

Act No. 39, 1905.

SYDNEY
CORPORATION
(AMENDMENT).
—

An Act to make further and better provision for the municipal government of the city of Sydney; to amend the Sydney Corporation Act, 1902, and the Sydney Corporation (Amendment) Act, 1902; to amend the law in respect of the city members of the Board of Water Supply and Sewerage, and in respect of the member of the Fire Brigades Board elected by the municipal council of Sydney; to give the said council power to purchase or resume lands in the said city; to remodel and deal with same, and to provide for workmen's dwellings on the sites resumed or elsewhere, and to borrow the necessary moneys therefor; to confer further borrowing powers on the said council; to vest certain lands in His Majesty as Crown lands; to amend the city boundaries; and for other purposes incidental thereto or consequent thereon. [9th December, 1905.]

BE it enacted by the King'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:—

Short title.

1. This Act shall be construed and read as one with the Sydney Corporation Act, 1902, hereinafter called the Principal Act, and the Sydney Corporation (Amendment) Act, 1902, and may be cited as the "Sydney Corporation Amendment Act, 1905."

Definition.

2. In this Act, unless the context otherwise indicates,—
"Council" means the municipal council of Sydney.
"Hoardings" includes any hoarding, post, frame, wall, or structure used for the exhibition of placards, bills, or advertisements.

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3. Sections nine, twelve, thirteen, and fourteen of the Principal Act are hereby respectively amended, as follows:—

- (1) By the omission in subsection one of section nine of the words "for any year."
- (2) By the omission in paragraph (a) of subsection one of section nine, after the word "September," of the words "of that year," and the insertion in lieu thereof of the words "of the year in which a roll is to be prepared as hereinafter provided."
- (3) By the omission in paragraphs (b) and (c) of the same subsection, after the word "September," of the words "in that year," and the insertion in lieu thereof respectively of the words "of the year in which a roll is to be prepared as hereinafter provided."
- (4) By the omission in subsection one of section twelve, after the word "October," of the words "in each year," and by the insertion in lieu thereof of the words "in each such year."
- (5) By the omission in subsection one of section thirteen of the words "in any year," after the word "October," and the insertion in lieu thereof of the words "in any such year."
- (6) By the insertion in section fourteen, after the word "November," of the words "in every such year."

4. Section seventy-three of the Principal Act is hereby amended—

- (1) by the omission of the words "fairly transcribed," and by the insertion in lieu thereof of the words "printed and posted";
- (2) by the addition at the end of the section of the words "Provided that the council may at any such meeting by resolution without notice, passed unanimously by the members present, authorise such chairman to sign such minutes as being read and confirmed without such minutes being actually read, and thereupon such chairman shall sign such minutes as being read and confirmed."

5. Section eighty-four of the Principal Act is hereby amended as follows:—

- (1) By the insertion in subsection one thereof, after the word "building" whenever the same occurs therein, of the words "or any inner or outer portion thereof."
- (2) By the omission in subsection one thereof, after the words "in a ruinous or dangerous state he," of the words "shall immediately," and by the insertion in lieu thereof of the word "may."
- (3) By the insertion in subsection one thereof, after the words "fence to be put up," of the words "and lights and other appliances to be used."

Amendment of
sections 9, 12, 13,
and 14 of the
Principal Act.

Amendment of
section 73 of
Principal Act.

Amendment of
section 84 of
Principal Act.

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(4) By the omission in subsection one thereof of the word "passengers," and the insertion in lieu thereof of the words "life and property, all expenses thereof to be paid by the owner or tenant."

(5) By the omission in subsection three thereof, after the words "written demand of," of the words "such expenses," and the insertion in lieu thereof of the words "all or any of the expenses hereinbefore mentioned."

6. Subsection one of section one hundred and ten of the Principal Act is hereby amended by the addition at the end of the subsection of the words "Provided that when any ratable property owned or occupied as a whole is not wholly situate within the boundaries of any one ward, but extends into or over two or more wards, such property may be assessed as a whole and be deemed to be situate in any one ward selected by the valuers and the assessment thereof entered in the Ward Assessment Book for any such ward."

7. Section one hundred and seventeen of the Principal Act is hereby amended—

(1) by the insertion in subsection one, after the word "decision," of the words "by the District Court";

(2) by the addition to subsection one of the words "Provided that in case of an appeal to the Supreme Court, and in case the decision of such appeal should necessitate alterations being made in any Ward Assessment Book, then such alterations shall be made and, when confirmed by the council and signed by the town clerk, shall be deemed portions of the original Ward Assessment Books of the city and be as valid in law as if originally parts thereof";

(3) by the omission in subsection two of all the words after the words "omitting therefrom," and by the insertion in lieu thereof of the words "any ratable land on which any building has been erected, altered, or pulled down, or any ratable property which has been subdivided since the date of any previous assessment, and by inserting in the said books any ratable land on which any building has been erected, altered, or pulled down, or any ratable property which has been subdivided, or any property which has become ratable property since the date of such assessment, or any ratable property which was omitted therefrom with an assessment of the same according to its like annual value";

(4) by the omission in subsection three of all words down to and including "the town clerk who" and the insertion in lieu thereof of the words "The alteration in such assessment book shall be made before the thirty-first day of December in every year, and the town clerk."

