

*Camperdown Cemetery Trust.*CAMPERDOWN
CEMETERY TRUST.

An Act to enable the Bishop of Sydney to convey certain Land and Premises known as the Camperdown Cemetery to Trustees upon certain Trusts with power to erect a Church and Parsonage on portions of the said land. [29th March, 1871.]

Preamble.

WHEREAS by an indenture dated the twelfth day of July one thousand eight hundred and forty-eight being the deed of settlement of the "Sydney Church of England Cemetery Company" and made between the several persons therein described of the one part and the Right Reverend Father-in-God William Grant by divine permission Lord Bishop of Sydney and Metropolitan of Australia of the other part it was mutually agreed amongst other things that if at any time the said Company should by virtue of clause seventy-eight thereinbefore contained be dissolved then and in such case all and singular the ground chapel hereditaments and premises which by virtue of the now reciting indenture should have been consecrated and set apart as a cemetery as therein mentioned should (subject and without prejudice to all grants which theretofore should have been made by the said Company of the sites of any vault or grave in accordance with the provisions thereinbefore contained) absolutely and unconditionally vest in the Bishop of Sydney for the time-being and that the Trustees for the time-being of the said Company or others the persons or person who might be seised of the same cemetery consecrated ground chapel hereditaments and premises should on request well and effectually convey or otherwise assure the same to the Lord Bishop of Sydney for the time-being to the intent that the same land chapel cemetery hereditaments and premises might thenceforth remain for ever inalienably vested in the said Lord Bishop of Sydney and his successors as a cemetery for the burial of the dead according to the office for that purpose ordered by the United Church of England and Ireland and no other with full power for the said Lord Bishop of Sydney for the time-being to receive and take all fees profits and emoluments arising from any such cemetery upon trust nevertheless in the first place to apply the same for the due and sufficient maintenance and preservation of such cemetery and for the performance of the service for the burial of the dead therein as the said Lord Bishop of Sydney for the time-being might deem right and if after such appropriation as thereinbefore directed any surplus income should remain then it should be lawful for the said Lord Bishop for the time-being to apply the same for all such purposes strictly in connection with and calculated to promote the interest and extend the influence of the said United Church of England and Ireland as the said Lord Bishop of Sydney for the time-being should direct And whereas by an indenture dated the twenty-third day of September one thousand eight hundred and forty-eight and made between Maurice Charles O'Connell therein described of the one part and Thomas Woolley John Campbell Charles Kemp and Robert Tooth therein respectively described of the other part for the consideration therein mentioned the said Maurice Charles O'Connell did thereby convey unto the said Thomas Woolley John Campbell Charles Kemp and Robert Tooth their heirs and assigns all that piece of land and premises therein described being the land and premises described in the Schedule hereto to hold the same with the appurtenances to the said Thomas Woolley John Campbell Charles Kemp and Robert Tooth and to their heirs and assigns for ever but subject nevertheless
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and to for and upon such trusts uses intents and purposes as the Directors of the said Sydney Church of England Cemetery Company for the time-being should from time to time and at all times for ever thereafter direct limit and appoint the same And whereas the said Thomas Woolley departed this life on or about the eighteenth day of February one thousand eight hundred and fifty-eight and the said Charles Kemp departed this life on or about the twenty-fifth day of August one thousand eight hundred and sixty-four And whereas the said land and premises comprised in the hereinbefore recited indenture of the said twenty-third day of September one thousand eight hundred and forty-eight were at the date of the indenture hereinafter recited vested in the said John Campbell and Robert Tooth to for and upon such trusts uses intents and purposes as the Directors of the said Sydney Church of England Cemetery Company for the time-being should from time to time and at all times for ever thereafter direct limit and appoint And whereas Michael Metcalfe James Sheen Dowling Josiah Richard Treeve and the said John Campbell were at the date of the said last-mentioned indenture (being the indenture hereinafter recited) the only Directors of the said Sydney Church of England Cemetery Company And whereas the said land and premises so vested in the said John Campbell and Robert Tooth as hereinbefore mentioned were set apart for the purpose of the burial of the dead therein by the said Sydney Church of England Cemetery Company under the name and description of the Camperdown Cemetery And whereas under the provisions of the Camperdown and Randwick Cemeteries Act of 1867 all further burials were with the exceptions therein mentioned and from the first day of January one thousand eight hundred and sixty-eight prohibited in the said Camperdown Cemetery And whereas at an extraordinary general meeting of the proprietors of the said Sydney Church of England Cemetery Company duly convened in pursuance of the provisions of the hereinbefore recited deed of settlement held on the twenty-ninth day of February one thousand eight hundred and sixty-eight it was resolved that the said Company should be dissolved and the assets sold and the proceeds ratably divided among the proprietors after deducting five per centum for possible claims and it was further resolved that the land consecrated and unconsecrated should be handed over to the Bishop of Sydney in terms of the said deed of settlement and at a subsequent extraordinary general meeting of the proprietors of the said Company specially convened for the purpose the said resolutions were duly confirmed And whereas by indenture bearing date the twenty-eighth day of September one thousand eight hundred and sixty-eight and made between the said John Campbell and Robert Tooth the Trustees of the said Sydney Church of England Cemetery Company of the first part and the said Michael Metcalfe James Sheen Dowling Josiah Richard Treeve and John Campbell the Directors of the said Company of the second part and the Bishop of Sydney of the third part after reciting to the effect hereinbefore recited and further reciting that the said Directors of the said Company had in pursuance of the resolutions herein and thereinbefore recited and in pursuance of the powers vested in them by the said deed of settlement herein and thereinbefore recited ordered and directed the said John Campbell and Robert Tooth to convey unto the said Bishop of Sydney the land and premises therein mentioned being the said land and premises described in the said Schedule hereto in manner thereafter mentioned it is witnessed that in pursuance of the covenants and provisions contained in the herein and thereinbefore recited indenture of the said twelfth day of July one thousand eight hundred and forty-eight and by the order and direction of the Directors of the said Sydney Church of England Cemetery Company testified by their being parties to the now

