

An Act to enable the Trustees of Christ Church and the Parsonage adjoining in the City of Sydney to dispose of and convey either by way of absolute sale or by exchange or to demise or lease the Site of such Parsonage and to purchase or erect another Parsonage in a more convenient situation in the said Parish and for other purposes therein mentioned. [21st December, 1852.]

WHEREAS by two several deeds of grant bearing date respectively Preamble. the ninth day of May one thousand eight hundred and forty-two Her Majesty Queen Victoria did grant unto the Lord Bishop of Australia now Bishop of Sydney William Henry Kerr Prosper Demestre John Betts and Michael Metcalfe therein described as being Trustees respectively nominated and appointed by virtue of an Act of the Governor and Legislative Council of the Territory passed in the eighth year of His late Majesty King William the Fourth intituled "An Act to regulate the Temporal Affairs of Churches and Chapels of "the United Church of England and Ireland in New South Wales" their 8 Gul. IV. No. 5. heirs and assigns for ever two roods and twenty-five perches of land more or less situate in the county of Cumberland parish of St. Lawrence town (now city) of Sydney bounded on the west by the line of George-street bearing south six degrees west two hundred links on the south by a line bearing east six degrees south two hundred and seventy-eight links on the west by a road bearing north thirty-four degrees forty-five minutes east two hundred and twenty-eight links and on the north by a line bearing west six degrees three hundred and eighty-nine links being the allotment advertised as number twenty-three in the Government notice dated eighth February one thousand eight hundred and forty-two and also one rood twenty-five perches and the half of a perch of land more or less situate as aforesaid and bounded on the west by the line of George-street bearing south six degrees west two hundred and ninety-one links on the south by a line bearing east six degrees south sixty-three links on the east by a street bearing north thirty-four degrees thirty minutes east three hundred and twenty-eight links and on the north by a line bearing west six degrees north two hundred and twenty-one links being the allotment advertised as number twenty-four in the said Government notice upon trust as to the said two roods and twenty-five perches for the erection thereon of a Church of the United Church of England and Ireland as by law established and as to the said one rood twenty-five perches and one half of a perch upon trust for the appropriation thereof as the site of a dwelling-house garden and other appurtenances for the clergyman duly appointed to officiate in the said Church in conformity with the provisions of the said Act and of a certain other Act of the Governor and Legislative Council of

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of the said territory made and passed in the seventh year of the reign of His said late Majesty King William the Fourth intituled "*An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales*" And whereas a Church of the said United Church consecrated and known as Christ Church and a dwelling-house for the clergyman of the said Church have been erected the said Church in part on other land and in part on the site granted for the dwelling-house and garden aforesaid and the said dwelling-house or Parsonage on the site granted for the Church And whereas such change of sites as aforesaid has been consented to by the Crown and it has been deemed beneficial to dispose of the said dwelling-house with the said garden and appurtenances and out of the proceeds to arise from such disposition either to purchase or to build a more eligible Parsonage in lieu of the said dwelling-house in a more suitable situation within the said parish and also to provide a fund towards the completion of the said Church the repairs thereof or such other purposes in connection therewith as hereinafter mentioned And whereas the Trustees named in the said grants with the exception of the said Bishop of Sydney William Henry Kerr and Michael Metcalfe have departed this life and the said William Henry Kerr (never having acted in the said trusts) has ceased to reside within the said Colony And whereas no new Trustees having been appointed in the place of the Trustees so dying and absent as aforesaid according to the provisions of the said first-mentioned Act the right of nomination of such new Trustees some time since lapsed to the said Bishop And whereas by writing under his Episcopal seal the said Bishop hath nominated Edmund Thomas Blacket Thomas Woolley and Michael Egan Murnin Trustees of the said Church and minister's dwelling-house jointly with the said surviving and continuing Trustees Be it therefore enacted by His Excellency the Governor of New South Wales by and with the advice and consent of the Legislative Council thereof as follows—

Church and Parsonage vested in Trustees

with powers of sale as to certain parts.

Discharged from original trust.