Amendment of
section 110 of the
Principal Act.

Amendment of
section 117 of
Principal Act.

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8. Subsection two of section one hundred and twenty-two of the Principal Act is hereby amended—

- (1) by the omission, after the word "assessed," of the word "buildings," and by the insertion in lieu thereof of the words "ratable property";
- (2) by the omission of the words "annual value of such buildings as ascertained and determined by," and by the insertion in lieu thereof of the words "assessment in."

9. Section one hundred and forty of the Principal Act is hereby amended—

- (1) By the omission in subsection one of the words "may enclose such portion of the said park as they may think fit, and let the land so enclosed, together with such buildings thereon erected, for any continuous period or periods during the year not exceeding in the whole four months," and by the insertion in lieu thereof of the words "may from time to time let the building known as the Old Exhibition Building, in Prince Alfred Park, for such term, not exceeding one year, and for such purposes and upon such conditions as the Council shall think fit."
- (2) By the omission of subsections two and three.

10. Section one hundred and forty-one of the Principal Act is hereby amended by the omission of the words "provided that they," and the insertion in lieu thereof of the words "provided that in the case of a lease exceeding two years such premises."

11. Subsection one of section one hundred and ninety-three of the Principal Act is hereby amended by the omission of the words "the Act forty-first Victoria number eleven or of any other Act passed prior to the last mentioned Act," and by the insertion in lieu thereof of the words "any Act heretofore or hereafter passed."

12. (1) In addition to the powers conferred by the Principal *By-laws*, Act, the council may make by-laws—

- (a) for the good government of the city;
- (b) for the regulation and control of hoardings now or hereafter to be erected in the city, and of bills, placards, and advertisements attached to or painted on any such hoardings;
- (c) for preventing the erection or use of any hoarding in the city without the consent of the council or the officers appointed by it;
- (d) for the demolition and removal by the council or any person acting under its authority of any hoarding now or hereafter to be erected in the city, or of any bill, placard, or advertisement attached thereto or painted thereon, which in the opinion of the city surveyor or other officer appointed by the council in this behalf, is or may be objectionable, unsightly, or dangerous,

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or

Amendment of
section 122 of the
Principal Act.

Amendment of
section 140 of the
Principal Act.

Amendment of
section 141 of the
Principal Act.

Amendment of
section 193 of the
Principal Act.

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or of any hoarding which shall be erected in the city without the consent of the council or of the officer appointed by it in this behalf, and for the recovery of the expense thereof;

- (e) for the regulation, control, or prohibition, and removal of signboards, signs, lamps, and devices now or hereafter to be erected over or near any public way in the city;
- (f) for prescribing and regulating the collection and removal from public ways and from any premises in the city of filth and refuse matter, for the cleansing of footways and pavements adjoining any premises, for the payment of charges for the removal of trade refuse from any premises, and for fixing the amount of such charges;
- (g) for the regulation and control of the construction of furnaces and chimneys in the city in such a way as to prevent so far as possible the formation of smoke, and for prescribing and compelling the carrying out of structural alterations therein for that purpose, and for regulating and controlling the use of such furnaces and chimneys, and for the inspection of such furnaces and chimneys. For the purpose of such by-laws, any number of furnaces connected with or communicating with any such chimney shall be deemed to be one furnace;
- (h) for the regulation and control of all stands and stalls used in any public way in the city for the sale of refreshments or fruit;
- (i) for the regulation and control, subject to the provisions of the Neglected Children and Juvenile Offenders Act, 1905, of all persons engaged in the sale of articles or goods, or in the occupation of a shoebblack in any public way in the city;
- (j) for the prevention of betting or wagering in any public way in the city.

(2) The council may by any such by-laws fix the maximum penalty for every offence against such by-laws, or any of them, not exceeding the penalty (if any) by this or the Principal Act fixed for the same offence and in any other case not exceeding ten pounds.

(3) The provisions of the Principal Act relating to by-laws made under the authority of that Act shall be applicable to by-laws made under the authority of this Act.

Amendment of s. 211
of Principal Act.

City members of the
Board of Water
Supply and
Sewerage.

13. Section two hundred and eleven of the Principal Act is hereby amended by the omission of the words "not exceeding three years' arrears."

