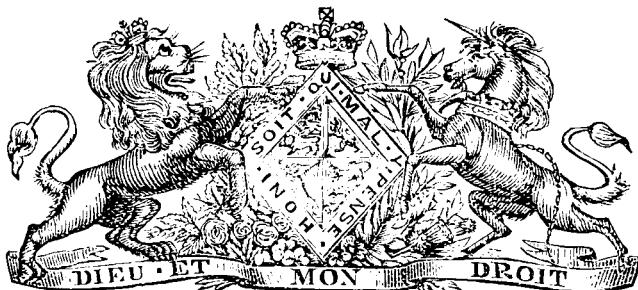


# New South Wales.



ANNO QUADRAGESIMO QUARTO

## VICTORIAE REGINÆ.

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### No. XIX.

An Act to declare the entire management and control of the lands commonly known as the "Church and School Lands" and the appropriation of the income derived therefrom vested in the Legislature of this Colony and that from and after the thirty-first day of December one thousand eight hundred and eighty-two all such lands and income shall be respectively held and applied for the purposes of Public Instruction only. [Reserved—30th June, 1880.]

CHURCH AND  
SCHOOL LANDS  
DEDICATION (No. 2).

WHEREAS by Letters Patent under the Great Seal of the Colony bearing date the ninth day of March one thousand eight hundred and twenty-six it was declared that the persons therein named and their successors should be a body politic and corporate with perpetual succession and a common seal by the name of "The Trustees of the Clergy and School Lands in the Colony of New South Wales" and the said Corporation was empowered amongst other things to sell and grant leases of such lands as should be granted by the Crown to the said Corporation subject to the limitations and provisions therein expressed And it was directed that the purchase moneys and rents accruing from all lands so sold or leased should be paid to the Public Treasurer of the said Colony And it was by the said charter directed and ordained that

*Church and School Lands Dedication (No. 2).*

the net balance appearing at each annual taking of accounts should after the payment of salaries and expenses be divided into two equal parts and be carried to the credit of two accounts one to be called the "Improvement and Building Account" the other the "Clergy and School Account" And it was further provided that the money standing to the credit of the Improvement and Building Account should be applied by the Corporation in making roads drains or sewers the erection and repair of churches parsonages school-houses and of farms houses and buildings and the permanent improvement of the Corporation lands and that the money from time to time remaining to the credit of the Clergy and School Account should be applied and expended by the said Corporation in and towards the maintenance and support of the clergy of the Established Church of England in the said Colony and the maintenance and support of schools and school-masters according to the rules and subject to the conditions therein-after in that behalf prescribed And it was further directed that that part of the moneys so to be applied for the support of the clergy should be so applied firstly in payment of such stipends as might be granted by the Crown to any bishop or bishops archdeacon or archdeacons within the said Colony and secondly in payment of such stipends as might be granted in like manner to the chaplains or clergy of the said Colony and that that part of the moneys so to be applied towards the support and maintenance of schools and schoolmasters should be applied in and towards the maintenance of schools and schoolmasters in any parish in the said Colony in connection with the Established Church and under and subject to the visitation and control of the bishop or in his absence the archdeacon for the time being of the said Colony and that such schools should be subject to the order direction superintendence and control of the clergyman or minister for the time being officiating in the church of and belonging to the parish in which any such school might be established And whereas it was by the said Charter further declared that all lands set apart for the maintenance and education of orphans and such part of the revenue of the Colony as had been or might be set apart for the education of youth therein were vested in and placed under the management of the said Corporation to be by them applied and disposed of in aid of the funds aforesaid in and towards the education of youth in the said Colony in the principles of the Established Church And whereas by the said Charter it was provided that it should be lawful for His Majesty His Heirs and Successors by any order to be issued for that purpose with the advice of the Privy Council to dissolve and put an end to the said Corporation in case it should appear expedient so to do and that thereupon all the lands which might be so granted as aforesaid to the said Corporation should revert and become absolutely vested in His Majesty His Heirs and Successors subject to all mortgages and contracts for the sale thereof lawfully made by the said Corporation to be held applied and disposed of in such manner as to His Majesty His Heirs and Successors should appear most conducive to the maintenance and promotion of religion and the education of youth in the said Colony And also that it should be lawful for His Majesty His Heirs and Successors from time to time as occasion might require to revoke alter or vary any of the provisions declarations and conditions or regulations in the said Charter contained and in their place and stead to establish institute and ordain such other further rules orders and provisions for the better conduct of the affairs of the said Corporation or for the better regulating the constitution thereof or otherwise in respect to the matter aforesaid or any of them as to His Majesty His Heirs and Successors might seem meet And whereas it was by the said Charter declared that all and every the

