

## Caulfield Racecourse Reserve

Actual text of Crown Grant Volume 7275 Folio 814 dated 7 July 1949

*Note: Paragraphs, breaks and numbers have been included by Corrs Chambers Westgarth for ease of reference only.*

- 1 GEORGE VI, by the Grace of God of Great Britain Ireland and the British Dominions beyond the Seas King Defender of the Faith to all to whom these presents shall come
- 2 GREETING WHEREAS The Crown land hereinafter described has since the commencement of the Act of Parliament of Our State of Victoria numbered 3709 (being the Land Act 1928) been lawfully permanently reserved from sale by the Governor of Our said State with the advice of the Executive Council of the same for the purposes hereinafter appearing and possession of such land has been given
- 3 NOW KNOW YE that in order to provide a site for a Race Course Public Recreation ground and Public Park at Caulfield in the Parish of Prahran in Our said State
- 4 WE of Our own special grace HAVE GRANTED and for Us Our Heirs and Successors DO HEREBY GRANT unto The Honorable EDMOND JOHN HOGAN of Ballan Chairman of the Soil Conservation Board The Honorable WILLIAM JAMES BECKETT of Melbourne Member of the Legislative Council SQUIRE HORACE REID of 24 Arrawatta Street, Murrumbeena Gentleman ARTHUR RICHARD JACKSON of 283 Chapel Street, Prahran Gentleman The Honorable HENRY STEPHEN BAILEY of Warrnambool Member of the Legislative Assembly KENNETH MAITLAND NIALL of 125 William Street Melbourne Managing Director WILLIAM McILROY of Wright Street Middle Park Gentleman and The Honorable JOHN HERMAN LIENHOP of Bendigo Auctioneer representing the Board of Land and Works NORMAN DeWINTON ROBINSON of 17 Hopetoun Road Toorak Director KENNETH ARTHUR McLEAN of Toorak Doctor of Medicine DANIEL MANSEN TAYLOR of Huntingtower Road Malvern Merchant EDWIN JAMES KENNON of Cliveden Mansions Wellington Parade, West Melbourne Merchant REGINALD CLIVE POWER of 1 Erskine Street Armadale Retired Grazier RICHARD REGINALD THOMAS of 401 Glenferrie Road Hawthorn Engineer and JOHN NATHEN SMITH of 41 Marne Street, South Yarra Retired Grazier representing the Victoria Amateur Turf Club and HARRY CARL HORTON SMITH of 5 Oulton Street Caulfield Printer STANLEY WILLIAM TYERS of 596 Dandenong Road Carnegie Builder HAROLD CHARLTON WEBSTER of 745 Glen Huntly Road Caulfield Manager and ANDREW JOHN GEORGE SINCLAIR of 11 Fumeaux Grove, East St Kilda Secretary representing the Council of the City of Caulfield

for so long as they continue to be Councillors of the said Council of the City of Caulfield hereinafter designated "the said trustees" and to their assigns or transferees

- 5 THE SURFACE and down to a depth of FIFTY feet below the surface of ALL THAT PIECE OF LAND in the said State containing one hundred and thirty-six acres three roods and twenty-two perches more or less being part of Allotment A at Caulfield and part of former Government Road in the Parish of Prahran County of Bourke delineated with the measurements and abutments thereof in the map drawn in the margin of these presents and therein colored yellow and blue
- 6 TOGETHER with all the rights members privileges and appurtenances whatsoever to the same belonging or in anywise appertaining
- 7 PROVIDED NEVERTHELESS that the said trustees or the survivor or survivors of them or other the trustees for the time being of the said land and premises shall be entitled to sink wells for water and to the use and enjoyment of any wells or springs of water upon or within the boundaries of the said land for any and for all purposes as though they held the said land without limitation as to depth
- 8 EXCEPTING NEVERTHELESS unto Us Our Heirs and Successors all gold and silver and minerals as defined in the Mines Act 1928 in upon or under or within the boundaries of the land hereby granted
- 9 AND ALSO RESERVING to Us Our Heirs and Successors free liberty and authority for Us Our Heirs and Successors and Our and their licensees agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver and minerals as aforesaid and to extract and remove therefrom any such gold silver and minerals and to search for and work dispose of and carry away the said gold silver and minerals lying in upon or under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such gold, silver and minerals in upon or under the land hereby granted
- 10 AND ALSO reserving and excepting the use of all such parts of the said land as shall be required for making railways canals water-courses reservoirs drains or sewers over in upon or through the same with full and free liberty of ingress egress and regress into out of and upon the said land for such purposes
- 11 AND ALSO reserving and excepting unto Our subjects and people in the said State the public use of all such parts of the said land as shall from time to time be proclaimed as or otherwise become either a main or district road or other public highway or thoroughfare
- 12 AND ALSO reserving to Us Our Heirs and Successors –
  - (i) all petroleum as defined in the Mines (Petroleum) Act 1935 on or below the surface of the said land and