14. Notwithstanding anything to the contrary contained in the Metropolitan Water and Sewerage Act of 1880, or any Act amending the same,—

(1) the city members of the Board of Water Supply and Sewerage within the meaning of the said Acts (hereinafter called city members) to be from time to time elected under the provisions thereof shall be aldermen of the council;

(2)

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- (2) any city member who at the date of the passing of this Act has ceased to be an alderman of the council shall forthwith cease to be such city member;
- (3) whenever any city member heretofore or hereafter elected shall cease to be an alderman of the council, he shall forthwith cease to be such city member;
- (4) whenever a city member ceases to be such city member under this section an extraordinary vacancy shall be deemed to be created upon such board, and such vacancy shall be filled in the manner provided by section eighteen of the Metropolitan Water and Sewerage Act of 1880 or any amendment thereof;
- (5) any city member elected to fill such extraordinary vacancy shall, subject to the provisions of the said Act and of this Act, hold office until the date upon which his predecessor's term of office would have expired by effluxion of time, and no longer.

15. Notwithstanding anything to the contrary contained in the Fire Brigades Act, 1902, or any Act amending the same,—

Council's members
of the Fire Brigades
Board.

- (1) the member of the Fire Brigades Board within the meaning of the said Acts to be from time to time elected by the council under the provisions thereof shall be an alderman of the council;
- (2) any member of such board elected by the council who, at the date of passing of this Act, has ceased to be an alderman of the council shall forthwith cease to be a member of such board;
- (3) whenever any member of such board heretofore or hereafter elected by the council shall cease to be an alderman of the council he shall forthwith cease to be a member of such board;
- (4) any member of such board to be elected by the council may at any time cease to be a member of such board by giving a written notice of resignation to the secretary thereof;
- (5) whenever any member of such board heretofore or hereafter elected by the council ceases to be a member of such board an extraordinary vacancy shall be deemed to be created on such board, and such vacancy shall be supplied by an election which shall be conducted as nearly as may be in the same manner as the periodical elections under the said Acts are to be conducted;
- (6) the power of the Governor to make regulations, conferred by section five of the Fire Brigades Act, 1902, shall extend and be applicable to elections to supply such extraordinary vacancy;

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(7) any person elected to fill such vacancy shall, subject to the provisions of the said Act and of this Act, hold office until the date upon which his predecessor's term of office would have expired by effluxion of time, and no longer.

PART II.

RESUMPTION.

Power to purchase or resume.

16. The council may from time to time with the approval of the Governor, in pursuance of the provisions hereinafter mentioned, without further or other authority than this Act, purchase or resume the whole or any part of the lands described in Schedules A and B to this Act, and any land required for carrying out improvements in or remodelling any portion of the said city, or for any of the purposes of the Principal Act or the Municipal Council of Sydney Electric Lighting Act. For the purposes aforesaid, the council shall have power, by its officers or servants, to enter upon and survey any lands within the said city.

Preliminary expenses.

17. The council may use the city funds for the purpose of obtaining plans, estimates, and reports as to the cost or desirability of purchasing or resuming lands and constructing works under the authority of this Part: Provided that in the event of such lands being purchased or resumed, or such works constructed, such preliminary expenditure shall be charged to the special account to which the cost of such purchase, construction, or resumption is charged.

Notices.

18. The council may from time to time, with the approval of the Governor, cause a notice of the resumption of any of the lands mentioned in section nineteen of this Part, together with a description of the land, to be published in the Gazette and each of the Sydney daily newspapers, and a plan of such land, showing as far as can be ascertained the separate parcels of same where the same is held by more than one owner, shall be deposited with the city surveyor, at the Town Hall, Sydney, and with the Chief Surveyor, at the Department of Lands, Sydney, which plans shall be open for public inspection.

Vesting.

19. Upon the publication of such notice and description, the land therein described shall, for the purposes and subject to the provisions of this Act, be vested in the council for an estate in fee simple in possession freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way, or easements whatsoever.

Compensation.

20. The owner of any land so resumed, or the person who, but for the provisions of this Act, would have been such owner, shall be entitled to receive compensation for such land, and the amount of

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of such compensation shall be ascertained in accordance with the provisions of the Public Works Act, 1900. For the purpose of ascertaining and dealing with such compensation, and for other purposes subsidiary thereto, the several sections of the Public Works Act, 1900, hereinafter specified, together with the respective powers, authorities, duties, liabilities, obligations, and other the provisions therein contained are hereby declared to be incorporated with and embodied in this Act to the intent that the same may be applied as fully and effectually to and in respect of the land resumed under this Act, as if the said sections had been specifically enacted herein: Provided that, wheresoever in any section so incorporated, the words "constructing authority" occur, there shall, for the purposes of this Act, be substituted in lieu of such words the expression "council"; that the expression "authorised work," wheresoever occurring in any such section, shall be held to refer to the works authorised by this Act; and that the words "this Act" shall similarly be held to refer to the present Act. The following are the sections of the said Public Works Act so declared to be incorporated herewith:—