1. The lands assured by the said two several recited grants respectively as the same are now fenced in and occupied by the continuing Trustees of the said Church and Parsonage with all buildings thereon shall from and immediately after the passing of this Act and without the execution of any conveyance or other assurance thereof become vested in the said Edmund Thomas Blacket Thomas Woolley and Michael Egan Murnin jointly with the said Bishop of Sydney and Michael Metcalfe as the Trustees thereof for the purposes in the said two several Acts hereinbefore mentioned or referred to but with power nevertheless for any three of the said Trustees or other the Trustees for the time being of the said Church Parsonage lands and hereditaments to sell and dispose of the said two rods and twenty-five perches of land first hereinbefore described with the dwelling-house and buildings now thereon either by public auction or private contract and either in one lot or several lots as they shall think most expedient for such prices as can be reasonably got for the same and when sold to convey the same or any parts thereof to the purchaser or purchasers their or his heirs or assigns freed and discharged from the trust created by the said recited grants or any of them or to exchange for other hereditaments in the said parish all or any part of the said two rods and twenty-five perches of land dwelling-house hereditaments and buildings and also for the said Trustees upon any such exchange to receive any money by way of equality of exchange and to demise all or any part of the same premises for any terms or term not exceeding sixty years on building or other leases and thereafter to sell or exchange the same in manner aforesaid subject to any such leases or lease freed and discharged from the trusts affecting the same premises or any part thereof respectively.

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2. When any moneys shall arise from any such sale or by way of equality of exchange the same shall be paid to the Colonial Treasurer to the credit of the said Trustees for the time being and the receipt of the Colonial Treasurer shall be a sufficient discharge to the purchaser or purchasers of the said land and buildings or any part or parts thereof or the person or persons otherwise paying the same by virtue of this Act and shall wholly exonerate him or them from seeing to the application thereof and from all liability as to the mis-application or non-application thereof.

3. It shall be lawful for the Trustees for the time being of the said lands and they are hereby authorized and empowered to accept a grant or gift of other suitable freehold land within the said parish either with or without buildings erected thereon as the site or for the purposes of such new or other Parsonage as aforesaid and to apply the moneys which may be raised or received by sale or exchange of all or any part of the land dwelling-house and hereditaments so hereby authorized to be sold as aforesaid either in the adaptation of such buildings for or in the erection of a new Parsonage on any land to be so granted or given as aforesaid or in the purchase of any freehold dwelling-house in the said parish with a garden offices and appurtenances suitable for the clergyman of the said Church or in the purchase of freehold land in the said parish and in the erection thereon of a dwelling-house with the appurtenances suitable for such Parsonage as aforesaid Provided always that any land so granted given or purchased as aforesaid when conveyed shall vest in the Trustees hereinbefore named or other the Trustees of the said Church and Parsonage for the time being upon the trusts and for the purposes in the said two several Acts hereinbefore mentioned declared in reference to lands appropriated as sites for dwelling-houses for clergymen of the said United Church Provided also that it shall be lawful for the said Trustees or the Trustees for the time being of the said Church and Parsonage to receive and apply any rents which may arise from the said land and hereditaments so authorized to be sold until sold in the renting of any house suitable for such Parsonage as aforesaid and as to any surplus of the moneys to be raised or received by sale or exchange of all or any part of the said premises so hereby authorized to be sold which after the application of the proceeds of such sale or exchange as hereinbefore directed in the erection of a new and suitable dwelling-house for such clergyman as aforesaid may remain unexpended by the said Trustees it shall be lawful for them or any three of them to apply the same in or towards either the completion of the fabric of the said Church or in the repairs thereof or for such other purpose in connection with the said United Church as the clergyman of the said Church and the said Trustees or the Trustees of the said Church and Parsonage for the time being with the consent of the Bishop of the diocese shall determine.

4. The drafts of the said Trustees or any three of them on the Colonial Treasurer purporting to be for all or any of such last-mentioned purposes and to be drawn by such Trustees as such shall be sufficient discharges to the said Colonial Treasurer for all and every sums and sum of money as shall be therein expressed and as shall have been paid in pursuance thereof and the said Colonial Treasurer shall not be responsible in respect of any mis-application or non-application of any money so paid by him on any such draft.