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reciting indenture and for the nominal consideration therein mentioned they the said John Campbell and Robert Tooth at the request and by the order and direction of the said Directors of the said Sydney Church of England Cemetery Company (testified as aforesaid) did and each of them did thereby grant bargain sell release and confirm unto the said Bishop of Sydney and his successors all that piece of land so conveyed by the hereinbefore recited indenture of the twenty-third day of September one thousand eight hundred and forty-eight and described in the Schedule hereto as aforesaid together with all ways paths passages waters watercourses lights easements liberties privileges advantages rights members and appurtenances whatsoever to the said piece of land and hereditaments belonging or appertaining and the reversion and reversions remainder and remainders yearly and other rents issues and profits thereof and all the estate right title interest property claim and demand whatsoever both at law and in equity of them the said John Campbell and Robert Tooth of in to or out of the said premises to hold the said piece of land and all and singular the premises thereinbefore described and thereby granted and released or intended so to be with the appurtenances to the use of the said Bishop of Sydney and his successors for ever to for upon and subject to such trusts uses intents and purposes as are set out in the said therein and hereinbefore recited indenture of the said twelfth day of July one thousand eight hundred and forty-eight And whereas divers portions of the said land have not been used for the purposes of burial and some of such portions have not been consecrated And whereas the said unused portions of the said land are suitable for the erection thereon of a Church and of a residence for the Minister officiating in the said Church And whereas the said Bishop of Sydney has been requested by or on behalf of the members of the Church of England resident in the neighbourhood of the said Camperdown Cemetery to apply the said unused portions of the said land to the erection thereon of a Church for the use of members of the Church of England and of a residence for a Minister of the Church of England duly appointed to officiate in the said Church And whereas the said Bishop of Sydney is desirous so far as he properly can and may to comply with such last-mentioned request and for that purpose to convey the whole of the said land and premises so vested in him under or by virtue of the said indenture of the said twenty-eighth day of September one thousand eight hundred and sixty-eight as hereinbefore mentioned and particularly described in the Schedule hereto to trustees to hold the same upon the trusts on which the said land and premises are now held by him the said Bishop of Sydney under or by virtue of the said indenture with power nevertheless for the said trustees to erect and maintain upon any part of the unused portions of the said land a Church with the appurtenances thereunto belonging for the use of members of the Church of England and also to erect and maintain upon any unconsecrated part of the said unused portions of the said land a residence with the appurtenances thereunto belonging for the use of a Minister of the Church of England duly authorized to officiate in the said Church so to be erected as aforesaid And whereas Christopher Rolleston of Newtown gentleman William Gillett Sedgwick of Newtown surgeon William Crane of Newtown gentleman Thomas Chaplin Breillat of Newtown Esquire and Stephen Campbell Brown of Newtown solicitor have been selected by the members of the Church of England resident in the neighbourhood of the said Camperdown Cemetery and have been approved of by the Bishop to act as Trustees for the purposes hereinbefore mentioned and the said Christopher Rolleston William Gillett Sedgwick William Crane Thomas Chaplin Breillat and Stephen Campbell Brown have consented to act as such Trustees accordingly And whereas the said Bishop of Sydney cannot convey the said land and premises in the manner and upon the trusts
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and for the purposes hereinbefore mentioned without the authority of the Legislature 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 Bishop of Sydney or his successors Bishops of Sydney and he and they is and are hereby empowered by any deed executed by him or them to convey to the said Christopher Rolleston William Gillett Sedgwick William Crane Thomas Chaplin Breillat and Stephen Campbell Brown or the survivors or survivor of them all that piece of land and premises being the said Camperdown Cemetery as mentioned and described in the Schedule hereto together with the appurtenances thereto belonging to hold the same to the use of the said Christopher Rolleston William Gillett Sedgwick William Crane Thomas Chaplin Breillat and Stephen Campbell Brown and their heirs and assigns to for upon and subject to such trusts uses intents and purposes as the said Bishop of Sydney now holds the same and as are set out or referred to in the hereinbefore recited indenture of the said twenty-eighth day of September one thousand eight hundred and sixty-eight with power nevertheless to erect and maintain upon any part of the said unused portions of the said land a Church with the appurtenances thereto belonging to be approved of by the Bishop of Sydney for the exclusive use of members of the Church of England and also to erect and maintain upon any unconsecrated part of the said unused portions of the said land a suitable residence with the appurtenances thereto belonging to be used possessed and enjoyed by the person who for the time-being shall be duly licensed by the Bishop of Sydney for the time-being to officiate in the said Church so to be erected as aforesaid and so long as the license under which the said person so officiates as aforesaid shall be in full force and unrevoked.