- (a) As to the conversion of the estates of owners of land into a claim for compensation (section thirty-nine).
- (b) As to notice of claim for compensation and abstract of title (section ninety-five).
- (c) As to procedure after receipt of notice of claim (section ninety-six).
- (d) As to the nature of the issue in actions for compensation, verdict and costs, the payment of compensation and mode of assessing compensation, and the obligation of the party claiming payment to make out a title (sections ninety-nine, one hundred and seventeen, and one hundred and nineteen): Provided that in section ninety-nine the words "or the District Court as the case may be" shall be deemed to be added thereto at the end of subsection three thereof, and provided that in section one hundred and seventeen—
 - (1) the words "as the case may be" shall be deemed to be omitted therefrom, and the word "court" shall be substituted in lieu of the words "magistrates, arbitrators, surveyors, valuators, or jury," and "magistrates, arbitrators, surveyors, valuators, and jury," respectively;
 - (2) the words "establishment of railway or other public works upon or for which such land was resumed" shall be deemed to be omitted therefrom, and the words "construction of works by the council upon the land resumed" inserted in lieu thereof;

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(3) and the words "Provided also that in assessing the purchase money or compensation in respect of the resumption of any land comprised or described in Schedules A and B of this Act, no allowance shall be made for compulsory purchase or forced sale" shall be deemed to be added thereto; and provided that in section one hundred and nineteen the word "four" shall be deemed to be inserted in lieu of the word "six," and subsection (three) thereof shall be deemed to be omitted.

(e) As to procedure on registration or transfer (section forty): Provided that the words "authorised by subsection two of section ninety-one of this Act to be offered for sale by public auction" shall be deemed to be omitted from such section, and the words "sold by the council under the authority of this Act" be inserted in lieu thereof.

(f) As to the deposit of compensation money, in certain cases with the master in equity, and the application and investment thereof; as to the payment of such money in certain cases to trustees, or to the parties themselves, the exoneration of the constructing authority in respect thereof after payment, the presumption of ownership and payment of costs (sections forty-seven to fifty-seven, both inclusive).

(g) As to the procedure by the constructing authority, in case the owner or occupier of any land resumed under this Act refuses to give up possession thereof, or hinders the constructing authority from entering upon or taking possession of the same (section fifty-eight).

(h) As to the purchase or redemption of the interests of mortgagees, and the deposit of principal and interest due on mortgages with the master in equity, the procedure to be observed when the mortgaged lands are of less value than the mortgage debt, and where part of mortgaged land is taken (sections fifty-nine to sixty-four, both inclusive).

(i) As to the release of lands from rent charges and other encumbrances, and the procedure thereon (sections sixty-five to sixty-eight inclusive).

(j) As to the apportionment of rent, where lands so resumed are under lease, and as to compensation to tenants (sections sixty-nine to seventy-two, both inclusive);

and in order to carry out the intentions of this section, the words "this Act" or "this division of this Act," whenssoever occurring in any of the sections so declared to be incorporated herewith, shall be held to include this present Act, and there shall be substituted for the words "Minister and Crown Solicitor," wherever occurring in the said section, the words "Lord Mayor and City Solicitor" respectively.

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21. If, within ninety days after the notification to the claimant of the council's valuation, the council and the claimant do not agree as to the amount of compensation, the claimant may institute proceedings in the Supreme Court in the form of an action for compensation against the council, which action shall be tried before a judge of such court and a jury: Provided that where the whole amount of the claim does not exceed four hundred pounds, or where the council and the claimant, by a memorandum signed by the claimant or his solicitor and the city solicitor, agree thereto, the action for compensation shall be instituted in the District Court, Sydney, and tried by a judge of such court and a jury.

22. (1) The council may, in respect of any land purchased or resumed by it under the authority of this Act, do all or any of the following things—

- (a) demolish or repair any buildings or erections thereon;
- (b) construct new buildings or erections thereon;
- (c) close, alter, widen, extend, or divert any existing public way thereon;
- (d) construct and open any new public way thereon;
- (e) alter the levels of such land, and alter existing drains, and construct new drains and stormwater sewers thereon;
- (f) generally alter, remodel, and improve such land and buildings in such manner as the council may think fit;
- (g) sell the whole or any portion of such land, in one or more lots, by public auction or private contract, and on such terms and conditions (including power to take securities for any balance of purchase money or allow such period for payment of same) as the council may think fit;
- (h) lease the whole or any portion of such land for such periods and on such terms and conditions as the council may think fit.

(2) All conveyances of land not under the provisions of the Real Property Act, 1900, sold under the powers conferred by this section shall, mutatis mutandis, be in the form of Schedule C to this Act.

