

THE HENRY O'BRIEN YASS LANDS (VESTING) ACT.

An Act to vest certain land freed and discharged from all trusts affecting the same in the Yass Municipal Council; to empower the said Council to sell the said land; to amend the Local Government Act, 1919; and for purposes connected therewith. [Assented to, 28th March, 1947.]

George VI.

WHEREAS Henry O'Brien Esquire of Douro near Yass Grazier being seized of and well and sufficiently entitled as tenant in fee simple to the land and hereditaments described in the Schedule hereto did on the sixteenth day of September in the year One thousand eight hundred and sixty three by deed of Conveyance registered No. 55 Book 85 convey the said lands to certain trustees unto and to the use of the said trustees and their successors in office upon trust to use and occupy the same as a Market Place for the sale of horses cattle sheep and agricultural produce and also upon trust to permit and suffer the President Vice President and Committee of the Yass Pastoral Agricultural and Horticultural Association to use and occupy the said land and hereditaments for certain purposes AND WHEREAS the said deed of conveyance of the sixteenth day of September in the year One thousand eight hundred and sixty three also contained provisions for the appointment of new trustees by the said trustees or the survivor of them and his and their successors in office AND WHEREAS for more than twenty years prior to the year One thousand nine hundred and three there had been no appointment by the said trustees of any successor or successors in office and the survivor of all the said trustees or any successor or successors in office to the said trustees having died without appointing a successor or successors in office AND WHEREAS the Municipal District of Yass and its successor the Yass Municipal Council

Preamble.

George VI.

Council had for many years prior to the year One thousand nine hundred and three and had since that year had the use and occupation of the said land and hereditaments AND WHEREAS the said Henry O'Brien duly made his last will and testament dated the sixth day of May One thousand eight hundred and fifty nine and a codicil thereto dated the fourth day of June One thousand eight hundred and sixty three whereby he devised and bequeathed all and singular his lands hereditaments and real estate unto Cornelius O'Brien Thomas Laidlaw and Robert Napier their heirs executors administrators and assigns to hold the same respectively according to the nature and quality thereof and upon the trusts therein declared that was to say as to trust estates upon the trusts and equities affecting the same AND WHEREAS the said Henry O'Brien died on the twenty seventh day of January One thousand eight hundred and sixty six without having revoked or altered his said will and codicil which were duly proved in the Supreme Court of New South Wales Ecclesiastical Jurisdiction on the twenty eighth day of March One thousand eight hundred and sixty six AND WHEREAS by various deeds of renunciation and appointment of new trustees and deaths and acts valid in the law the estate of the said Henry O'Brien remaining became vested in Frederick Campbell Esquire of Yarralumla near Queanbeyan as sole surviving trustee AND WHEREAS the said Municipal District of Yass represented to the said Frederick Campbell that the said Municipal District of Yass was the party equitably entitled to have a conveyance of the legal estate in the land and hereditaments described in the Schedule hereto and accordingly requested the said Frederick Campbell to assure and confirm the said land and hereditaments to the said Municipal District of Yass AND WHEREAS the said Frederick Campbell as such surviving trustee in pursuance of a covenant for further assurance entered into by the said Henry O'Brien and for the purpose of fulfilling the intention of the said Henry O'Brien as expressed in the said deed of conveyance of the sixteenth day of September One thousand eight hundred and sixty three agreed with the said Municipal District of Yass to assure and confirm to the said Municipal District of Yass

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the said land and hereditaments AND WHEREAS the said Frederick Campbell as such sole surviving trustee did on the twenty third day of July One thousand nine hundred and three by deed of conveyance registered No. 381 Book 740 convey the said land and hereditaments to the said Municipal District of Yass its successors and assigns unto and to the use of the said Municipal District of Yass its successors and assigns upon the like trusts expressed and contained in the said deed of conveyance of the sixteenth day of September One thousand eight hundred and sixty three AND WHEREAS it is no longer practicable to carry out the said trusts AND WHEREAS it is expedient to vest the said land and hereditaments in the Yass Municipal Council freed and discharged from the said trusts AND WHEREAS it is expedient to empower the said Yass Municipal Council to dispose of the said land and hereditaments freed and discharged from all trusts affecting the same. Be it therefore 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:—

George VI.

1. This Act may be cited as "The Henry O'Brien Yass Lands (Vesting) Act, 1947."

Short title.

2. The land described in the Schedule hereto is hereby vested in the Yass Municipal Council for an estate in fee simple freed and discharged from all trusts, estates or interests affecting the same.

Vesting.

3. The Registrar-General shall, upon the application of the Yass Municipal Council, and upon payment of the fees prescribed, issue to the said Council a Certificate of Title under the Real Property Act, 1900, in respect of the land described in the Schedule without causing any examination or report to be made as to the title to the land and without considering such title, freed and discharged from all trusts, estates or interests affecting the same.

Registered proprietor.

4. The Yass Municipal Council is hereby empowered to sell by public auction or private treaty the land described in the Schedule hereto freed and discharged from all trusts, estates or interests affecting the same.

Power of Sale.

THE

George VI.

THE SCHEDULE.

ALL THAT the piece or parcel of land containing by admeasurement two acres more or less situated in the county of Murray Parish of Yass in O'Connell town being allotments numbers sixteen seventeen eighteen and nineteen of section forty four commencing at the Southern corner of the section and bounded thence on the south west by Dutton Street north westerly four chains on the north west by the south east boundary line of allotment number fifteen north easterly at right angles to Dutton Street five chains on the north east by the south west boundary line of allotments three two and twenty south easterly parallel with Dutton Street four chains to Petit Street and on the south east by that street south westerly five chains to the point of commencement and more particularly described by Survey as follows:—ALL THAT piece or parcel of land situate in the Municipality of Yass in the Parish of Hume in the County of Murray in the State of New South Wales being part of Lots 16, 17, 18 and 19 of Section 44 of the O'Connell Town Subdivision at Yass COMMENCING at a point being the intersection of the north western building line of Petit Street with the north eastern building line of Dutton Street and BOUNDED on the south west by part of the north eastern building line of Dutton Street aforesaid being a line bearing 315 degrees 06 minutes 15 seconds distant 258 feet 5 inches THENCE on the north west by part of the south eastern boundary of original Lot 15 being a line bearing 45 degrees 05 minutes 30 seconds distant 325 feet 10½ inches THENCE on the north east by a line bearing 134 degrees 58 minutes distant 258 feet to the north western building line of Petit Street aforesaid THENCE on the south east by part of the said north western building line of Petit Street being a line bearing 225 degrees 01 minutes distant 326 feet 5½ inches to the point of commencement and containing in area 1 acre 3 roods 29¼ perches be the said several dimensions a little more or less.