*Church and School Lands Dedication (No. 2).*

the lands and tenements within the said Colony theretofore appropriated and set apart by the former Governors of the said Colony or any of them for the maintenance and education of male or female orphans and that certain revenues therein referred to should be vested in and placed under the management care and superintendence of the said Corporation to be by them applied and disposed of in aid of the funds thereinbefore mentioned in and towards the education of youth in the said Colony in the principles of the Established Church. And whereas by an Act passed in the seventh year of the reign of His Majesty King George the Fourth intituled "*An Act for vesting the Orphan School Estates in the Trustees of the Clergy and School Lands in the Colony of New South Wales and for duly governing the Children at School and in Apprenticeship*" it was enacted that the several parcels of land therein described or referred to belonging to the Orphan School therein mentioned by virtue of the several deeds of grant therein recited and all the estate right and title in law or equity thereto should be and the same were thereby vested in the said trustees of the Clergy and School Lands and their successors for ever. And certain powers were thereafter conferred upon the said Trustees for the regulation and government of the schools and children in the said Act mentioned. And whereas in pursuance of the said Charter certain lands were from time to time granted by the Crown to the said Corporation for the purpose of making provision for the maintenance and promotion of religion and the education of youth in the said Colony but subject in all respects to the provisions declarations and regulations in the said Charter contained. And whereas by an instrument under the hand of Governor Sir Ralph Darling and the Great Seal of the said Colony dated the first day of January one thousand eight hundred and thirty-one and purporting to be made in pursuance of the provision in the said Charter in that behalf contained the several provisions declarations conditions and regulations contained in the said Letters Patent of the ninth day of March one thousand eight hundred and twenty-six were revoked and declared to be null and void and the management of the affairs of the said Corporation was delegated to certain named Commissioners who were to be guided in the performance of their duties by Rules and Orders to be issued by the Governor or administrator for the time being with the advice of the Executive Council. And whereas by an Order in Council of His late Majesty King William the Fourth made on the fourth day of February one thousand eight hundred and thirty-three His said Majesty did in pursuance of the power hereinbefore referred to dissolve and put an end to the said Corporation. And whereas by an Act passed in the fifth year of His said Majesty's reign intituled "*An Act for regulating the affairs of the late Corporation of the Trustees of the Clergy and School Lands and to secure to the Purchasers their Titles to certain Lands purchased by them from the said Corporation*" after reciting the said Order in Council dissolving the said Corporation it was amongst other things declared and enacted that all property of any kind or description which belonged to the said Corporation at the time of its dissolution became and were thereupon vested in His Majesty in right of His Crown of England and were then vested in His Majesty His Heirs and Successors. And whereas since the said dissolution the annual income arising from sales or leases of the said lands granted to or vested in the said Corporation as well in respect of the Clergy and School Lands as of the Orphan School Estates has been paid to the Colonial Treasurer for the time being and has been blended in one fund and has been applied and apportioned in pursuance of instructions received from time to time from the Secretary of State for the Colonies in payment in the proportion of five-sevenths of

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of such income to ministers of the Church of England of the Roman Catholic Church the Presbyterian Church of Scotland and of the Wesleyan Methodists and in the proportion of two-sevenths thereof to the lawful authority entrusted for the time being with the expenditure of public moneys for the purposes of public instruction. And whereas in the year one thousand eight hundred and sixty-four it was decided by the Supreme Court that the Clergy and School Lands granted to the said Corporation did not on the dissolution thereof become waste lands of the Crown and disposable as such but had reverted to and become vested in the Crown in trust for the maintenance and promotion of religion and the education of youth in the said Colony. And that the said trust was not void for uncertainty and was for a religious or charitable purpose. And it was also by the said Court held that the proceeds of sales of and other the income derived from the said lands did not form part of the Consolidated Revenue Fund. And whereas the system of apportionment of the said proceeds and income hereinbefore described has been followed since the year one thousand eight hundred and sixty-four up to the present time but it is expedient that the same should after the thirty-first day of December in the year one thousand eight hundred and eighty-two be discontinued and that the whole income thereafter derivable from the said Clergy and School Lands and Orphan School Estates should be dedicated as a perpetual endowment in aid of Public Instruction but subject to the provisions and conditions hereinafter expressed. 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:—

**Short title and interpretation of terms.**

1. This Act may be cited as the "Church and School Lands Dedication Act 1880" and in its construction the word "Charter" means the hereinbefore in part recited Letters Patent of the ninth day of March one thousand eight hundred and twenty-six—the word "Minister" means the responsible Minister for the time being charged with the administration of the Department of Public Instruction or in respect of leasing or other dealing with any specific class of lands mentioned in section eight hereof such responsible Minister as the Governor may from time to time by notification in the *Gazette* declare to be the Minister charged with the administration of such class of lands—the word "Governor" means the Governor with the advice of the Executive Council and the expression "Church and School Lands" is used as equivalent in meaning to "Clergy and School Lands."

**Repeal of 7 Geo. IV  
No. 4 and 5 Wm. IV  
No. 11.**

2. Upon the passing of this Act the unrepealed portions of the Act seventh George the fourth number four intituled "An Act for vesting the Orphan School Estates in the Trustees of the Clergy and School Lands in the Colony of New South Wales and for duly governing the Children at School and in Apprenticeship" and the Act passed in the fifth William the Fourth intituled "An Act for regulating the affairs of the late Corporation of the Trustees of the Clergy and School Lands and to secure to the Purchasers their Titles to certain Lands purchased by them from the said Corporation" shall be repealed but without prejudice to the past operation thereof.

