

An Act to enable the Very Reverend William Gillett the Very Reverend Timothy McCarthy and Thomas Cooper Makinson Trustees of about three acres of land and the residence thereon situate at the Glebe near Sydney and known as Lyndhurst to sell the said land and to provide for the appropriation of the proceeds thereof.
[5th April, 1878.]

Preamble.

WHÈREAS by an indenture bearing date on or about the twenty-fifth day of May in the year of our Lord one thousand eight hundred and fifty-two and made between the Bank of Australasia of the one part and the Right Reverend Charles Henry Davis the Honorable Roger Therry and the Very Reverend Henry Gregory Gregory of the other part the parcel of land described in the Schedule hereto with the mansion house thereon and the appurtenances thereto was conveyed and assured unto the said Charles Henry Davis Roger Therry and Henry Gregory Gregory and their heirs upon trust to permit and suffer His Grace the Most Reverend John Bede Polding the Roman Catholic Archbishop of Sydney to use occupy possess and enjoy

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enjoy the same as a residence during such time as he should remain and be the resident head of the Roman Catholic Church in the Colony of New South Wales and upon his decease removal or resignation then upon trust to permit and suffer the resident head for the time being of the Roman Catholic Church in the said Colony to occupy possess and enjoy the same as a residence. And whereas by an order made in the Supreme Court of New South Wales in its Equitable Jurisdiction by His Honor John Fletcher Hargrave Primary Judge in Equity on the twenty-first day of August one thousand eight hundred and seventy-seven It was ordered that the said hereditaments therein mentioned and described in the Schedule hereto should be and the same thereby were vested in the said William Gillett Timothy McCarthy and Thomas Cooper Makinson and their heirs in the place of the said Charles Henry Davis Roger Therry and Henry Gregory Gregory upon the trusts declared in and by the said indenture of the twenty-fifth day of May one thousand eight hundred and fifty-two or such of them as were then subsisting and capable of taking effect. And whereas the said John Bede Polding lately departed this life and the Most Reverend Roger Bede Vaughan is now the Roman Catholic Archbishop of Sydney and the resident head for the time being of the Roman Catholic Church in the said Colony. And whereas the said hereditaments are not now required for or suitable as a residence for the head for the time being of the Roman Catholic Church in New South Wales. And it is expedient that the same hereditaments should be sold and that the proceeds to arise from such sale should be laid out upon similar trusts to those 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 in Parliament assembled and by the authority of the same as follows:—

1. From and after the passing of this Act it shall be lawful for the said William Gillett Timothy McCarthy and Thomas Cooper Makinson or other the trustees for the time being of the said indenture of the twenty-fifth day of May one thousand eight hundred and fifty-two to sell and dispose of the said land described in the Schedule hereto with the appurtenances thereto by public auction or private contract and either in one lot or several lots as they shall deem 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 in fee simple freed and discharged from the said trusts affecting the same and the receipt in writing of the said trustees 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 non-application thereof.

2. The trustees for the time being of the said indenture shall stand possessed of all moneys arising from any and every sale or sales as aforesaid upon trust to lay the same out in the purchase of other lands within the arch-diocese of Sydney to be held upon such of the trusts of the said indenture as shall be subsisting or capable of taking effect or upon building a residence for the head for the time being of the Roman Catholic Church in the said Colony upon lands in or near the said city which are or shall be vested in trustees upon the like trusts.

3. This Act may be cited as the "Lyndhurst Roman Catholic Church Land Sale Act of 1878." Short title.

The Bible Society's.

THE SCHEDELE WITHIN MENTIONED.

ALL that parcel of land situated in the parish of Petersham and Colony of New South Wales being a portion of the Lyndhurst Estate containing three acres more or less Commencing at high-water-mark in Blackwattle Swamp Cove distant seven chains twenty links in a north-westerly direction from the eastern corner of the said estate and bounded on the south-east by a line bearing west forty degrees south eight chains forty-five links on the south-west by a line bearing north thirty-nine degrees thirty minutes west three chains sixty links on the north-west by a line bearing east thirty-nine degrees thirty minutes north eight chains twenty links to high-water-mark and on the north-east by the said cove bearing south-easterly to the point of commencement.
