

ANNO VICESIMO QUARTO

VICTORIAE REGINÆ.

WEST MAITLAND
CHURCH LAND.

An Act to enable the Lord Bishop of Newcastle as Trustee of certain Land situated in the Town of West Maitland to sell the said Land and to provide for the appropriation of the Proceeds of such Sale. [7th May, 1861.]

Preamble.
Grant 19 September
1842.

8 Wm. 4 No. 5.

WHIEREAS by a deed of grant bearing date the nineteenth day of September one thousand eight hundred and forty-two Her Majesty Queen Victoria did grant unto the Right Reverend William Grant Broughton Doctor of Divinity Bishop of Australia for the time being George Hobler and Henry Incledon Pilcher being respectively Trustees nominated and appointed under and by virtue of an Act of the Governor and Legislative Council of New South Wales made and passed in the eighth year of the reign 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*” and to their heirs and assigns subject to the trusts conditions reservations and provisoies therein contained All that piece or parcel of land in the Colony of New South Wales containing by admeasurement two acres be the same more or less situated in the county of Northumberland and parish of Maitland town of West Maitland commencing at the eastern extreme of the north boundary line of H. C. Sempill’s allotment of two acres and twenty perches and bounded on the south by that boundary line bearing west six chains and thirty-four links on the south-west by a line bearing north thirty-nine degrees west four chains and twenty links on the north by an east line of seven chains and twenty-five links to Hunter’s River and on the east by Hunter’s River downwards to the eastern extreme of the north boundary line of H. C. Sempill’s allotment aforesaid with all the rights and appurtenances whatsoever thereto belonging to hold unto the said Bishop of Australia or the Bishop of Australia for the time being George Hobler and Henry Incledon Pilcher and to their heirs and assigns for ever yielding and paying therefor yearly the quit rent or sum of one farthing for ever if demanded Upon trust for the erection thereon of a church of the United Church of England and Ireland as by law established and also for the site of a school-house in connection with the said church and also for a parsonage for the clergyman duly licensed for 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 New South Wales aforesaid 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*” so far as the same might apply to the trusts of the now reciting grant and for no other purpose whatsoever And whereas Her Majesty did by

7 Wm. 4 No. 3.

West Maitland Church Land.

by certain letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland bearing date the twenty-fifth day of June in the year one thousand eight hundred and forty-seven erect found ordain and constitute all those parts or portions of the said Colony of New South Wales known or called by the names of the counties of Northumberland Hunter Durham Brisbane Phillip Bligh Gloucester Macquarie and Stanley with the territory to the north and west bounded by the twenty-first parallel of latitude and the one hundred and forty-first degree of east longitude to be a Bishop's See and Diocese and to be called from henceforth the Bishoprick of Newcastle And whereas by an Act of Parliament of New South Wales made and passed in the twenty-second year of the reign of Her Majesty Queen Victoria intituled "*An Act to remove doubts respecting the vesting of certain Lands situated within the Dioceses of Sydney and Newcastle respectively which were formerly vested in the Bishop of Australia*" it was enacted that all lands tenements hereditaments situate within the limits of the Bishoprick of Sydney which on the twenty-fifth day of June in the year one thousand eight hundred and forty-seven were vested in the Bishop of Australia should be and be deemed and taken to have been from that date vested in the Bishop of Sydney and his successors by whatever name he shall be called or known either solely or jointly with the other persons associated with the said Bishop of Australia as the case might be and should be held by such Bishop and his successors either solely or jointly with such other persons upon and for the like trusts and purposes as the same were held by the said Bishop of Australia And all lands tenements and hereditaments situate within the limits of the Bishoprick of Newcastle which on the said twenty-fifth day of June in the year one thousand eight hundred and forty-seven were vested in the said Bishop of Australia should be and be deemed to have been from that date vested in the Bishop of Newcastle and his successors by whatever name he should be called or known either solely or jointly with the other persons associated with the said Bishop of Australia as the case might be and should be held by such Bishop and his successors either solely or jointly with such other persons upon and for the like trusts and purposes as the same were held by the said Bishop of Australia And whereas the said George Hobler has by reason of his absence from the said Colony for several years become disqualified to be a Trustee of the said land and the said Henry Incledon Pilcher has departed this life And whereas since the issuing of the said recited grant the said parish of Maitland in which the said piece or parcel of land is situated as hereinbefore mentioned has been divided for ecclesiastical purposes into two parishes or districts known by the names of Saint Mary and Saint Paul respectively And whereas a church and a parsonage and school-house in connection therewith have been erected in the said parish or district of Saint Mary but which is now in so dilapidated and dangerous a condition that it has by reason thereof become necessary to erect a new church in the said parish or district and the same is now in course of erection and pecuniary means are required for that purpose And whereas a church and a parsonage in connection therewith have been erected in the said parish or district of Saint Paul and a considerable amount of debt has been incurred in such erection And whereas it is expedient under the circumstances aforesaid that the said piece or parcel of land should be sold and that the proceeds to arise from such sale should be applied in equal shares and proportion for the benefit of the said parishes or districts of Saint Mary and Saint Paul respectively and in the first place in and towards the erection of the said church in the said parish or district of Saint Mary and in the payment of the said debt so incurred in erecting the said church and parsonage in the said parish or district of Saint Paul as hereinbefore

hereinbefore mentioned. Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows—

Lord Bishop of Newcastle authorized to sell land.

1. From and after the passing of this Act the said piece or parcel of land shall be vested in the Lord Bishop of Newcastle and his successors and it shall be lawful for the said Lord Bishop of Newcastle and his successors to sell and dispose of the said piece or parcel of land by public auction or private contract and either in one lot or in several lots as the said Lord Bishop of Newcastle and his successors shall think most expedient for such price or prices as can be reasonably had or obtained for the same and when sold to convey the same or any part or parts thereof to the purchaser or purchasers thereof and thereupon the same shall vest absolutely in the said purchaser or purchasers his or their heirs and assigns freed and discharged from the said trusts affecting the same and the receipt in writing of the Lord Bishop of Newcastle and his successors for the time being shall absolutely discharge the purchaser or purchasers of the said land or any part or parts thereof from the purchase money payable by him or them respectively and shall exonerate him or them from seeing to the application of the said purchase money and from all liability as to the misapplication or nonapplication thereof.

Application of proceeds in equal proportions between the parishes of Saint Mary and Saint Paul.

2. The said Lord Bishop of Newcastle and his successors shall stand possessed of all moneys arising from any and every sale or sales as aforesaid upon trust to pay and apply the same in equal shares and proportions between the said parishes or districts of Saint Mary and Saint Paul respectively in and towards the erection of the said church in the said parish or district of Saint Mary and in discharging the said debt so incurred in erecting the said church and parsonage in the said parish or district of Saint Paul as hereinbefore mentioned and to apply the remainder of the said moneys if any which shall not be required for the purposes aforesaid in or towards any other purposes in connection with the said parishes or districts of Saint Mary and Saint Paul respectively in equal shares and proportions and in such manner as the said Lord Bishop of Newcastle or his successors shall determine. And the receipts of any person or persons to whom any moneys shall be paid under and in pursuance of this Act shall be a complete and valid discharge to the said Lord Bishop of Newcastle and his successors for such moneys.