

No. IV.

CATHEDRAL CLOSE.

An Act to authorize the appropriation of the Old Burial Ground or Cathedral Close in Sydney to certain municipal and other public purposes. [3rd March, 1869.]

Preamble.

WHEREAS the ground commonly called the Old Burial Ground or Cathedral Close in the city of Sydney bounded on the east by George-street on the south by land attached to the Church of England Cathedral on the north by Druitt-street and on the west by sundry allotments in the occupation of private individuals was by proclamation bearing date the sixteenth day of January in the year one thousand eight hundred and sixty-six duly issued under the provisions of the Act eighteenth Victoria number thirty-three dedicated and set apart for the recreation and use of the inhabitants of the city of Sydney and certain persons were by the same proclamation in pursuance of the said Act appointed Trustees of the ground for the purpose aforesaid but the said ground has never been made available for that purpose and the Trustees have no funds applicable for its improvement in any way And whereas the convenience of the inhabitants and others interested in city property and the traffic of the city would be materially promoted and that portion of the city be much improved and beautified if the ground so dedicated be resumed by the Crown and a portion thereof dedicated to the connection of the several parts of Clarence-street on either side thereof and the residue thereof granted in the manner hereinafter specified And whereas the Municipal Council of Sydney are desirous of obtaining a portion of the said ground for the purpose of erecting a Town Hall on the same and are willing in consideration of obtaining such portion for the purpose aforesaid to expend in the erection of the said Town Hall not less than twenty-five thousand pounds and to embellish and improve the residue of the said ground and to keep the same so embellished and improved for the recreation and use of the inhabitants of the said city 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:—

The Old Burial Ground &c. to revert to the Crown.

1. The land commonly called the Old Burial Ground or Cathedral Close in the city of Sydney shall revert to Her Majesty as fully and to all intents and purposes as if the same had never been dedicated as aforesaid.

The Governor to grant the same to the Corporation.

2. It shall be lawful for the Governor with the advice of the Executive Council to grant to the Municipal Council of Sydney that part of the land commonly called the Old Burial Ground or Cathedral Close in the city of Sydney which is described in the First Schedule hereto and in like manner to grant to the Bishop of Sydney and his successors in trust for the purposes of the Cathedral the land described in the Second Schedule to this Act on condition that a portion of the land mentioned in the said First Schedule not being more than half an acre shall be set apart for the erection of a Town Hall thereon and the residue subject to the provisions hereinafter contained used as a place of recreation to which the public shall have free ingress and egress from five o'clock forenoon to ten o'clock afternoon Provided that

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that the portion of said Old Burial Ground being seven and a half feet frontage to the line of Clarence-street by a depth of thirty-eight feet promised by the Government to the Trustees of Saint Andrew's Presbyterian Church in one thousand eight hundred and thirty-six be granted to said Trustees.

3. It shall not be lawful for the Municipal Council of Sydney or the Bishop of Sydney or any of his successors to erect any dwelling-house residence or other building on any portion of the land described in either the First or Second Schedule to this Act except on the half-acre granted as the site for a Town Hall and if any such dwelling-house residence or building should be erected thereon contrary to the provisions of this Act the party or parties so offending shall be subject to a penalty of one thousand pounds and any colonist may through the Supreme Court sue for and shall be entitled to the said penalty and the land described in the Schedule on which such building may be erected shall revert to the Crown.

Penalty for erecting buildings.

4. The said Municipal Council shall cause twenty-five thousand pounds at the least to be expended in building on the land so set apart for a Town Hall to be completed and fit for use on or before the first day of January in the year one thousand eight hundred and seventy-two and if the said sum be not expended as aforesaid or the Town Hall be not completed within the time limited as aforesaid the said Municipal Council shall be subject to a penalty of one thousand pounds monthly until the said sum shall be so expended or the said building shall be completed and any colonist may through any competent Court sue for and shall be entitled to the said penalty or penalties.

Erection of Town Hall.