**Validation of sales  
and leases heretofore  
made.**

3. All sales and leases as well as all Contracts and Agreements made or entered into before the passing of this Act of or in respect of land comprised in any grant or conveyance made to the Corporation of the Trustees of the Clergy and School Lands in the Colony of New South Wales or in any grant or conveyance made to the Committee of the Female Orphan Institution are hereby declared to be valid and effectual to all intents and purposes whatsoever. Provided that all powers and authorities granted or reserved to the Agent of

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of the Church and School Lands by any such lease shall after the passing of this Act be exercisable only by the Minister or such person or persons as may be duly authorized by him in that behalf. And that all rents reserved in any such lease shall after the said time be paid to the Colonial Treasurer and be applied for the purposes of this Act. Provided also that if the rent reserved on any lease made after the thirty-first day of December one thousand eight hundred and seventy-nine shall be in arrear and unpaid for a period of twenty-eight days after the commencement of this Act or if any person in occupation of any land lying within the boundaries of any portion or portions described in the said Schedule shall for a like period fail to pay rent for the portion of land occupied by him in terms of the Conditions of Sale of Leases of Church and School lands for the year one thousand eight hundred and eighty as notified in the *Gazette* then the interest of such defaulting lessee or occupant as the case may be shall thereupon cease and determine and the land comprised in any such lease or under such occupation may thereupon be leased under the provisions of this Act but the rent shall be applied as provided in sections five and six hereof.

4. Upon the passing of this Act the entire management and control of and appropriation of the income derived or to be derived from the lands described in the Schedule hereto (which said lands comprise or are intended to comprise the whole of the unsold portions or parcels of land granted to or vested in the said Corporation upon the trusts declared by the Charter) are hereby declared to be vested in the Legislature of this Colony and the trusts and other provisions and conditions contained in the said Charter and in any grant or assurance of lands made to the said Corporation or Committee so far as the same might be considered as subsisting and incident to the various parcels of land described in the said Schedule or any of them are hereby wholly abrogated and revoked subject nevertheless to the conditions and qualifications following viz.:—

Management and  
control &c. of Clergy  
and School Lands  
and Orphan School  
Estate vested in local  
Legislature.

- (1.) Nothing in this Act contained shall be deemed to prejudice or affect any lease or agreement for a lease of or other obligation affecting any such lands as aforesaid made or entered into before the passing of this Act.
- (2.) It shall be lawful for the Governor by notification in the *Gazette* to declare that any parcel of land not included within any of the several descriptions contained in the said Schedule but found to be in fact a portion of the unsold residue of land comprised in some grant to the said Trustees of the Clergy and School Lands or in the Orphan School Grant mentioned in the said Schedule shall be added to the said Schedule according to the description of such parcel as specified in the said notification and thereupon such parcel shall fall with the operation of this Act to all intents and purposes.
- (3.) It shall be lawful for the Governor by a like notification to withdraw any parcel of land to be therein described from the said Schedule and the operation of this Act if such parcel shall be found to have been in fact alienated or contracted to be sold before the passing of this Act.
- (4.) Nothing in this Act contained shall extend to prejudice or affect any person claiming title to land comprised within any description in the said Schedule nor to affect the right of Her Majesty to any land claimed as portion of the unsold residue of any such grant as aforesaid.

5. During the interval between the date of the passing of this Act and the thirty-first day of December in the year one thousand eight hundred and eighty-two the whole of the annual income derived from the land described in the said Schedule (whether from leases or by way of rent or from investments or otherwise howsoever) together with the annual

Disposal of income  
for 1880-1882.

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annual income derived from any investments of the proceeds of sales or leases of the Clergy and School or Orphan School Lands made before the passing of this Act shall be applied in the following manner:—

- (1.) A sum equal to the whole amount distributed during the year one thousand eight hundred and seventy-nine among the religious denominations of the Church of England—The Roman Catholic Church—The Presbyterian Church of Scotland—and the Wesleyan Methodists—shall continue to be distributed out of such income as aforesaid among such denominations during the said interval and shall be paid in the same manner and according to the same proportion as in the said last mentioned year.
- (2.) The whole residue of the income remaining after such distribution shall during the like interval be paid annually to the Colonial Treasurer to be applied by him in the manner and for the purposes expressed by the section next following.

Application of  
income after 31st  
December 1882 to be  
wholly for Public  
Instruction.

6. From and after the thirty-first day of December in the year one thousand eight hundred and eighty-two the appropriation of any portion of such income as aforesaid shall cease. And thereafter the whole income derived from the lands described in the said Schedule (whether from leases or by way of rent or from investments or otherwise howsoever) as well as the whole income derived from any investments of the proceeds of sales or leases of the Clergy and School or Orphan School Lands made before the passing of this Act or hereafter to be made shall be paid to the Colonial Treasurer and be by him carried to the credit of an account to be called the "Public Instruction Endowment Account" and shall be applied in aid of the Public Schools of the Colony and in support of the State System of Public Instruction and for no other purpose whatsoever.

No alienation of  
lands in Schedule  
after passing of this  
Act.

7. After the passing of this Act no portion of the lands described in the said Schedule shall be alienated but the same shall be held by Her Majesty for the purposes of this Act only but subject to the powers of leasing and of issuing licenses for the cutting and removal of timber and other material growing or being thereon or herein as hereinafter provided.

Classification of  
lands.