23. It shall be lawful for the council from time to time, with the approval of the Governor, to borrow, in manner hereinafter provided and subject to the conditions hereinafter prescribed, any sum or sums of money for the aforesaid purposes, or any of them, or for any of the purposes of the Municipal Council of Sydney Electric Lighting Act, or for constructing or improving the public ways of the said city. And all sums lawfully borrowed under this Act shall be deemed to be secured upon the corporate rates and revenues of the council from whatever

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whatever source arising, and the following conditions, qualifications, and provisions shall regulate the borrowing of moneys and issue of debentures under this Act :—

- (a) All moneys borrowed by the council, under the provisions of this Act, shall be raised by the sale of debentures, to be issued in such series at such times and in such manner as the council may think fit. The council may, on the maturity of any such debentures, issue new debentures to retire or repay the same. All such original or substituted debentures shall have a currency not exceeding in the aggregate fifty years, and shall bear interest at a rate not exceeding four per centum per annum, and shall be in the form of Schedule D hereto, and the council may fix the price either at or above or below par at which such debentures may be sold.
- (b) Every such debenture shall be numbered in regular ascending arithmetical progression, whereof the common difference shall be one, and shall have annexed, for every payment of interest to grow due thereon, a coupon bearing the same number as the debenture.
- (c) Every such debenture shall name the principal sum secured thereby, which shall be twenty pounds, or a multiple of twenty pounds, the rate at which interest is payable thereon, and the time and place where such principal and interest are payable and every such debenture shall be under the corporate seal of the council, and be signed by the Lord Mayor and Town Clerk, and countersigned by the City Treasurer, and shall bear date on the day on which it is sealed.
- (d) Every such debenture, and any coupon whether annexed thereto or not, may be transferred by simple delivery.

Payment to holders of debentures and coupons.

24. The holder of any such debenture issued under the provisions of this Act, shall be entitled to receive payment from the council of the principal sum named therein, upon presentation of such debenture on or after the due date thereof, at the place where the same is expressed to be made payable. And the holder of any coupon originally annexed to a debenture, and whether separated therefrom or not, shall be entitled to receive payment in like manner of the interest mentioned in such coupon, upon presentation of the same at the place where, and on or after the date when such interest is payable.

Provisions where council makes default in payment.

25. If default is made by the council in making any payment, whether of principal or interest, to the holder of any such debenture or coupon, the following provisions shall take effect, namely :—

- (a) The holder of such debenture or coupon shall have full power to make all necessary applications to, and procure all necessary orders and directions from the Supreme Court, for and touching the appointment of a receiver, and the said court shall

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shall have power to make all such orders for the appointment of a receiver, or for his removal and the appointment of another in his place, as may be necessary, and to make any orders and give any directions which the said court may think proper, and such receiver shall be deemed to be an officer, and shall act under the direction of the said court.

- (b) Such receiver shall have power to make, levy, and collect all rates and revenues whatsoever payable to the council for or in respect of which he has been appointed receiver, but the rates so made and levied shall not exceed the maximum limits permitted under the provisions of the law in force for the time being, and for such purpose such receiver shall be deemed the council, and may exercise all the powers thereof.
- (c) Such receiver shall be entitled to such commission, payable out of the city rates, as remuneration for his services, as the said court may appoint.
- (d) Such receiver shall, subject to any order of the said court, pay over all moneys received by him to such holder, and if there be any balance in hand over and above the amount due and payable to him under the provisions of this Act, the receiver shall pay such balance to the council.

26. A sinking fund for the repayment of each of the principal ^{sinking fund.} sums borrowed under the authority of this Act shall, subject to conditions to be approved by the Governor, be established by the council, and in each and every year, commencing with the year following that in which the loan shall be raised in respect of which any such sinking fund is to be established, the council shall, during the currency of such debentures, pay into such sinking fund a sum of money sufficient, on the basis of three per centum per annum, compound interest, and with like annual payments, to redeem the loan in respect of which such sinking fund shall be established, at the expiration of fifty years from the date thereof: Provided that the council may, from time to time, reduce the annual payments to such sinking fund to such sum as shall be sufficient, on the basis of three per centum per annum, compound interest, with like annual payments, to provide, at the expiration of the said term of fifty years, a sum equivalent to the difference between the amount of such loan, and the amount then received of the net proceeds of the sales of any land under the powers hereinbefore contained and invested in the manner hereinafter provided. The money so to be paid, and the net proceeds of realisation of any land sold by the council under the powers hereinbefore conferred, shall be invested upon Government securities, or securities of the council, or securities of any borough or municipal district of the State of New South Wales, or in or upon any of the stocks, funds, or securities, in or upon which, by any general order, cash under the control of the

