IX) Paritutu Survey District (formerly part Avenue Road closed) AND BEING the whole of the land comprised in Certificate of Title Volume 131 Folio 11 Taranaki Registry AND WHEREAS the Transferor is desirous of transferring the said pieces of land as a voluntary gift to THE MAYOR COUNCILLORS AND BURGESSES OF THE BOROUGH OF NEW PLYMOUTH a body corporate duly constituted under " The Municipal Corporations Act, 1933" (hereinafter together with the Council of the said Borough referred to as and included in the term " the Corporation ") for the purposes and upon the trusts hereinafter mentioned AND WHEREAS the Corporation (as is evidenced by its execution of these presents) has agreed to accept the transfer for the said purposes and subject to the said trusts NOW THIS MEMORANDUM WITNESSETH that in pursuance of the premises the Transferor DOTH HEREBY TRANSFER unto the Corporation subject to the trusts hereinafter mentioned all his Estate and interest in the said pieces of land TO HOLD the same unto the Corporation for the purposes of a recreation reserve under and subject to the provisions of Sections 20 to 24 (both inclusive) of " The Public Reserves, Domains and National Parks Act, 1928" and any amendments thereof and of any act or acts passed in substitution therefor and upon the express condition that notwithstanding any provision or provisions in the said Act to the contrary the Corporation may from time to time exercise in respect of the said lands or any part thereof all or any of the following powers and discretions that is to say the Corporation may :-

- (a) Add to alter or reconstruct all or any of the buildings now upon the said lands for the purpose of converting the same into Tea or Refreshment rooms, rooms for dancing or other purposes

- of amusement or for the purpose of providing accommodation for a Caretaker or Caretakers of the said lands.
- (b) Erect or construct upon the said lands any building or buildings or other construction for the propagation or display of flowers ferns, shrubs or other plants,
- (c) Propagate and grow on the said lands for the purpose of sale, trees, flowers, leaves, ferns, plants, shrubs, and seedlings, and dispose of the same on such terms and conditions as the Corporation shall deem fit but nothing herein shall be construed to authorise the Corporation to cut down fell injure or destroy any growing or living timber or timberlike trees or anything in the nature of native bush or forest now or hereafter standing or being upon the said lands.
- (d) Carry on in the said buildings any business necessary or desirable for the purpose of providing tea and refreshment or amusement for the public or to let on such terms and conditions as it deems fit the said buildings for any period not exceeding two years to any person or persons for the purpose of carrying on any such business;
- (e) Prescribe that the public shall not be entitled to have admission to any building on the said land unless upon payment of such charge as the Corporation deems fit and upon observance of such conditions as the Corporation may prescribe.

PROVIDED ALWAYS that the net revenue derived by the Corporation by the exercise of all or any of the aforesaid powers and discretions shall be applied by the Corporation towards the maintenance upkeep and improvement of the said lands and buildings.

IN WITNESS whereof these presents have been executed this first day of August One thousand nine hundred and thirty-six (1936).

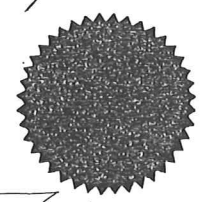
SIGNED By the said CHARLES HAYWARD BURGESS in the presence of :-

David Heston Solicitor New Plymouth

SEALED with the Common Seal of THE MAYOR COUNCILLORS AND BURGESSES OF THE BOROUGH OF NEW PLYMOUTH and SIGNED by two members of the New Plymouth Borough Council on behalf of by direction of the said Council in the presence of :-

John... Clerk... Town Clerk's Office New Plymouth.

George Fleming





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IN WITNESS whereof these presents have been executed this *first* day of *August* One thousand nine hundred and thirty-six (1936).

SIGNED By the said CHARLES HAYWARD BURGESS in the presence of :- } *Charles Hayward Burgess*
David Robinson
Solicitor
New Plymouth

SEALED with the Common Seal of THE MAYOR COUNCILLORS AND BURGESSES OF THE BOROUGH OF NEW PLYMOUTH and SIGNED by two members of the New Plymouth Borough Council on behalf of by direction of the said Council in the presence of : }

John ...
John ...
New Plymouth

George Fleming