8. It shall be lawful for the Governor to cause a classification of the lands described in the said Schedule to be made as soon as practicable after the passing of this Act. And for the purposes of such classification the said lands may be divided into the following classes—

- Class I—Lands suitable for Towns or Villages or for Building purposes or Villa Residences
- Class II—Lands suitable for carrying on Manufactures
- Class III—Lands suitable for Mining operations
- Class IV—Lands suitable for Agricultural purposes
- Class V—Lands suitable only for Pastoral Lease
- Class VI—Lands suitable only or mainly for providing Timber Stone Gravel or other like material

Provided always that it shall be lawful for the Governor on the recommendation of the Minister to alter any such classification and to remove any such lands from one class to another if he shall think fit to do so.

Power to lease lands  
in Schedule.

9. It shall be lawful for the Minister if he shall deem it proper and consistent with the public interest but subject to the provisions and restrictions in this Act contained to grant leases of any lands described in the said Schedule or of any rights or privileges over or affecting any such lands for any purpose whatsoever by public auction in the first instance or by private contract after having been twice offered at auction and whether involving waste or not provided the following conditions be observed—

- (1.) Every such lease shall be made to take effect in possession at or within one year next after the making thereof and shall

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shall be for a term of years not exceeding for an agricultural or grazing lease twenty-one years and for a mining lease or a lease of any rights or easements forty years and for a repairing lease sixty years and for a building lease ninety-nine years Provided always that any such lease may be for a less term of years.

- (2.) On every such lease shall be reserved the best rent or reservation in the nature of rent either uniform or not that can be reasonably obtained to be made payable half-yearly or oftener without taking any fine or other benefit in the nature of a fine Provided always that in the case of a mining lease a repairing lease or a building lease a peppercorn rent or any smaller rent than the rent to be ultimately made payable may if the Governor thinks fit so to direct be made payable during all or any part of the first five years of the term of the lease.
- (3.) No such lease shall unless the lessee shall be the holder of a timber license under this Act authorize the felling of any trees except so far as shall be necessary for the purpose of clearing the ground for any buildings excavations or other works authorized by the lease.
- (4.) Every such lease shall be by deed and the lessee shall execute a counterpart thereof and every such lease shall contain a condition for re-entry on non-payment of the rent for a period of twenty-eight days after it becomes due or for some less period to be specified in that behalf.

10. Subject and in addition to the conditions hereinbefore mentioned every such lease shall contain such covenants conditions and stipulations as the Governor shall deem expedient with reference to the special circumstances of the demise.

11. The power to authorize leases conferred by this Act shall extend to authorize leases either of the whole or any parts of the land described in the said Schedule and may be exercised from time to time.

12. Any leases whether granted in pursuance of this Act or otherwise may be surrendered either for the purpose of obtaining a renewal of the same or not and the power to authorize leases conferred by this Act shall extend to authorize new leases of the whole or any part of the hereditaments comprised in any surrendered lease.

13. It shall be lawful for the Minister to issue licenses for the cutting and removal of timber on any such lands as aforesaid if comprised in Class VI of the classification hereinbefore described and to issue licenses for the removal of stone gravel or other like material from any such lands And the scale of fees to be paid for all such licenses and the mode and times of payment thereof the area over which and manner in which such licenses may be exercised and all other conditions and provisions relating thereto shall be prescribed and may be declared by regulations to be made as hereinafter provided.

14. It shall be lawful for the Governor on the recommendation of the Minister whenever it shall appear to the public interest so to do from time to time to direct that any part of the lands described in the said Schedule be laid out for roads streets lanes paths or burial grounds or for squares gardens or other places of public recreation or public hospitals or for sewerage or drainage or for watercourses or the storage of water And it shall be lawful for the Governor by notification in the *Gazette* to declare that the portions of land therein described are dedicated to the public or are vested in trustees to be therein named upon trust to secure the permanent appropriation of such lands to the purposes aforesaid And the expenses incurred in laying out any such land for any of such purposes shall be defrayed out of the rents or other income derived from the said lands.

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Appointment of officers.

15. It shall be lawful for the Governor to appoint such and so many persons as he may think necessary as agents rangers bailiffs or in any other capacity in connection with the land described in the said Schedule so as to provide for the due management and supervision thereof. And all such persons so appointed shall be paid by such salary or fees to be charged upon the income derived from the said lands as may be approved by Parliament.

Regulations.

16. It shall be lawful for the Governor subject to the provisions of this Act to frame Regulations prescribing the times and places where and the persons to whom the rents reserved on the lease of any such lands shall be paid the forms of any leases to be granted under this Act and the covenants and conditions to be contained therein of surrenders of any such leases the manner of remitting moneys paid to any public officer authorized to receive the same and generally for the purpose of carrying out the meaning and intent of this Act. And all such Regulations shall be laid before Parliament within fourteen days after the making thereof if then in Session and if not then within fourteen days after the commencement of the then next Session and shall have the force of law upon publication in the *Gazette*.

Endowment moneys how available &amp;c.

17. All moneys received or held by the Colonial Treasurer under the provisions of this Act shall be chargeable with the expenses incurred in the management of the land and of the estate hereby dedicated to the purposes of Public Instruction and the net balance shall be payable in respect of such purposes in pursuance of warrants of the Governor addressed to the said Treasurer which warrants shall be a sufficient authority to the said Treasurer for all such payments and a sufficient discharge to him in respect thereof.

