

Murrumbidgee Turf Club (Divesting) Act 1936

No 26

[1936-26]



New South Wales

Status Information

Currency of version

Repealed version for 4 July 1936 to 5 January 2012 (accessed 3 May 2024 at 11:25)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2011 No 62](#) with effect from 6.1.2012.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 6 January 2012

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Murrumbidgee Turf Club (Divesting) Act 1936 No 26



New South Wales

An Act to vest certain land at Wagga Wagga in His Majesty; to provide for the dedication of such land for cricket ground, athletic sports and racecourse, and for the appointment of trustees thereof; to confer and impose certain powers, authorities, duties and functions on such trustees; to amend the [Murrumbidgee Turf Club Act of 1876](#); and for purposes connected therewith.

1 Name of Act and commencement

- (1) This Act may be cited as the [Murrumbidgee Turf Club \(Divesting\) Act 1936](#).
- (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2 Divesting of certain land and action consequent thereon

- (1) The land (in this section hereinafter referred to as the **divested land**) described in the Schedule to this Act, being part of the land comprised in a certain Crown grant dated the tenth day of June, one thousand eight hundred and sixty-six, and registered in the office of the Registrar-General as volume thirty-nine, folio one hundred and forty-nine, is hereby divested from John Joseph Scott, licensed victualler, William Michael Joseph Walsh, solicitor, and George Paterson Wilson, grazier, or other persons who, immediately before the commencement of this Act, were the trustee or trustees of the land comprised in the said Crown grant, and is vested in His Majesty.
- (2) The provisions of the [Murrumbidgee Turf Club Act of 1876](#) and of the by-laws made thereunder shall, from the commencement of this Act, cease to apply to and in respect of the divested land.
- (3)
 - (a) Memorandum of lease number A926100 made between James Joseph Scott of The Rock, licensed victualler, William Michael Joseph Walsh of Wagga Wagga, solicitor, and George Paterson Wilson of Big Springs, near Wagga Wagga, grazier, as lessors, and Arthur Charles Chandler of Wagga Wagga, land agent, as chairman of the Murrumbidgee Turf Club, as lessee, shall be deemed to have been surrendered

upon the commencement of this Act as to so much of the land comprised therein as is included in the divested land.

- (b) Memorandum of lease number B565321 made between Percy William Williamson as chairman of the Murrumbidgee Turf Club, as lessor, and Henry Ernest Mitchelmore, solicitor, Stephen Hertford Weedon, medical practitioner, and Arthur Ryder Raleigh, commission agent, all of Wagga Wagga, as lessees, shall be deemed to have been surrendered upon the commencement of this Act.
- (c) Any unregistered leases granted or tenancies created by the lessees of the land comprised in memorandum of lease number B565321 shall be deemed to have been surrendered upon the commencement of this Act.

(4) Upon the commencement of this Act:

- (a) the divested land shall be deemed to be Crown lands and to be dedicated under the [Crown Lands Consolidation Act 1913](#) for cricket ground, athletic sports and racecourse, and
- (b) the Council of the Municipality of Wagga Wagga shall be deemed to be appointed, pursuant to the [Crown Lands Consolidation Act 1913](#), trustees of the divested land and to be, by reason of such appointment, charged with the care and management of the divested land under and in accordance with that Act, and
- (c) the divested land shall, by virtue of this Act, vest in the Council of the Municipality of Wagga Wagga as such trustees.

(5) The Council of the Municipality of Wagga Wagga may make by-laws, not inconsistent with this Act, for the management and control of the divested land and may, by such by-laws, impose a penalty not exceeding ten pounds for any breach thereof.

Any such by-laws shall:

- (a) be submitted to the Governor for his approval,
- (b) when approved by the Governor be published in the Gazette,
- (c) take effect from the date of publication or from a later date to be specified in the by-laws,
- (d) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such by-laws have been laid before such House disallowing any by-law or part thereof, such by-law or part shall thereupon cease to have effect.

(6)

- (a) The Council of the Municipality of Wagga Wagga shall, as soon as practicable, grant a lease of the divested land or of such part thereof as may be agreed upon to trustees for the Wagga Wagga Cricket Association for such period, not being less than the period of lease number B565321 unexpired immediately before the commencement of this Act and subject to such terms, conditions and covenants, not being more onerous than those contained in the said lease, as may be agreed upon.
 - (b) The lessees under the lease referred to in paragraph (a) of this subsection shall grant to any person holding under any unregistered lease or under any tenancy referred to in paragraph (c) of subsection three of this section a lease or tenancy for a period not less than the period unexpired immediately before the commencement of this Act under the lease or tenancy then held by him, and subject to such terms, conditions and covenants, not being more onerous than those contained in such lease or applicable in respect of such tenancy, as may be agreed upon.
 - (c) Subject to paragraphs (a) and (b) of this subsection the Council of the Municipality of Wagga Wagga may, with the consent in writing of the Minister for Lands, lease the whole or any part of the divested land at such rent, for such purposes, during such term and subject to such covenants, provisions and conditions as the Minister for Lands approves in writing: Provided that every such lease shall contain a proviso that it shall cease and determine immediately upon the revocation of the whole or any part of the dedication of the divested land so far as regards the lands comprised in such revocation.
- (7) Any trusts, conditions, encumbrances and dedications affecting the divested land in the hands of the trustees mentioned or referred to in subsection one of this section are hereby revoked and annulled.

Schedule

(Section 2 (1))

All that piece or parcel of land containing an area of 8 acres 1 rood 16 perches more or less parish of South Wagga Wagga, county of Wynyard, Municipality of Wagga Wagga.

Commencing at the intersection of the south-western building line of Beckwith-street with the north-western building line of Kincaid-street, and bounded thence on the south-east by the north-western building line of the street last mentioned bearing 239 degrees 50 minutes 1,110.5 links, on the south-west and generally on the north-west by lines bearing respectively 329 degrees 50 minutes 325.6 links, 23 degrees 11 minutes 795.5 links, 36 degrees 57 minutes 58.0 links, 298 degrees 4 minutes 13.8 links, 23 degrees 11 minutes 283.0 links, and 3 degrees 38 minutes 359.4 links to the south-western building line of Beckwith-street aforesaid and on the north-east by the south-western building line of that street bearing 149 degrees 52 minutes 1,302.6 links to the point of commencement as

shown upon a plan in the Department of Lands catalogued Ms 2356 Wga.