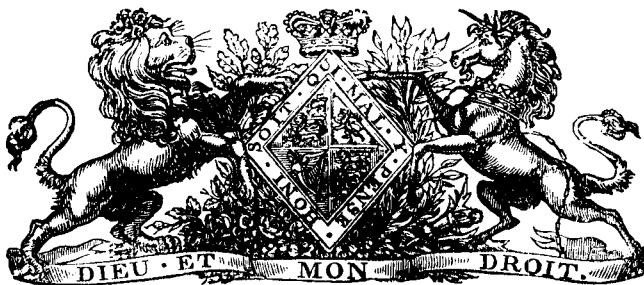


New South Wales.



ANNO TRICESIMO TERTIO

VICTORIÆ REGINÆ.

An Act to enable the Trustees of certain Land UNITARIAN CHURCH
LAND.
being the site for a Unitarian Church or
School on Church Hill Sydney to dispose of
and convey the same and to apply the pro-
ceeds of the sale in manner therein men-
tioned and for other purposes. [20th April,
1870.]

WHEREAS by grant from the Crown bearing date the nineteenth Preamble.
day of July one thousand eight hundred and fifty-eight Her
Majesty Queen Victoria did grant unto James Williamson Frederick
Piper Willian Smale Friend in the said grant called William Small
Friend Henry Freeman and Isaac Aaron and to their heirs and assigns
as Trustees firstly all that piece or parcel of land in the Territory of
New South Wales containing by admeasurement twenty-three perches
and one half of a perch be the same more or less situated in the county
of Cumberland parish of Saint Phillip and city of Sydney being allot-
ments numbers six seven and eight and part of number five of the
Church Hill allotments commencing at the north-eastern corner of the
appropriation for School House for Unitarians on the western side of
Clarence-street and bounded thence on the east by Clarence-street
northerly one hundred feet on the north by a line dividing it from
R. Ward's allotment number nine westerly at right angles to Clarence-
street sixty-four feet three inches to a lane sixteen feet wide on the west
by that lane southerly one hundred feet to the north-west corner of the
appropriation for School House aforesaid and on the south by the
north

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north boundary-line of that appropriation easterly at right angles to Clarence-street sixty-four feet three inches to the point of commencement and secondly all that piece or parcel of land in the said Territory containing by admeasurement eight perches and three-quarters of a perch be the same more or less situated in the county of Cumberland parish of Saint Phillip city of Sydney aforesaid being allotment four and part of number five of the Church Hill allotments commencing on the western side of Clarence-street at the north-eastern corner of W. J. Dwyer's allotment number three and bounded thence on the east by Clarence-street northerly forty feet on the north by a line westerly at right angles to Clarence-street sixty-four feet three inches dividing it from the Unitarian Chapel appropriation to a lane sixteen feet wide on the west by that lane southerly forty feet to the north boundary-line of allotment number three aforesaid and on the south by part of that north boundary-line easterly at right angles to Clarence-street sixty-four feet three inches to the point of commencement with all the rights and appurtenances whatsoever thereto belonging To hold unto and to the use of the said James Williamson Frederick Piper William Smale Friend Henry Freeman and Isaac Aaron their heirs and assigns for ever upon trust that the said pieces or parcels of land should be at all times thereafter set apart maintained and used by the said grantees their heirs and assigns as and for a site for the erection thereon of a Chapel or School or both of them for the use of the people called Unitarians and for no other purpose whatsoever and upon trust that they the said grantees their heirs and assigns should when thereunto required by the Governor for the time-being of the said territory convey and assure the said pieces or parcels of land unto and to the use of such other person or persons as should from time to time be appointed by the said Governor with the advice of the Executive Council Trustees in their place and stead and upon further trust that such persons to whom the said pieces or parcels of land should have been so conveyed or assured should hold the same subject to all the trusts thereby created and so on as often as need should be to the intent that the said land should be for ever vested in the Trustees for the time-being upon the trusts thereof And whereas the said pieces or parcels of land do not form an eligible site for the erection of a Chapel or School thereon and in consequence no Chapel or School has hitherto been erected thereon And whereas the said people called Unitarians under the name and designation of Unitarian Christians hold a Chapel and other buildings adapted for their purposes as a Religious Society erected and built on a certain piece or parcel of land situate in Macquarie-street in the city of Sydney aforesaid the said piece or parcel of land being in the Indenture of Conveyance next hereinafter mentioned described as all that piece or parcel of land being part of a certain piece or parcel of land comprised and described in a certain Act of the Governor and Legislative Council of New South Wales made and passed in the fifth year of the reign of Queen Victoria number thirteen containing by admeasurement twenty perches more or less bounded on the east by the building-line in Macquarie-street commencing at the south-east corner of the Catholic School allotment (other part of the said land) bearing south three degrees fifteen minutes east forty-nine feet on the south by the allotment sold to M. J. Jones one hundred and eleven feet on the west by a line bearing north a quarter of a degree west fifty feet one inch on the north by the said Catholic School allotment one hundred and seven feet to the building-line in Macquarie-street at the point of commencement And whereas the said last-mentioned piece or parcel of land Chapel and buildings are by indenture dated the nineteenth day of July one thousand eight hundred and sixty-six vested in

