

No. XI.

CLERGY AND SCHOOL
LANDS.

An Act for regulating the Affairs of the late Corporation of the Trustees of the Clergy and School Lands and to secure to the Purchasers their Titles to certain Lands purchased by them from the said Corporation. [5th August, 1834.]

Preamble.

WHEREAS His Majesty by an Order in Council dated the fourth day of February one thousand eight hundred and thirty-three was pleased to dissolve the Corporation of the Trustees of the Clergy and School Lands in the Colony of New South Wales whereupon all the lands vested in the said Corporation reverted and became absolutely vested in His Majesty subject to all mortgages and contracts for the sale thereof lawfully made by the said Corporation and also all and singular the other property assets goods and chattels mortgages and debts due and owing to the said Corporation have also become

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become vested in His said Majesty subject and liable however to the payment of all the lawful debts charges and incumbrances then due and owing by the said Corporation. And whereas it is expedient that His Excellency the Governor of the said Colony should be enabled for and on behalf of His Majesty to confirm and assure good and valid titles to the purchasers of several portions of land purchased or agreed to be purchased by them from the said Corporation and to appoint one or more person or persons to act as an Agent or Agents for and on behalf of His said Majesty to ascertain and enquire into the amount of the mortgages arrears of rent debts property and stock of cattle and sheep due to and belonging to the said Corporation at the time of its dissolution in order that the same may be called in and recovered for the use of His Majesty and also of all lawful debts then due by the said Corporation to any person or persons in order that the same may be investigated and discharged. Be it therefore declared and enacted by His Excellency the Governor of New South Wales by and with the consent and advice of the Legislative Council thereof That all and every deed or deeds of mortgage executed by any person or persons to the late Corporation of the Trustees of the Clergy and School Lands and all sums of money thereby secured to be paid respectively and all the lands in such deed or deeds of mortgage respectively mentioned and all rents and arrears of rents due and owing to the said Corporation under and by virtue of any lease or leases granted or agreed to be granted by the said Corporation and all debts due to the said Corporation and all stock of cattle sheep or any other property of any kind or description soever which belonged to the said Corporation at the time of its dissolution became and were thereupon vested in His Majesty in right of his Crown of England and are now vested in His Majesty His Heirs and Successors.

All lands and other property belonging to the late Corporation declared to be vested in His Majesty.

2. And be it further enacted That it shall and may be lawful for the Governor of the said Colony at any time or times after the passing of this Act by any writing or writings under his hand and seal to authorize one or more person or persons to be an Agent or Agents to act for and on behalf of His Majesty for the investigation inquiring into ascertaining and receiving the amount of the said rents and arrears of rent mortgages instalments or interest due thereon and also all debts due to the said Corporation at the time of the dissolution thereof and also of all stock of cattle sheep and other property then belonging to the said Corporation and in whose hands or custody the same then were and now are and to report the same to the Governor of the said Colony for his further directions respecting the same or any part thereof.

3. And be it further enacted That it shall and may be lawful for the said person or persons so to be appointed Agent or Agents as aforesaid immediately from and after his or their said appointment shall be duly announced and published in the *Government Gazette* to examine enquire into and ascertain the amount of the said rents and arrears of rent mortgages and the instalments and interest due thereon and of the other debts and property of every kind so due and owing to or belonging to the said Corporation of the Trustees of the Clergy and School Lands at the time of its dissolution with the respective names of the said lands so sold or disposed of or demised and let by the said Corporation and of the several indentures of mortgage respectively granted thereon to the said Corporation together with the name or names of the said person or persons to whom the said lands were so respectively sold and disposed of and of those who have respectively executed mortgages of the said lands or any part thereof to the said Corporation and of the person or persons who were then indebted to the said Corporation or were in possession of any part whatever

Appointment of an Agent.

Powers of such Agent.

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whatever of the said property belonging to the said Corporation at the dissolution thereof as aforesaid.

