

An Act to authorize the Sale Mortgage or
Exchange of the Parsonage in connection
with the Parish of St. Philip in Sydney and
the providing of another Parsonage and for
other purposes of the said Parish. [11th
November, 1858.]

SAINT PHILIP'S
PARSONAGE.

WHEREAS by a deed of grant dated the twenty-seventh day of Preamble. October one thousand eight hundred and fifty-seven the land and hereditaments described in the Schedule annexed to this Act were granted to the Bishop of Sydney and his successors Bishops of Sydney for ever 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 Church of the United Church of England and Ireland erected at Sydney and known as Saint Philip's And whereas the said land and hereditaments are not situate within the parish of Saint Philip's and the house thereon is the only present residence for the clergyman of the said parish And whereas a new church has recently been erected within and for the said parish but there are not sufficient funds for the entire completion thereof And whereas John Campbell George Kilgour Ingelow and John Alexander Mathews all of Sydney aforesaid have been duly nominated and appointed trustees of the said new church by virtue and subject to the provisions of the Act of Council eighth William Fourth number five And whereas the population of the said parish is such as to require the erection of another church therein And whereas it is expedient to sell or exchange the said land and hereditaments or to raise money thereon by mortgage and out of the proceeds or by application of the hereditaments taken in exchange to provide a parsonage within the said parish and to apply any surplus of such proceeds towards the erection of an additional church within and for the said parish and towards other objects for the benefit of the said parish And whereas it is expedient that there should be the same trustees for the church and parsonage of the said parish Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of

Saint Philip's Parsonage.

of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows—

Trust of parsonage site transferred to trustees of church.

1. Immediately from and after the passing of this Act the land and hereditaments so described in the Schedule hereto together with all erections and buildings thereon with their appurtenances shall by virtue of this Act and without any other assurance in the law be divested out of the said present sole trustee thereof and his successors and become and be vested in the said John Campbell George Kilgour Ingelow and John Alexander Mathews and others the duly appointed trustees of the said church and parsonage for the time being and the survivors and survivor of them and the heirs and assigns of such survivor.

Trusts of hereditaments.

2. The said trustees shall hold the said land and hereditaments upon trust with the approval in writing of the Bishop of Sydney for the time being to sell and dispose of the same with the appurtenances for the best price that can be got therefor by public auction or private contract together or in parcels at such time or times and subject to such conditions and stipulations as the said trustees shall deem expedient or to mortgage the same or any part thereof upon the best terms that can be obtained for the same or to exchange the same or

Or to grant building leases and then to sell &c.

any part thereof for other hereditaments within the said parish or to demise all or any part of the same premises on any building lease for any term not exceeding sixty years and thereafter to sell mortgage or exchange the same as aforesaid subject to any such lease or to sell the same as aforesaid subject to any such mortgage or lease or both and in any or every such case of sale mortgage exchange or lease to convey or demise and assure the same accordingly free from all trusts created by the said grant. And to give valid receipts for any money received as equality of exchange or any other trust moneys which receipts shall discharge and exonerate the payers of such moneys whether purchasers or others from all responsibility as to the application thereof respectively.

Valid receipts and discharges.

3. The said trustees shall stand possessed of all moneys arising from any and every sale mortgage exchange or lease as aforesaid upon trust in the first instance with the approval aforesaid to pay and apply the same or so much thereof as shall be required for the purpose in the purchase of a proper site for a parsonage within the said parish with or without a house and offices thereon or for building and completing such a house and offices thereon or on any land taken in exchange as aforesaid or for completing such a house and offices if already thereon or on any such land taken in exchange so as in any such case to provide and complete a parsonage in all respects suitable as the residence of the incumbent of the said church and parish. Provided that any site so purchased or any land so taken in exchange and any house or buildings thereon with the appurtenances shall absolutely vest in the said trustees as and for the parsonage of the said Church of Saint Philip and the residence of the incumbent thereof for the time being upon the trusts and for the purposes declared in and subject to the provisions of the said Act of Council in reference to lands appropriated as sites for dwelling-houses for clergymen of the United Church of England and Ireland. Provided also that it shall be lawful for the said trustees to receive and apply any rents which may arise from the hereditaments hereby authorized to be sold mortgaged or exchanged until so sold mortgaged or exchanged in renting any house suitable for such parsonage as aforesaid.

Further trusts.

4. The said trustees shall stand possessed of all the surplus if any of such moneys after providing such parsonage as aforesaid upon the following trusts and in the order in which the same are hereinafter declared

Saint Philip's Parsonage.

declared such trusts in every case to be exercised with the like approval of the Bishop as aforesaid that is to say upon trust to pay and ^{Second trust.} apply such portion thereof as shall be deemed fit towards the completion of the said new Church of Saint Philip And such ^{Third trust.} other portion as shall be deemed fit towards the erection of an additional church within the said parish And such other portion as ^{Fourth trust.} shall be deemed fit towards the endowment of such additional church by aiding the stipend of the incumbent thereof And to pay and apply ^{Fifth trust.} the remainder of such moneys (if any) for or towards any such other purpose in connection with the United Church of England and Ireland within and for the benefit of the said parish as the said trustees with the like approval shall determine.

5. The words "the said trustees" whenever used in this Act ^{Construction of word} shall apply not only to the trustees herein named but also to the "trustees." survivors or survivor of them whether alone or jointly with any new trustee or trustees of the said church and parsonage duly elected or appointed under the said recited Act and also to any and every such new trustee for the time being.

6. Upon any and every future change in the said trust by death ^{Vesting of property} or removal and upon the due election or appointment of any new trustee ^{in successive sets of} trustee and upon a certificate in writing under the hand of the Bishop of Sydney for the time being containing the names of the then continuing or surviving trustees and of every such new trustee or of such new trustees alone as the case may be being registered in the General Registry for New South Wales all the land then subject to any trust under the said grant or this Act for the said church and parsonage or either of them and all the estate property possession and trust therein and thereof shall by virtue of the said certificate and without any other assurance in the law and from the day of such registration become and be absolutely vested in the trustees named in such certificate for the estate and under and subject to the trusts and with the powers and authorities contained in and conferred and vested by the said grant and this Act And the said recited Act of Council and the said certificate together shall be held to be an assurance duly made and executed within the meaning of the sixth section of the said recited Act of Council.

7. This Act shall be styled and may be cited as "The Saint ^{Short title.} Philip's Sydney Parsonage Act of 1858."

SCHEDULE.

ALL that piece or parcel of land in Our said Territory containing by admeasurement one rood and thirty perches be the same more or less situated in the county of Cumberland and parish of Saint James city of Sydney commencing at the southernmost corner of the Exchange land on Pitt-street and bounded on the north-west by the north-west side of a wall and its prolongation bearing north-easterly two chains and twenty links to Gresham-street on the north-east by Gresham-street bearing south-easterly one chain and eighteen links and one half link to Spring-street on the south-east by the north-west building line of Spring-street bearing south-westerly three chains and forty-eight links to Pitt-street and on the west by the eastern building line of Pitt-street bearing northerly two chains and eighty-three links and one quarter of a link to the corner of commencement on Pitt-street aforesaid advertised in the Government Notice dated 15th July 1856.