Supreme

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Supreme Court of New South Wales, in its equitable jurisdiction, may, from time to time be invested, or upon such other securities as the Governor by writing may approve, and the produce of all such investments shall be reinvested in like manner. The council may at any time apply the whole or any part of such sinking fund in or towards the discharge of any moneys borrowed under this Act, but they shall, in every such case, recoup the fund by paying thereinto, every half year, a sum equal to the interest which any sum so applied would have produced if left invested. If the council make default in establishing any such sinking fund as aforesaid, or do not, within seven days after notice in that behalf, under the hand of the State Treasurer, has been given to the town clerk, show to the satisfaction of the State Treasurer, or any officer to be appointed by him, that the annual payments and investments required by this Act for the formation of any sinking fund required to be established under this Act have been duly complied with, it shall be lawful for the Governor to apply to the Supreme Court for the appointment of a receiver of the rates and other revenues of the council. And the said court, and the receiver so to be appointed, shall have all such powers, mutatis mutandis, as are hereinbefore provided for the benefit of the holders of unpaid debentures.

Application of
proceeds of sales.

Provisions of Act
to be cumulative.

27. The net proceeds of realisation of any land sold by the council under the provisions hereinbefore contained, and the investments and securities representing the same, shall be set apart by the council and applied in or towards repayment of the loan raised by the council for the purchase or resumption of such land or the construction of works thereon. The interest upon such money and the investments or securities representing the same, and the rents and proceeds of lands leased by the council under the powers hereinbefore contained, shall from time to time be paid into the city fund.

28. The provisions of this Act shall be read and construed cumulatively with, and not in exclusion or derogation of, any borrowing powers conferred on the council by any Act now or hereafter to be passed.

PART III.

CENTENNIAL PARK AND MOORE PARK LANDS.

29. In order to enable an agreement between the Governor and the council to be carried out, the following provisions shall take effect:—

Certain portion of
Centennial Park
vested in His
Majesty as Crown
lands.

(1) The several portions of land described in Schedule E, and now vested in the Chief Minister under the Centenary Celebration Act, are divested from the said Minister, and are

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are vested in His Majesty as Crown lands within the meaning and subject to the provisions of the Crown Lands Act of 1884 and the Acts amending the same, free from all estates, conditions, reservations, and dedications now affecting such land.

(2) The several portions of land described in Schedule F, and now vested in the council under the Public Parks Act, 1902, are divested from the council, and are vested in His Majesty as Crown lands within the meaning and subject to the provisions of the Crown Lands Act of 1884 and the Acts amending the same, free from all estates, conditions, reservations, and dedications now affecting such land.

Portion of Moore Park vested in His Majesty as Crown lands.

AMENDMENT OF CITY BOUNDARIES.

30. The Second Schedule of the Principal Act is amended by omitting, after the words "southern alignment of" (where they occur for the first time in that Schedule) the words "the South Head old road; thence by the southern alignment of that road easterly to its intersection with the line laid down, marked out by stone posts, and deemed to be the dividing line between the Sydney Common and the water reserve; thence again on the east by the said dividing line to its intersection with the southern boundary of the Sydney Common; thence by that boundary;" and inserting in lieu thereof the words "Oxford-street; thence by the southern alignment of that street bearing easterly to its intersection with the northern building line of Park-road; thence by a line southerly to the intersection of the south-east side of Park-road with the eastern side of Lang-road; and thence on the east and south-east by the eastern and south-eastern sides of Lang-road before mentioned, bearing southerly and south-westerly until it meets the prolongation of the south-east side of Cook-road; and thence by the prolongation of that side of that road south-westerly to its intersection with the north-eastern side of Martin-road, being a point on the southern side of a dwarf wall on the southern side of the Grand Drive; thence by the southern, south-western, and north-western sides of that dwarf wall forming the northern, north-eastern, and south-eastern sides of Martin-road, to its intersection with the south-western side of Oxley-street; thence by a line crossing the Sydney to Randwick tramway and the Randwick-road to the intersection of the southern side of Lachlan-street extension with the south-western side of the Bunnerong-road; thence by that side of that road bearing south-easterly to the northern boundary of the Kensington Estate; thence by that boundary and part of the southern boundary of the Sydney Common bearing westerly.

Amendment of the
Second Schedule of
the Principal Act.

SCHEDULES.

Sydney Corporation Amendment.

SCHEDULES.

SCHEDULE A.

ALL that piece or parcel of land situate, lying, and being in the city of Sydney, parishes of Saint Andrew and Petersham, county of Cumberland, and State of New South Wales: Commencing at the intersection of the eastern side of an open sewer known as Blackwattle Swamp Creek with the northern building alignment of George-street West, and bounded on the south by part of that northern building alignment of George-street West, being a line bearing westerly to its intersection with the eastern building line of Bay-street; and thence on the west by that eastern building line of Bay-street bearing northerly to its intersection with the south-eastern building line of William Henry street; thence on the north by that building line of William Henry street aforesaid north-easterly to where it intersects the north-eastern side of the open sewer aforesaid; thence generally on the north-east by that north-eastern side of the open sewer aforesaid to the point of commencement.