Agent may recover and grant discharges for debts.

4. And be it further enacted That it shall and may be lawful for the said Agent or Agents so to be appointed as aforesaid to ask demand and receive from any person or persons so indebted to the said Corporation as aforesaid the payment of the respective amount of arrears of rent mortgages and instalments or interest due thereon and of all other debts due to the said Corporation at the time of the dissolution thereof and to ask demand and receive the possession of all property of every description belonging to the said Corporation and to execute and give receipts and discharges or acquittances for the same when paid or deliver to him or them as aforesaid.

Agent to pay all sums received to the Colonial Treasurer but to retain possession of cattle &c. until disposed of by the Governor.

5. And be it further enacted That when and so often as any sum or sums of money shall be received by the said Agent or Agents for and on account of any rents or arrears of rent mortgages or other debt or debts so due as aforesaid the said Agent or Agents shall forthwith pay the same to the Treasurer of the said Colony for the use of His Majesty and when and so often as the said Agent or Agents shall receive possession of any cattle sheep or other property belonging to the said Corporation at the time of the dissolution thereof he or they shall retain and keep the possession thereof respectively to be applied and disposed of for the use of His said Majesty as by the Governor of the said Colony shall be directed.

Governor may execute deeds of grant to the purchasers of land from the late Corporation.

6. And be it further enacted That it shall and may be lawful for the Governor of the said Colony at any time after the passing of this Act to execute to the purchaser or purchasers lessee or lessees of all or any part of the lands so sold or disposed of or agreed to be sold or disposed of or demised by the said Corporation as aforesaid or to the legal representatives or assignees of such purchaser or purchasers lessee or lessees one or more deed or deeds of grant or lease from the Crown (if so required) of the several portions of land so sold or disposed of or agreed to be sold or disposed of or demised by the said Corporation or by any deed or deeds act or acts to be duly executed or done by or on behalf of the Governor of the said Colony and which shall or may be deemed necessary to give full right title and confirmation to the possession of the said lands or any part or parts thereof to the purchaser or purchasers lessee or lessees thereof respectively and to their respective representatives and assigns and that all such deed or deeds act or acts shall have the same force and validity as if such deed or deed act or acts respectively were executed done or performed by the said Corporation of the Trustees of the Church and School Lands previous to the dissolution of the said Corporation.

Proviso for the payment of the purchase money.

7. Provided however and be it further enacted That previous to the execution of any such deed or deeds of grant or lease or of confirmation and assurance or of any act or acts required to be executed or done by the Governor of the said Colony as aforesaid the party or parties requiring the same respectively shall and do pay to the said Agent or Agents appointed as aforesaid all and every such sum or sums of money as shall or may be due to His Majesty as aforesaid for or on account of the respective sums agreed to be paid for the said lands as aforesaid or of the instalments of the said purchase money so secured by the deeds of mortgage hereinbefore mentioned and all interest due thereon.

Agent to have the same powers as a bailiff.

8. And be it further enacted That it shall and may be lawful for such Agent or Agents as the bailiff or bailiffs of His said Majesty by the direction of the Governor of the said Colony upon payment of the arrears of the purchase money or any instalment or instalments thereof now due on account of any part or parts of the land so purchased from the said Corporation as aforesaid to deliver legal possession of

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of such lands respectively to the purchaser or purchasers thereof or to his or their respective heirs or assignees and such Agent or Agents shall and may during his or their continuance in office do and perform by and under the direction of the Governor of the said Colony for and on behalf of His Majesty His Heirs and Successors in and upon or in respect of the aforesaid lands of the said Corporation which are now vested in His Majesty His Heirs and Successors all such lawful acts matters or things for preventing intrusion encroachment and trespass thereon or for such other purpose as any bailiff or bailiffs lawfully appointed may by law do or perform in upon or in respect of any lands tenements or hereditaments of his or their employer or employers.
