



ANNO PRIMO

ELIZABETHAE II REGINAE

A.D. 1952

Private Act

An Act to alter the Trusts of the Town Square,
Naracoorte.

[Assented to 4th December, 1952.]

Preamble.

WHEREAS

(a) by an Indenture made the 14th day of September Eighteen Hundred and Seventy-one between GEORGE ORMEROD of Robe Town in the Province of South Australia Merchant of the first part DOMINICK DANIEL DALY of Narracoorte in the said Province Surveyor of the second part ALEXANDER THOMAS GUNNING of Narracoorte Member of the Royal College of Surgeons England AITCHESON GRIEVE of Narracoorte Blacksmith ADAM SMITH of Broad Meadows near Narracoorte Stock Holder THOMAS HINCKLEY of Narracoorte Farmer the said GEORGE ORMEROD and DAVID SIMPSON of Narracoorte aforesaid Miller of the third part after reciting that the said George Ormerod was seized and possessed of certain lands in the township of Kincaig which he had contracted and agreed to convey and assign for the purposes thereafter mentioned it was witnessed that in consideration of the premises and of the sum of Ten Shillings on the execution thereof paid by the said Dominick Daniel Daly to the said George Ormerod receipt whereof was thereby acknowledged he the said George Ormerod did by those presents grant bargain sell and release unto the said Dominick Daniel Daly and his heirs all that piece or parcel of land situated in the township of Kincaig a township laid out on Section numbered

Five in the Hundred of Narracoorte in the County of Robe which said piece of land contained by admeasurement one acre two roods twenty-five perches and fourteen yards or thereabouts and measured on the Northerly side thereof next a certain street of the said township named Ormerod Street seven chains and thirty-one links on the Southerly side thereof next to the Government Main Road from Adelaide to Victoria seven chains and thirty-two links on the Easterly side thereof next allotment numbered Eight in the plan of the said township two chains and fourteen links and on the Westerly side thereof next allotment numbered nine of the said township two chains and twelve links which said piece of land was more particularly delineated in the public maps of the said township deposited in the Survey Office at Adelaide aforesaid together with all houses out-houses fences ways rights members and appurtenances to the said piece of land belonging or in any wise appertaining and all the estate right title interest property claim and demand both at law and in equity of him the said George Ormerod therein and thereto to hold the said piece or parcel of land thereby conveyed or intended so to be with the appurtenances unto the said Dominick Daniel Daly and his heirs to the use of the said Alexander Thomas Gunning, Aitcheson Grieve, Adam Smith, Thomas Hinckley, George Ormerod and David Simpson their heirs and assigns forever upon trust that the said Alexander Thomas Gunning, Aitcheson Grieve, Adam Smith, Thomas Hinckley, George Ormerod and David Simpson (who were thereafter designated "the said trustees") should permit and suffer the free and unrestricted use by the public and by all Her Majesty's subjects for the purposes of roads streets or thoroughfares of those pieces of land portion of the property thereby conveyed next thereafter described, that is to say **FIRSTLY** a strip of land of the width of one hundred links on the Western side of the property thereby conveyed running from the Government Road aforesaid to Ormerod Street aforesaid adjoining allotment numbered nine and running parallel with the boundary line between allotment numbered nine and the property hereby conveyed **SECONDLY** a strip of land of the width of one hundred links running from the said Government Road to Ormerod

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Street the Western boundary whereof is a line drawn from a point on the Northerly boundary line of the property thereby conveyed distant three chains and twenty-eight links from the North West corner of the property thereby conveyed to a point on the Southern boundary line of the property thereby conveyed distant three chains and twenty-seven links from the South Western corner of the property thereby conveyed THIRDLY a strip of land of the width of one hundred links running from the said Government Road to Ormerod Street on the Eastern side of the said property thereby conveyed and bounded on the Eastern side thereof by and running parallel with the Eastern boundary of the property thereby conveyed as the same with the said piece of land thereby conveyed was delineated in the plan in the margin of those presents and upon trust that the said trustees should stand possessed of the remaining portion of the property thereby conveyed not included in the portion thereinbefore directed to be held for the purposes of roads streets or thoroughfares as a public common or reserve (hereinafter sometimes called "the reserve") for the use or benefit of the inhabitants of the township of Kinraig and the surrounding district subject nevertheless to such restrictions or rules as to enclosing the same or preserving the same or any part thereof from damage or injury or for the effectual control improvement or management of the said reserve as the said trustees or a majority of them should from time to time make provided always that the said trustees should not permit or suffer any house or houses building or buildings of any kind whatsoever to be erected on the said reserve or any part thereof

- (b) the township of Kinraig is now generally known as and has become the town of Naracoorte
- (c) the land comprised in the reserve has now been brought under the provisions of the Real Property Act 1886-1945 and is portion of the land comprised and described in Certificate of Title Register Book Volume 2012 Folio 115
- (d) pursuant to the power of appointment of new trustees contained in the said Indenture the Corporation of the Town of Naracoorte is now the trustee in which the said land is vested pursuant to the terms of the said Indenture

- (e) the said reserve has been at all relevant times and is still held by the Corporation of the Town of Naracoorte as a public common or reserve for the use or benefit of the inhabitants of the town of Naracoorte and the surrounding district in accordance with the provisions of the said Indenture
- (f) no house or houses, building or buildings of any kind whatsoever has or have been erected on the said reserve
- (g) the Corporation of the Town of Naracoorte as such trustee as aforesaid is desirous of erecting on the said reserve certain building or buildings for the use or benefit of the inhabitants of the town of Naracoorte and the surrounding district :

BE IT THEREFORE ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited for all purposes as “ The Naracoorte Short title.
Town Square Act 1952 ”.

2. In this Act, unless the context otherwise requires the Definitions.
expression :

“ the Corporation ” means the Corporation of the Town of Naracoorte and its successors.

“ The Minister ” means the Minister of the Crown to whom the administration of the Local Government Act 1934-1951 is for the time being committed by the Governor and includes any Minister of the Crown for the time being discharging the duties of the office of such Minister.

“ the Indenture ” means the Indenture made on the 14th day of September, 1871 referred to and in part recited in the preamble to this Act.

“ the reserve ” means the portion of the land referred to in the Indenture which is directed to be held as a public common or reserve.

3. Notwithstanding anything in the Indenture contained, Power to erect certain buildings.
the Corporation may, in addition to any powers to it granted by the Indenture, at any time during the period of ten years

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from the commencement of this Act erect on the reserve one public bandstand in accordance with plans and specifications approved in writing by the Minister before the commencement of such erection.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Lieutenant-Governor.