- (ii) the right of access for the purpose of searching for and for the operations of obtaining such petroleum in any part or parts of the said land and
  - (iii) rights of way for access and for pipe-lines and other purposes necessary for obtaining and conveying such petroleum in the event of such petroleum being obtained in any part or parts of the said land
- 13 TO HAVE AND TO HOLD the said land and premises unto the said trustees in fee simple
- 14 PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes under Section 168 of the Land Act 1928
- 15 PROVIDED ALSO and We do hereby expressly declare that this Our Royal Grant is and shall be subject to the conditions provisions and declarations hereinafter mentioned (that is to say) That the said land is and shall be subject to the right of any person being the holder of a miner's right or of a mining lease or mineral lease under the Mines Act 1928 or any corresponding previous enactment to enter therein and to mine for gold silver or minerals within the meaning of the said Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which such person would for the time being be entitled to mine for gold and silver in and upon Crown lands
- 16 PROVIDED THAT compensation shall be paid to the said trustees or the survivors of them or other the trustees for the time being of the said land or their transferees by such person for surface damage to be done to such land by reason of mining thereon such compensation to be determined as provided for the time being by law and the payment thereof to be a condition precedent to such right of entry
- 17 And also that the said land hereby granted shall be at all times hereafter maintained and used as and for racing recreation and public park purposes and offices and conveniences connected therewith under and in accordance with such regulations for the preservation of good order and decency therein as shall from time to time be made by the Governor or Administrator of the Government of Our said State for the time being with the consent of the Executive Council thereof and in the meantime under and in accordance with such regulations as shall from time to time be made by the majority of the said trustees or the survivors of them or other the trustees for the time being of the said land and premises (such survivors or other trustees not being less than seven in number at the making of such regulations) such regulations to be approved by the Governor or Administrator of the Government of Our said State acting with the advice of the Executive Council and for no other purpose whatsoever
- 18 AND PROVIDED ALSO that the majority of the said trustees the survivors of them or other the trustees for the time being of the said land and premises such survivors of them or other trustees not being less than seven in number may from time to time with the consent of the Governor or Administrator of the Government of Our said State for the time being with the advice of the Executive Council thereof make regulations for the collection and receipt of

tolls entrance fees and other charges for admission to certain parts of the said land hereby granted on race days and other special occasions subject however to the right of the Governor or Administrator of the Government of Our said State with the advice of the Executive Council thereof from time to time and not at all times to repeal disallow and annul any charge or charges so made with the consent aforesaid

- 19 AND PROVIDED ALSO that it shall be lawful for the Victoria Amateur Turf Club to hold race meetings on the said land on such days in each year as shall be allotted to the said Club by the prescribed authority controlling racing and which shall be notified to the trustees by the Chairman or Secretary of the said Club at least one week previous to the date of any such race meeting
- 20 AND that on all days on which races are held on the said land by the Victoria Amateur Turf Club the control and management of the said land shall be vested in the committee for the time being of the said Victoria Amateur Turf Club subject to the conditions hereinbefore contained and to all the rules and regulations to be made as aforesaid and that all tolls entrance fees and other charges collected or received on such days shall belong to and be retained by the Victoria Amateur Turf Club
- 21 PROVIDED FURTHER that no improvements shall be effected on the site by the said Club without first obtaining the approval of the trustees and that all structural improvements erected by the said Club shall remain the property of the said Club for the time being.
- 22 PROVIDED FURTHER that in the event of the occupancy of the said Club being terminated and any or all of such improvements being taken over by the trustees or any other authority the said Club shall be entitled to be re-imbursed to such an extent as deemed reasonable by the Governor in Council having regard to the then value of the improvements to an incoming occupant
- 23 PROVIDED ALSO and We do hereby further declare that if the said trustees or the survivors or survivor of them or other the trustees or trustee of the said land and premises shall permit or suffer the said land and premises or any part thereof to be used for or applied to any other than the purposes aforesaid or to become out of proper order and repair or shall alienate or attempt to alienate in fee simple or for any less estate or interest the said land and premises or any part thereof save and except under and in pursuance of some law now or hereafter to be enforced within the said State it shall be lawful for Us Our Heirs and Successors by any person or persons duly authorised in that behalf by the Governor or other Officer for the time being administering the Government of Our said State to re-enter upon the said land or any part thereof and to hold possess and enjoy the same as fully and effectually to all intents and purposes as if this Grant had not been made
- 24 PROVIDED ALSO and We do hereby further declare that whenever by reason of a trustee dying or resigning or going to reside out of the said State or refusing to act or becoming incapable of acting in the trust aforesaid or (in the case of one who is a Councillor) ceasing to be a Councillor of the City of Caulfield the number of representatives falls below six (in the case of the Board of Land and Works) or six (in the case of the Victoria Amateur Turf Club) or

three (in the case of the City of Caulfield) it shall be lawful for the Governor in Council to appoint to any vacancy so occurring another like representative to be a new trustee in lieu of the person who has ceased to be a trustee

25 DATED the seventh day of July in the year of Our Lord One thousand nine hundred and forty-nine being the day the said trustees became entitled to this Grant.

26 IN TESTIMONY WHEREOF We have caused this Our Grant to be sealed at Melbourne with the Seal of the said State.

27 WITNESS Our trusty and well-beloved Lieutenant-General The Honourable SIR EDMUND FRANCIS HERRING, K.C.M.G., K.B.E., D.S.O., M.C., E.D., Lieutenant-Governor of the said State of Victoria and its Dependencies in the Commonwealth of Australia.