Crown's remedy for trespass by writ of intrusion or summary procedure not to be prejudiced.

18. Notwithstanding anything in this Act contained the Crown shall have and may enforce all remedies by way of information of intrusion filed by the Attorney General or by summary proceedings under any statute at the instance of any Commissioner of Crown Lands or other person to be authorized by the Minister in respect to any encroachment intrusion or trespass upon any land under the operation of this Act. Provided that all sums awarded for damage upon judgment for the Crown on any such information shall be paid over to the Colonial Treasurer and shall be by him carried to the credit of the "Public Instruction Endowment Account."

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SCHEDULE.

THE unsold portions of certain lands granted to the Trustees of the Clergy and School Lands in the Colony of New South Wales by the respective instruments hereinafter specified and as hereinafter described and as delineated on certain maps and plans deposited in the office of the Surveyor General Sydney viz:—

1. COUNTY OF CUMBERLAND PARISH OF PETERSHAM being allotments one to twelve inclusively containing two acres three roods twenty-nine two-fifths perches.

Commencing at a point where the eastern side of Bay-street meets the northern side of Parramatta-street and bounded thence on the south by the northern side of the latter street easterly two hundred and sixteen feet on the east by a line northerly to the southern boundary of Owen's land on the north by part of that southern boundary and its westerly continuation in all bearing westerly one hundred and seventy-seven feet nine inches to the eastern side of Bay-street and on the west by the eastern side of Bay-street southerly to the point of commencement.

*Church and School Lands Dedication (No. 2).*

**2. COUNTY OF CUMBERLAND PARISH OF PETERSHAM** being allotments thirteen to twenty-three inclusively containing three acres two roods eighteen three-quarter perches.

Commencing at a point where the southern side of Glebe-street meets the western side of Bay-street and bounded thence on the east by Bay-street southerly two hundred and fourteen feet on the south by a line westerly crossing Franklin-place eight hundred and eleven feet nine inches on the west by a line northerly to the southern side of Glebe-street and on the north by the southern side of that street easterly seven hundred and twenty-three feet four inches to the point of commencement. Exclusively of Franklin-place passing through this land in a northerly direction the area of which has been deducted from the total area.

**3. COUNTY OF CUMBERLAND PARISH OF PETERSHAM** being allotments twenty-nine to thirty-five containing inclusively four acres three roods and thirty and four-fifths perches.

Commencing on Blackwattle Creek at a point where the northern side of Ultimo-street meets that creek and bounded thence on the south by the northern side of that street westerly four hundred and sixty-two feet to the eastern side of Bay-street on the west by the eastern side of that street northerly six hundred and thirty-three feet seven inches to the aforesaid creek and on the north-east by that creek south-easterly to the point of commencement.

**4. COUNTY OF CUMBERLAND PARISH OF PETERSHAM** being allotments thirty-six to forty-eight inclusively containing three acres two roods and one-fifth of a perch.

Commencing on the western side of Bay-street at the north-eastern corner of J. T. Hughes' land and bounded thence on the east by that street northerly two hundred and thirty-eight feet to the southern side of Water-street on the north by the southern side of that street westerly four hundred and forty-five feet on the west by a line southerly four hundred and forty-eight feet and on the south by the northern boundary of J. T. Hughes' land aforesaid easterly five hundred and seventy-two feet ten inches to the point of commencement. Exclusively of Christie-street passing through this land in a northerly direction the area of which has been deducted from the total area.

**5. COUNTY OF CUMBERLAND PARISH OF PETERSHAM** being allotments forty-nine to fifty-two inclusively containing one acre thirty-four perches.

Commencing on the margin of Blackwattle Swamp Cove at a point where the western side of Bay-street meets it and bounded thence on the east by the western side of that street southerly ninety-eight feet to the northern side of Water-street on the south by the northern side of that street westerly about four hundred feet on the west by a line northerly about four hundred and sixteen feet to Blackwattle Swamp Cove and thence by the margin of Blackwattle Swamp Cove south-easterly to the point of commencement.

The above portions numbered 1 2 3 4 5 are parts of four hundred and thirty-five acres in the said county and parish granted twenty-fourth November one thousand eight hundred and twenty-nine.

**6. COUNTY OF CUMBERLAND PARISH OF BOTANY.**

Commencing on the shores of the South Pacific Ocean on the southern side of Rainbow-street at the north-eastern corner of T. H. Grundy's allotment seventeen of section three and bounded thence on the north by Rainbow-street and its westerly continuation in all being a line westerly to Winders' grant on the west by the eastern boundary of that grant and Thomas Kellett's fifty acres southerly to the northern boundary of R. Ross's fifty-three acres on the south by part of that northern boundary bearing easterly five chains eighty links and thence by the northern boundary of J. W. Curran's fifty-six acres easterly thirty-five chains again on the west by the eastern boundary of the last-mentioned land the eastern boundary of a portion of about fifty-six acres and the eastern boundaries of R. Stark's fifty-six acres and H. Bell's sixty-eight acres in all southerly seventy-four chains to the northern boundary of J. N. Brown's one hundred and thirty-one acres Bunnerong Estate again on the south by part of the northern boundary of that land bearing easterly twenty-two chains fifty links again on the west by the eastern boundary of that land bearing southerly thirty-seven chains fourteen links to a small creek again on the south by a line dividing it from the Government Reserve bearing easterly to Long Bay and on the east by the waters of Long Bay and the South Pacific Ocean northerly to the point of commencement.