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in certain Trustees upon trust to permit and suffer the same from time to time and at all times thereafter to be used for Divine Service and all other congregational purposes by the congregation of Unitarian Christians then assembling therein and by all future members of such congregation subject to the provisions in the said indenture contained the last of the said provisions being that if the said congregation should be broken up and dispersed and Unitarian worship should be intermitted for five years together the Trustees for the time-being of the said land Chapel and buildings should be empowered and required to dispose of the said property by public auction or private contract and devote the proceeds (less all necessary expenses) first to the establishment of a Unitarian Christian Congregation or the support of a Unitarian Christian Minister or Missionary in any other part of Sydney or part or parts of the said Colony of New South Wales and second to the circulation of Unitarian Christian books and tracts in the said Colony. And whereas it would be beneficial to the said religious body of Unitarian Christians for whose use the said pieces or parcels of land comprised in the said grant were granted that the said last-mentioned pieces or parcels of land should be sold and that the proceeds of such sale should be applied at the discretion of the Trustees of the said grant either in the purchase of other land eligible for the site of a Chapel or School or in improving the said Chapel and buildings erected and built on the said land in Macquarie-street aforesaid or in erecting and building a new Chapel and other buildings on the said last-mentioned land. And whereas the said Frederick Piper and Henry Freeman two of the Trustees named in the said grant are dead and the said W. S. Friend another of the Trustees named in the said grant has resigned and now declines to act in any way in the trusts of the said grant. And whereas it is desirable in the event of the Trustees of the said grant determining to apply the proceeds of the said sale of the said pieces or parcels of land comprised in the said grant in the purchase of other land as hereinbefore mentioned that better provision should be made for filling up the existing and any future vacancies in the office of Trustee of the said grant than is at present made by the said grant as 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:—

1. It shall be lawful for the said J. Williamson and Isaac Aaron or the survivor of them or other the Trustees or Trustee for the time-being of the said grant to sell and dispose of the said land comprised in the said grant either by public auction or private contract and either in one lot or several lots as they shall think most expedient for such price as can be reasonably gotten for the same and when sold to convey the same or any part thereof to the purchaser or purchasers thereof their or his heirs and assigns freed and discharged from the trusts created by the said grant.

Trustees authorized
to sell and convey
the land.

2. The moneys to arise from the sale of the said land after deducting thereout all the expenses of the said sale and conveyance and of and about the obtaining of this Act shall be paid into the hands of the Colonial Treasurer to the credit of the Trustees of the said grant and the receipt of the said Colonial Treasurer for the said balance shall be a sufficient discharge to the purchaser or purchasers of the said land or any part or parts thereof for the purchase money and shall wholly exonerate him or them from seeing to the application of the said purchase money and from all liability as to the misapplication or non-application thereof.

The net proceeds of
sale to be paid to
Colonial Treasurer

whose receipt shall
discharge the
purchaser.

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The Trustees for the time-being may apply the money so to be paid in the purchase of a suitable site for a Chapel or School or both.

In case money so applied the present Trustees to supply existing vacancies in Trusteeship.

Power to supply future vacancies.

Power for Trustees to apply the net proceeds in enlarging or rebuilding the Chapel &c. in Macquarie-street.

Colonial Treasurer to pay net proceeds on drafts of the Trustees.

3. It shall be lawful for the said James Williamson and Isaac Aaron or the survivor of them or other the Trustees or Trustee for the time-being of the said grant to apply the moneys which shall be so paid into the hands of the said Colonial Treasurer as hereinbefore mentioned (subject however to the power of otherwise applying the said moneys hereinafter given) in the purchase of other land suitable for the site of a Chapel or School or both of them.

4. Provided that if the said last-mentioned Trustees or Trustee shall determine so to apply the said moneys as hereinbefore mentioned then and in such case (any trust in the said grant to the contrary notwithstanding) and previously to so applying the said moneys as hereinbefore mentioned the said Trustees or Trustee shall appoint such other person or persons whom they or he may select to fill up any vacancy or vacancies which may then exist in the number of the Trustees as originally appointed by the said grant and the said Trustees or Trustee together with the person or persons so to be appointed shall be Trustees of the said grant and any land purchased under the power hereinbefore given shall be conveyed to and shall vest in the Trustees of the said grant upon the trusts and for the purposes in the said grant mentioned and declared in reference to the said pieces or parcels of land comprised in the said grant (save and except only the said trusts contained in the said grant in reference to the appointment of other Trustees than the Trustees whose names are mentioned in the said grant) And if the Trustees in whom the said land so to be purchased shall so vest as hereinbefore mentioned or any of them or any Trustee or Trustees to be appointed as hereinafter is mentioned shall die or be desirous of being discharged or refuse or become incapable to act then and so often the surviving or continuing Trustees or Trustee or the Executors or Administrators of the surviving Trustee may appoint any other person or persons to be a Trustee or Trustees in the place of the Trustee or Trustees so dying or desiring to be discharged or refusing or becoming incapable to act.

5. It shall be lawful for the said James Williamson and Isaac Aaron or the survivor of them or other the Trustees or Trustee for the time-being of the said grant instead of applying the said moneys which shall be so paid into the hands of the said Colonial Treasurer as hereinbefore mentioned in the purchase of other land as hereinbefore mentioned to apply the same in assisting the Trustees for the time-being of the said land Chapel and buildings in Macquarie-street aforesaid either to enlarge the said Chapel and buildings now standing and being on the said land or to erect and build a new Chapel and School on the said land.

6. The drafts of the Trustees for the time-being of the said grant or of the majority of them shall be a sufficient discharge to the said Colonial Treasurer for all sum or sums of money which shall be therein expressed to be drawn for and as shall have been paid in pursuance thereof and the said Colonial Treasurer shall not be responsible in respect of any misapplication or non-application of any money so paid by him on any such draft.