SCHEDULE B.

Wexford-street Area.

ALL that piece or parcel of land situate, lying, and being in the city of Sydney, parishes of Alexandria and Saint Lawrence, county of Cumberland, and State of New South Wales. Commencing at a point, being the intersection of the eastern building line of Elizabeth-street with the southern building line of Goulburn-street; and bounded on the north by the aforesaid southern building line of Goulburn-street bearing easterly to the western building line of Macquarie-street; thence on the east by that building line of Macquarie-street bearing southerly to the south-western building line of Hunt-street; thence on the south-west by that aforesaid building line of Hunt-street bearing north-westerly to the south-eastern building line of Foster-street; thence on the south-east by that building line of Foster-street bearing south-westerly to the building line of Campbell-street; thence again on the south-west by that building line of Campbell-street bearing north-westerly to the eastern building line of Elizabeth-street; thence on the west by that building line of Elizabeth-street bearing northerly, to the point of commencement.

Also that land commencing at the intersection of Macquarie and Goulburn streets, and bounded on the north by the southern building line of Goulburn-street aforesaid bearing easterly to the western building line of Brisbane-street; thence on the east by that building line of Brisbane-street bearing southerly to the northern building line of Little Upton lane; thence on the south by that building line of Little Upton lane bearing westerly to the eastern building line of Macquarie-street aforesaid; thence on the west by that building line of Macquarie street bearing northerly, to the point of commencement.

SCHEDULE C.

THIS indenture, made the day of , one thousand nine hundred and , between the municipal council of Sydney, in the State of New South Wales (hereinafter called the council), of the one part, and of , hereinafter called the purchaser, of the other part, witnesseth that the said council, in consideration of the sum of now paid to it (the receipt whereof is hereby acknowledged) doth hereby grant enfeoff and release unto the purchaser, his heirs and assigns,

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assigns, all that piece or parcel of land described in the Schedule hereto, to hold the said piece or parcel of land unto and to the use of the purchaser, his heirs and assigns, for ever.

In witness whereof the said parties have hereunto set their hands and seals the day and year first above written.

The Schedule.

The common seal of the municipal council of Sydney was hereto affixed by me Town Clerk of the said city, the day and year first above written.

Town Clerk.

Received on the day and year first above written of and from the abovenamed the sum of , being the consideration money above expressed to be paid by him

City Treasurer.

SCHEDULE D.

No.	Series	Debenture £
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Issued by the municipal council of Sydney under the provisions of the Sydney Corporation Amendment Act, 1905.

TRANSFERABLE BY DELIVERY.

This debenture was issued by the municipal council of Sydney in pursuance of provisions of the above-mentioned Act, and is to secure to the bearer a principal sum of payable at the on the day of Interest at the rate of pounds per centum per annum on such principal sum in the meanwhile is payable by equal half-yearly payments on the day of , and the day of at , and a coupon is annexed for each payment which entitles the bearer of such coupon thereto.

Dated this day of A.D.
(L.S.) Lord Mayor
Town Clerk.

Entered at the office of the City Treasurer, in Register of Debentures, folio .
City Treasurer.

SCHEDULE E.

All those three pieces or parcels of land situated in the parish of Alexandria, county of Cumberland, containing an aggregate area of about 8 acres 3 roods 5 perches.

Firstly, about 6 perches, situated as aforesaid: Commencing on the western side of Cook-road at its intersection with a western boundary of Centennial Park, as proclaimed 16th February, 1900, being a point bearing south 21 degrees 57 minutes 30 seconds west and distant 19 chains 36 $\frac{3}{4}$ links from the north-west corner of Centennial Park beforementioned; and bounded thence on the south-east by Cook-road beforementioned, bearing south 22 degrees west about 2 chains to its intersection again with a western boundary of Centennial Park beforementioned; thence on the west and north west by that boundary bearing north 2 degrees 59 minutes 40 seconds west about 90 links, and north 44 degrees 56 minutes east about 1 chain 20 links, to the point of commencement, as shown upon a plan in the Department of Lands, catalogued Ms. 1,274 Sy.

Secondly,

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Secondly, about 3 rods, situated as aforesaid: Commencing on the western side of Cook-road at its intersection with a western boundary of Centennial Park, as proclaimed 16th February, 1900, being a point bearing south 56 degrees west and distant 1 chain $16\frac{3}{5}$ links from the intersection of the eastern side of Cook-road with the north-eastern side of Darvall-street: and bounded thence on the south east by the western side of Cook-road before-mentioned, bearing south 28 degrees 59 minutes 39 seconds west about 5 chains 5 links to a south-western boundary of Centennial Park before-mentioned; thence on the south west by part of that boundary bearing north 68 degrees west about 2 chains 99 links; thence on the north west by a north-western boundary of Centennial Park before-mentioned, bearing north 57 degrees 1 minute east 6 chains $11\frac{4}{5}$ links, to the point of commencement, as shown upon a plan in the Department of Lands, catalogued Ms. 1,274 Sy.