The above-described land contains an area of three thousand nine hundred and fifty-five acres exclusively of the alienated measured portions.

Being the unsold residue of four thousand one hundred and seventy-five acres in the said county and parish granted third February one thousand eight hundred and twenty-nine.

*Church and Schools Lands Dedication (No. 2).*

## 7. COUNTY OF CUMBERLAND PARISH OF ST. LUKE being measured portions twenty-three twenty-four twenty-five and twenty-six containing two hundred and two acres.

Commencing on the southern side of a road one chain wide at the north-west corner of Thomas Marsden's portion number eleven and bounded thence on the north by that road bearing west forty-five chains thirty-three links on the west by a line dividing it from part D. M'Leod's (now Allan M'Pherson's) one thousand acres Bernera bearing southerly sixty-four chains ninety-six links on the south by a road one chain wide bearing east thirty-three chains forty-one links on the east by a line dividing it from part of Frank Paine's portion number fourteen bearing north five chains eighty-seven links to the western bank of a creek thence on the east by the west bank of that creek northerly to a point distant two chains fifteen links south from the point of commencement and thence by a line forming part of the eastern boundary of portion number eleven aforesaid bearing north two chains fifteen links to that point Exclusively of a road one chain wide passing through this land in a northerly direction the area of which has been deducted from the total area.

Being the unsold residue of one thousand two hundred and eighty acres in the said county and parish granted third February one thousand eight hundred and twenty-nine.

## 8. COUNTY OF NORTHUMBERLAND PARISH OF BRANXTON at Braxton containing twelve acres one perch.

Allotment containing thirty perches bounded on the north by Dalwood-street on the east by Wyndham-street and on the south-west by Maitland-street.

Also allotment eighteen of section one containing one rood eight perches bounded on the north-east by Maitland-street on the south by a lane and on the west by the eastern boundary of T. Lindsay's allotment seventeen.

Also allotment one of section two containing two roods twelve perches bounded on the north by Lindsay-street on the west by a road on the south by Maitland-street and on the east by the western boundary of W. Shepherd's allotment two.

Also allotment nine of section two containing one rood twenty-three perches and bounded on the north by Lindsay-street on the east by Glisson-street on the south by Maitland-street and on the west by the eastern boundary of J. Goodwin's allotment eight.

Also allotments one and ten section three containing one acre nineteen perches and bounded on the north by Lindsay-street on the west by Glisson-street on the south by Maitland-street and on the east by the western boundary of G. Dann's allotments two and nine.

Also allotment one of section five containing one rood nineteen perches bounded on the north by William-street on the west by a road on the south by a lane and on the east by the western boundary of John Kinivan's allotment two and also portion ninety-two containing nine acres two roods eleven perches. Commencing at a point distant one chain south from the south-western corner of Thomas Drinan's portion ninety-one and bounded thence on the north by a road one chain wide bearing easterly nine chains sixty links on the east by a road one chain and fifty links wide bearing south ten chains on the south by George-street bearing west nine chains fifty-four links and on the west by a road one chain wide bearing northerly ten chains to the point of commencement.

Being the unsold residue of two thousand one hundred and twenty-eight acres in the said county and parish granted third February one thousand eight hundred and twenty-nine.

## 9. COUNTY OF NORTHUMBERLAND PARISH OF OVINGHAM being portion forty containing six hundred and twenty-three acres three roods.

Commencing at the north-western corner of Wm. Collins's portion twenty and bounded thence on the north-east by a road one chain wide bearing west twenty degrees fifty minutes north eighty-six chains ninety-six links on the west by a line bearing southerly one hundred chains seventy-seven links on the south by part of the northern boundary of T. Markwell's (now Mrs. Andrew Loder's) one thousand two hundred and eighty acres bearing easterly eighty chains twenty-seven links and on the east by the western boundary of R. Faulkner's portion twenty-two a line crossing a road one chain wide the western boundary of T. L. Collins's portion twenty-one and the western boundary of portion twenty aforesaid in all bearing northerly sixty-eight chains seventy-five links to the point of commencement exclusively of that part of the road from Broke to Maitland passing through this land in a north-easterly direction the area of which has been deducted from the total area.

Being the unsold residue of three thousand eight hundred and forty acres in the said county and parish granted twenty-sixth August one thousand eight hundred and twenty-nine.

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10. COUNTY OF NORTHUMBERLAND PARISH OF WARKWORTH being portions fifty to sixty-seven inclusive containing fifty acres.

Commencing on the right bank of the Hunter River at a point where the southern side of a road one chain wide dividing it from part of R. Hoddle's one thousand acres meets that river and bounded thence on part of the north by that road bearing east five chains ten links on the east by a road one chain wide bearing south fourteen chains twenty-four links on the south-east by a road one chain wide bearing south forty-five degrees west thirty-four chains on the west by a road one chain wide bearing north twenty-five chains fifty links to the Hunter River and on the remainder of the north by that river downwards to the point of commencement.