5. The Municipal Council of Sydney shall within twelve months after the passing of this Act enclose the land so to be granted as aforesaid subject to the provisions hereinafter contained with a dwarf stone wall and iron palisading gates and entrances and shall on or before the first day of January in the year one thousand eight hundred and seventy embellish the portion of the same not set apart as hereinbefore provided for a Town Hall with such walks ornamental trees and shrubberies as the Director of the Botanical Gardens for the time being shall recommend and the said Municipal Council shall preserve maintain and keep in a cleanly and orderly state and condition the said land and the said walls palisading gates entrances walks trees and shrubberies thereto belonging And if the said walls palisading and gates are not completed to the satisfaction of the Colonial Architect for the time being and the trees shrubberies and walks laid out and planted to the satisfaction of the Director of the Botanical Gardens and further if the said improvements are not kept in good order and condition to the satisfaction of the said two public officers the said Municipal Council shall be subject to a penalty of twenty pounds and one pound per diem for each and every day that the said improvements may so remain incompleated or may not be kept in good order and condition after being so completed and any colonist may through any competent Court sue for and shall be entitled to the said penalty or penalties Provided also that the said Municipal Council shall so soon as shall be practicable construct a way for foot-passengers from Druiitt-street extending from and in prolongation of Clarence-street to Bathurst-street and shall erect a wicket-gate or gates at each end of such footway which shall be kept open every day for the accommodation of the public from five o'clock before noon till ten o'clock after noon.

Municipal Council to embellish and lay out the land.

6. The Municipal Council of Sydney may make such rules and regulations for the protection of the walls palisading gates entrances walks trees and shrubberies belonging to the said land and for regulating the use and enjoyment of such land by the public and for the

Municipal Council to make rules and regulations.

removal

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removal of trespassers thereon and other persons causing annoyance or inconvenience thereon as to them shall seem fit and for the enforcement of such rules and regulations may impose fines not in any case to exceed the sum of five pounds for the breaches thereof respectively Provided always that no such rules or regulations shall be in force until the same shall have been approved of by the Governor and Executive Council And a copy of the *Government Gazette* containing such rules and regulations shall be sufficient evidence of the validity thereof.

Recovery of penalties

7. All fines imposed under any rule or regulation made in pursuance of this Act may be recovered before any Justice of the Peace in a summary way and in case of non-payment may be enforced by a levy and distress upon the offender's goods.

Provision for interment of human remains.

8. The Municipal Council shall within three months after the passing of this Act cause the remains of all persons buried in the ground herein authorized to be granted (so far as they can by reasonable search be discovered) together with all slabs or tombstones in relation thereto having any legible inscription thereon to be collected with due care and removed to the Necropolis and shall there cause such remains to be reverently interred in such manner as the Minister for Lands shall direct And if the same be not done within the time limited as aforesaid the said Municipality shall be liable to a penalty of two hundred pounds monthly until such be done and any colonist may through any competent Court sue for and shall be entitled to the said penalty or penalties.

FIRST SCHEDULE.

ALL that piece or parcel of land containing by admeasurement one acre three roods and thirty-eight perches situate in the parish of Saint Andrew city of Sydney county of Cumberland and Colony of New South Wales commencing at the intersection of the south building alignment of Druitt-street with the west building alignment of George-street and bounded thence on the east by the western building alignment of George-street being a line bearing south three degrees east two hundred and fifty-one feet thence on the south by a line bearing south eighty-four degrees ten minutes west two hundred and sixty-four feet thence again on the east by a line bearing south fifteen degrees east sixty-two feet thence again on the south by part of the northern boundary of allotment number nine granted for a Presbyterian Church being a line bearing south eighty-three degrees forty-five minutes west one hundred and two feet thence on the west by a line bearing north twelve degrees west one hundred and forty feet six inches forming the eastern boundary of allotment number nine aforesaid and of allotments numbers eight seven six five four and three to the southern building line of Druitt-street and thence on the north by that building line being a line bearing north eighty-two degrees forty minutes east three hundred and thirty-four feet to point of commencement.

SECOND SCHEDULE.

ALL that piece or parcel of land containing by admeasurement one rood and seventeen and a half perches situate in the parish of Saint Andrew city of Sydney county of Cumberland and Colony of New South Wales commencing at a point on the west building alignment of George-street bearing north three degrees west from the intersection of the south building alignment of Druitt-street with the west building alignment of George-street and distant two hundred and fifty-one feet from that point and bounded thence on the east by a line bearing south three degrees east sixty feet thence on the south by a line bearing south eight-three degrees forty-five minutes east two hundred and fifty-one feet thence on the west by a line bearing north fifteen degrees west sixty-two feet and thence on the north by a line bearing north eighty-four degrees ten minutes east two hundred and sixty-four feet to the point of commencement.