Bishop of Sydney authorized to convey to Trustees upon existing trusts but with power to erect Church and Minister's residence.

2. Whenever the said Christopher Rolleston William Gillett Sedgwick William Crane Thomas Chaplin Breillat and Stephen Campbell Brown or any of them or any Trustees or Trustee to be appointed as hereinafter is mentioned shall die or desire to be discharged or refuse or become unfit or incapable to act in the trusts or powers hereby reposed in them or him then it shall be lawful for the surviving or continuing Trustees or Trustee for the time-being or the acting executors or administrators of the last surviving or continuing Trustee or for the last retiring Trustee by instrument in writing to appoint any new Trustees or Trustee in the place of the Trustees or Trustee so dying or desiring to be discharged or refusing or becoming unfit or incapable to act as aforesaid.

Power to appoint new Trustees.

SCHEDULE.

ALL that piece of land parcel of the Camperdown Estate near the City of Sydney containing by admeasurement twelve acres and three roods more or less the boundaries whereof commence and are as follows that is to say—Commencing at the southern angle of block five or C. Smith's six-acre purchase and bounded towards the north-west by that land being a line bearing east thirty-one degrees thirty minutes north seven hundred and eighty feet nine inches to the Camperdown Road towards the north-east by that road being a line south twenty-one degrees thirty minutes east six hundred and thirty-nine feet six inches to the northern angle of Benson's land towards the south-east by Benson's land being a line bearing west thirty-one degrees thirty minutes south one hundred and thirty-two feet again towards the north-east by Benson's land being a line bearing south thirty-one degrees thirty minutes east eighty-two feet six inches to Charles-street on the south-west by Charles-street being a line bearing west thirty-one degrees thirty minutes south six hundred and fifty-three feet nine inches to land known as Rowley's grant and lastly by that land being a line bearing north thirty-one degrees thirty minutes west seven hundred and twenty-two feet to the commencing point which said piece of land is a portion of lots one two three and four of the Camperdown Estate as laid down in a plan thereof exhibited at a public sale in the month of April one thousand eight hundred and forty.

Schedule.