Being the unsold residue of two thousand four hundred and seventy-two acres in the said county and parish granted on the twenty-sixth August one thousand eight hundred and twenty-nine.

11. COUNTY OF DURHAM PARISH OF WOLFINGHAM being portion thirteen containing one hundred and sixty-three acres.

Commencing on the north-western side of a road one chain wide from Paterson to Maitland at its intersection with the eastern boundary of B. Hudson's two thousand acres and bounded thence on the south-east by that road north-easterly to the south-eastern corner of A. Nivison's portion twelve on the north by the southern boundary of that portion bearing westerly thirty-nine chains seventy links and on the west by a line and part of the eastern boundary of the aforesaid two thousand acres in all bearing southerly seventy-six chains eighty-eight links to the point of commencement.

Being the unsold residue of a grant of two thousand two hundred and fifty-six acres in the said county and parish.

12. COUNTY OF DURHAM PARISH OF WOLFINGHAM being portions twenty-five twenty-six twenty-eight twenty-nine thirty and thirty-one containing fifteen acres and twenty perches.

Commencing at the south-western corner of John Drinan's portion twenty-seven and bounded thence on the east by the western boundary of that portion bearing north eleven chains on the north by a road one chain wide bearing west twenty-seven degrees twenty-eight minutes north thirty-five links and thence south eighty degrees fifty-five minutes west nine chains on the west by a road one chain wide bearing south one degree thirty minutes west four chains eighty-six links and thence south ten degrees eighteen minutes east five chains two links and on the south by part of the northern boundary of John Drinan's portion twenty-two bearing easterly eight chains twenty-four links to the point of commencement. Also commencing at the south-eastern corner of John Drinan's portion twenty-seven aforesaid and bounded thence on the west by the eastern boundary of that portion bearing northerly nine chains ten links on the north by a road one chain wide bearing east twenty-seven degrees twenty-eight minutes south six chains and thence north eighteen degrees twenty-six minutes east two chains forty-six links on the east by the western boundary of John Drinan's portion twenty-four bearing southerly six chains sixty-six links and on the south by part of the north boundary of John Drinan's portion twenty-two aforesaid bearing westerly seven chains sixty-eight links to the point of commencement.

Being the unsold residue of one thousand nine hundred and eight acres in the said county and parishes of Wolfingham and Stanhope granted third February one thousand eight hundred and twenty-nine.

13. COUNTY OF DURHAM PARISH OF MIDDLEHOPE containing four acres three roods.

Commencing on the right bank of the Paterson River at the south-eastern corner of J. H. Broughton's (now J. Swan's) one hundred and eighty acres and bounded thence on the north by the southern boundary-line of that land and part of the southern boundary of John Nowlan's portion fourteen being in all a line bearing westerly ten chains on the west by the end of a road one chain wide and an eastern boundary of John Nowlan's portion thirteen being in all a line bearing southerly four chains ninety-six links on the south by a northern boundary of the last-mentioned land bearing east nine chains to the Paterson River and on the east by that river upwards to the point of commencement.

Being the unsold residue of one thousand five hundred and sixty or one thousand four hundred and fifty-three acres in the said county and parish granted third February one thousand eight hundred and twenty-nine.

14. COUNTY OF DURHAM PARISH OF UFFINGTON being portions one two three four five six seven eight eleven and twenty-five containing two thousand four hundred and ninety acres.

Commencing on the left bank of the Stony Creek at the north-western corner of Martin Purcell's portion nine and bounded thence on the south by the northern boundary of that portion bearing easterly eighty-two chains thirty-eight links on the west by the eastern boundaries of that portion and John Walker's portion ten in all bearing southerly sixty-six

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sixty-six chains on the south by the northern boundary of S. W. Dark's portion twelve bearing easterly forty-eight chains forty links on the south-east by a road one chain wide from Clarence Town to Glen Williams bearing north twenty-five degrees fifteen minutes east ten chains north twenty-two degrees fifteen minutes east eight chains ninety links north twenty-four degrees east seven chains sixty-eight links north thirteen degrees east sixteen chains eighty links north fifteen degrees ten minutes east about two chains twenty links to a point due west from the north-western corner of James Flannery's portion twenty-four again on the south by a line crossing that road and thence by the northern boundary of that portion in all bearing east about thirty-nine chains thirty links to the Williams River on the east by that river upwards to the south-eastern corner of John Campbell's portion twenty-six on the north by the southern boundary of that portion and its westerly continuation in a line bearing west about twenty-eight chains ten links to the western side of the aforesaid road again on the east by the western side of that road bearing north two degrees twenty minutes west about six chains eighty links north one degree fifteen minutes west five chains eighty links north nine degrees thirty minutes east ten chains north thirteen degrees twenty minutes east four chains thirty links north one degree fifty minutes west ten chains sixty-five links north fourteen degrees forty minutes east five chains eighty links and thence north three degrees thirty minutes east four chains forty links again on the north by part of the southern boundary of W. Low's one thousand one hundred and twenty acres the southern boundary of F. Wilson's six hundred and forty acres and its westerly continuation being in all a line crossing Stony Creek bearing westerly about two hundred and twenty-two chains again on the west by a line bearing southerly one hundred and fifty-seven chains ten links again on the south by a road one chain wide bearing easterly one hundred and eight chains sixty-four links to the right bank of Stony Creek thence by that creek upwards to a point due west from the point of commencement and thence by a line crossing Stony Creek to that point and exclusively of that part of the road one chain wide from Clarence Town to Glen Williams passing through this land in a southerly direction the area of which has been deducted from the total area.

