

No. III.

An Act to authorize the Resumption and Sale of the Field of Mars Common. [25th June, 1874.]

FIELD OF MARS
COMMON RESUMP-
TION.

WHEREAS by a certain instrument bearing date the eleventh day of August in the year one thousand eight hundred and four under the seal of the territory of New South Wales and under the hand of His Excellency Philip Gidley King Esquire then Captain General and Governor-in-Chief of the said territory the lands hereinafter in the Schedule hereto described were allotted as Common lands for the use of the settlers cultivators and other inhabitants of the district of the Field of Mars and Eastern Farms in the County of Cumberland in the Colony of New South Wales And whereas by a deed of grant under the Great Seal of the said Colony bearing date the tenth day of November one thousand eight hundred and forty-nine it was amongst other things recited that the said first-recited instrument was deemed insufficient in law for the purpose of securing and regulating the right of Common intended to be thereby granted And it was further recited that by a certain Act of the Governor and Legislative Council of New South Wales passed in the eleventh year of the reign of Her present Majesty intituled "*An Act to enable Trustees of Commons in New South Wales to have perpetual succession and to empower them to regulate the use of such lands as may be granted as Commons within the said Colony and for other purposes relating thereto*" certain provisions were made for the purposes in the title to the said Act mentioned And whereas by the said lastly-recited deed of grant the lands therein particularly described (being the lands also described in the Schedule hereto) were given and granted unto the Reverend George Edward Turner Duncan Mackellar and James Devlin and their successors to be appointed as in and by the said Act provided as trustees of the Field of Mars Common situated in the district formerly known as the Field of Mars and Eastern Farms upon the trusts and subject to the reservations and conditions thereafter in such deed of grant expressed And whereas the said Act of the eleventh year of Her present Majesty was repealed by an Act passed in the thirty-sixth year of Her Majesty's reign and numbered twenty-three being the "Commons Regulation Act of 1873" and other provisions for the incorporation of trustees and the regulation of Commons have amongst other things been thereby enacted but no provision has been made for the surrender or resumption of Common Lands And whereas it is deemed expedient that the lands included in such grant as aforesaid and known as the Field of Mars Common shall be resumed by the Crown free from all trusts affecting the same in order that such lands may be sold and that the proceeds of the sale thereof may

Field of Mars Common Resumption.

may be devoted towards defraying the cost of a bridge suitable for general traffic intended to be constructed by the Governor with the advice of the Executive Council across the Parramatta River at some point to be hereafter determined by the Governor with the said advice. 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 New South Wales in Parliament assembled and by the authority of the same as follows :—

Resumption of Field
of Mars Common.

1. From and after the day of the passing of this Act the land described in the Schedule hereto being the land known as the Field of Mars Common together with the fee simple and inheritance thereof is hereby declared to be resumed by and to be vested in Her Majesty her heirs and successors absolutely free from all trusts conditions reservations rights-of-way easements and other rights whatsoever.

Land to be surveyed
&c.

2. It shall be lawful for the Governor with the advice of the Executive Council to cause a survey and plan of the said land so resumed to be made in which plan shall be marked out such roads streets public thoroughfares and other reserves for public purposes and also such subdivisions or allotments of the said land for the purposes of sale as the Governor with the said advice may think proper to reserve or make. And such plan when completed shall be open for inspection without fee at all reasonable hours at the office of the Secretary for Lands and at such other places as he may appoint.

Sale of land
resumed.

3. The land so resumed as aforesaid shall at such times (not being less than one calendar month after the completion of the said plan) and at such places as may be appointed by the Secretary for Lands be put up for sale by public auction. And fourteen days notice at the least of every such sale shall be given by publication in the *Gazette*. And in such notice the allotments to be sold shall be designated in accordance with the said plan. And the Crown shall have all powers of sale and grant in respect of such lands as are incident by law to the sale of Crown Lands and the proceeds of every such sale (after deducting therefrom any costs or charges incurred therein) shall be paid to the Colonial Treasurer and by him be carried to the credit of a separate fund or account as part of the Public Revenue.

Short title.

4. This Act may be cited as the "Field of Mars Common Resumption Act of 1874."

SCHEDULE.

ALL that piece or parcel of land situate in the county of Cumberland parishes of South Colah the Field of Mars and Hunter's Hill containing six thousand two hundred and thirty-five acres. Bounded first by the north side-line of Haynes' thirty acres in the parish of Hunter's Hill commencing at a marked rock on Lane Cove River being the north-east corner of the said thirty acres and bearing south seventy-four degrees forty-five minutes west then by the north side-line of Everard's thirty acres bearing west nineteen degrees forty-five minutes north then by part of the east side-line of Sarah Field's sixty acres bearing north nineteen degrees forty-five minutes east then by the north side-line of the said sixty acres bearing west nineteen degrees forty-five minutes north then by part of the west side-line of the said sixty acres bearing south nineteen degrees forty-five minutes west by the north side-line of Tyrrell's thirty acres bearing west thirty-one degrees forty-five minutes north then by part of the east side-line of Raven's two hundred and eighty-five acres bearing north thirty-one degrees forty-five minutes east then by the north side-line of the grants to Raven Morrison Hatton and by part of the north side-line of Lawrel's thirty acres bearing west thirty-one degrees forty-five minutes north then by the east side-line of Small's thirty acres bearing north thirty-one degrees forty-five minutes east then by part of the south side-line of Brown's one hundred and fifty acres bearing east thirty-one degrees forty-five minutes south then by east side-line of Brown's one hundred and fifty acres bearing north thirty-one degrees forty-five minutes east then by part of the south side-line of Connor's one hundred and forty acres bearing east thirty-one degrees forty-five minutes south then by the east side-line of Connor's one hundred and forty acres bearing north thirty-one degrees forty-five minutes east then by the north

Cleveland-street Formation.

north side-lines of the grants to Connor's and Weaver's bearing west thirty-one degrees forty-five minutes north then by part of the east side-line of Kent's five hundred and seventy acres bearing north thirty-one degrees forty-five minutes east then by the north side-line of the said five hundred and seventy acres bearing west thirty-one degrees forty-five minutes north then by the west side-line of the said five hundred and seventy acres bearing south thirty-one degrees forty-five minutes west then by the north-east side-line of Moore's grant bearing north thirty-two degrees twenty minutes west then by the north-west side-line of Brabyn's two hundred acres bearing west thirty-eight degrees ten minutes south then by the north-west side line of Harding's twenty-five acres bearing west twenty-four degrees ten minutes south then by a reserved road of one chain width dividing it from the grants of Kent's one hundred and seventy acres and four hundred and sixty acres bearing north twenty-four degrees ten minutes west to a creek then by that creek bearing north and westerly (being the northern boundary of Kent's four hundred and sixty acres and some Crown land) to Rowland Hassel's one hundred acres then by a part of the north-east side-line of the said one hundred acres bearing north twenty-one degrees west then by a part of the south-east side-line of Savage's two hundred and ninety acres bearing east twenty-one degrees north then by the north-east side-line of the grants to Savage Russell and by a part of the north-east side-line of Pincham's fifty acres bearing north twenty-one degrees west then by a line bearing east twenty-five degrees forty-five minutes south to the Lane Cove River and by that river bearing easterly and southerly to the aforesaid marked rock advertised as number four in the Government notice dated the twenty-ninth day of August one thousand eight hundred and forty-eight.