Thirdly, 7 acres 3 rods 39 perches, situated as aforesaid: Commencing on the south-western side of the road from Sydney to Randwick at its intersection with the eastern boundary of the city of Sydney (Act 33 Vic. No. 9); and bounded thence on the north-east by the road from Sydney to Randwick before-mentioned bearing south 17 degrees 47 minutes east 5 chains $70\frac{4}{5}$ links to its intersection with the southern side of Lachlan-street extension: thence on the east by a line bearing south 2 degrees 12 minutes west 12 chains $56\frac{7}{10}$ links to the eastern boundary of the city of Sydney before-mentioned; and thence on the south west and north-west by that boundary bearing north-westerly and north-easterly to the point of commencement,--as shown upon plan in the Department of Lands, catalogued Ms. 1,294 Sy.

SCHEDULE F

All those two pieces or parcels of land, in the county of Cumberland, parish of Alexandria, containing an aggregate area of 7 acres 24 perches:--

Firstly, about 3 acres 17 perches, situated as aforesaid: Commencing on a southern side of the Grand Drive on a southern side of the Centennial Park enclosure, being a dwarf stone wall (as shown upon plan catalogued Ms. 1,181 Sy.) at the intersection of the northern side of Martin road with a north-western boundary of Centennial Park, as proclaimed 16th February, 1900; and bounded thence by that boundary and a southern boundary bearing north 30 degrees 30 minutes east $51\frac{3}{5}$ links, and north 77 degrees 30 minutes west 22 chains $66\frac{2}{5}$ links to the Sydney to Randwick tramway: thence by that tramway bearing south 17 degrees 47 minutes east $15\frac{1}{5}$ links to its intersection with a north-westerly prolongation of the southern side of a dwarf stone wall (as shown upon plan Ms. 1,181 Sy.); thence by that prolongation and the southern side of that dwarf stone wall bearing south 76 degrees 35 minutes east 21 chains $38\frac{3}{5}$ links: thence by lines parallel to and rectangularly distant 1 chain from a north-western and a northern boundary of Centennial Park, as proclaimed 16th February, 1900, bearing south 30 degrees 30 minutes west 19 chains $30\frac{1}{5}$ links, and north 85 degrees 30 minutes west 4 chains $22\frac{3}{5}$ links to the Sydney to Randwick tramway before-mentioned; thence by that tramway bearing south 17 degrees 47 minutes east 1 chain $8\frac{1}{5}$ links to a northern boundary of Centennial Park, as proclaimed 16th February, 1900; and thence by that boundary and a north-western boundary bearing south 85 degrees 30 minutes east 4 chains $43\frac{4}{5}$ links, and north 30 degrees 30 minutes east 20 chains $23\frac{3}{5}$ links, to the point of commencement,--as shown upon plan catalogued Ms. 2,508 Sy., in the Department of Lands.

Secondly, about 1 acres 7 perches, situated as aforesaid: Commencing on a northern side of the Grand Drive, on the northern side of the Centennial Park enclosure, being a dwarf stone wall (as shown upon plan Ms. 1,181 Sy.) at the intersection of the southern side of Lang-road with a north-western boundary of Centennial Park, as proclaimed 16th February, 1900; and bounded thence by that boundary, being lines bearing

north

Liquor (Amendment).

north 30 degrees 30 minutes east about 8 chains, north 22 degrees east 1 chains 80 links, and north 68 degrees west about 12 links to the western side of Cook road; thence by that road and a line in prolongation thereof bearing south 28 degrees 59 minutes 30 seconds west about 1 chains 70 links, and south 30 degrees 30 minutes west about 8 chains 30 links in all to the northern side of the dwarf stone wall (as shown upon plan Ms. 1,181 Sy.); the two lastmentioned lines being parallel to and rectangularly distant 1 chain from the western boundary of section 3 of a subdivision of the Centennial Park lands; thence by that wall and its prolongation bearing north 76 degrees 29 minutes west 23 chains 90 $\frac{1}{2}$ links to the Sydney to Randwick tramway; thence by that tramway bearing south 17 degrees 17 minutes east 1 chain 70 $\frac{1}{2}$ links to a northern boundary of the Centennial Park, as proclaimed 16th February, 1900; and thence by that boundary and a western boundary bearing south 77 degrees 30 minutes east 23 chains 76 $\frac{1}{2}$ links, and north 30 degrees 30 minutes east 1 chain 8 $\frac{1}{2}$ links, to the point of commencement, as shown upon plan catalogued Ms. 2,508 Sy., in the Department of Lands.

Which said two pieces or parcels of land form part of the Sydney Common of 490 acres, dedicated 5th October, 1866.