Being part of four thousand two hundred and fifty acres in the said county and parish granted twenty-sixth August one thousand eight hundred and twenty-nine.

**15. COUNTY OF DURHAM PARISH OF LIDDELL** being portions twenty-two twenty-three twenty-four twenty-five twenty-eight twenty-nine thirty and thirty-one containing four hundred and eighty-seven acres two roods.

Commencing on the southern side of a road one chain wide at the north-eastern corner of W. Russell and E. Russell's portion twenty-seven and bounded thence on the north by that road bearing east sixty-three chains twenty-four links on the east by a line bearing southerly seventy-eight chains five links on the south by the northern boundary of J. Whitten's portions twenty-one twenty nineteen and eighteen being in all a line bearing west sixty-three chains thirty-six links and on the west by the eastern boundary of W. Russell and E. Russell's portion twenty-six a line crossing a road one chain wide and the eastern boundary of portion twenty-seven aforesaid in all bearing north seventy-eight chains five links to the point of commencement. Exclusively of a road one chain wide passing through this land in an easterly direction. Also being portions twelve thirteen and fourteen containing one hundred and seventy-nine acres three roods. Commencing on the south side of a road one chain wide at the north-eastern corner of W. Russell and E. Russell's portion fifteen and bounded thence on the north by that road bearing east forty-seven chains forty-one links on the east by a road one chain wide bearing southerly thirty-eight chains two links on the south by part of the northern boundary of W. Russell and E. Russell's portion eleven bearing west forty-seven chains thirty-three links and on the west by the eastern boundary of portion fifteen aforesaid bearing north thirty-eight chains two links to the point of commencement.

Being the unsold residue of two thousand five hundred and sixty acres in the said county and parish granted twenty-sixth August one thousand eight hundred and twenty-nine.

**16. COUNTY OF DURHAM PARISH OF RAVENSWORTH** containing one hundred and ninety-four acres one rood being portions nine and twelve and an unnumbered portion.

Portion nine commencing on the left bank of Saltwater Creek at the south-western corner of A. Bowman's portion eight and bounded thence on the north by the southern boundary of that portion bearing easterly seventy-eight chains eleven links on the east by a road one chain wide bearing southerly thirteen chains on the south by the northern boundary of A. Bowman's portion ten bearing west seventy chains twenty-five links to Saltwater Creek on the west by that creek upwards to the point of commencement. Also portion twelve commencing on the left bank of Saltwater Creek at the south-western corner of A. Bowman's portion eleven and bounded thence on the north by the southern boundary of that portion bearing easterly sixty-nine chains and ninety-six links on the east by a road one chain wide bearing southerly thirteen chains on the south by the northern boundary of A. Bowman's portion thirteen bearing westerly sixty-four chains thirty links to Saltwater Creek and on the west by that creek upwards to the point of commencement. Also of a portion containing twelve acres commencing at the south-western corner of A. Bowman's

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Bowman's portion four and bounded thence on the north by the southern boundary of that portion bearing east eleven chains ninety-nine links to the right bank of Saltwater Creek on the east by a line crossing that creek and by part of the western boundary of A. Bowman's portion thirteen in all bearing southerly ten chains on the south by part of the northern boundary of A. Bowman's portion fourteen and its westerly continuation in all bearing westerly twelve chains one link and on the west by a line bearing northerly ten chains to the point of commencement.

Being the unsold residue of two thousand five hundred and fifty-two acres in the said county and parish granted twenty-sixth August one thousand eight hundred and twenty-nine.

**17. COUNTY OF BATHURST AND PARISHES OF CALVERT BEAUFORT BELUBULA ERROL AND LINDESAY.**

Commencing on the left bank of Flyer's Creek at the south-western corner of P. L. Fell's six hundred and sixty-two acres parish of Benercee and bounded thence on the west by that creek downwards to the Belubula River thence on the west on the south and on part of the east by that river upwards to its intersection with the westerly continuation of the northern boundary of R. Lambert's two thousand five hundred and sixty acres parish of Napier thence on the east by that westerly continuation and part of that boundary in all a line crossing that river easterly about twelve chains to the south-western corner of James Elder's six hundred and forty acres parish of Torrens thence by the western boundary of that grant and the western boundary of James Orr's one thousand nine hundred and twenty acres grant in a line bearing northerly to the north-western corner of the last-named grant and on the north by a line crossing Cowriga or Brown's Creek bearing westerly to the eastern boundary of Fell's grant aforesaid thence by part of the eastern boundary of that grant southerly about 23 chains and thence by the southern boundary of that grant westerly to the point of commencement The above described land contains an area of fifty-six thousand and eighteen acres exclusively of the alienated measured portions.

Being the unsold residue of eighty-five thousand three hundred and eighty-eight acres in the said county and parishes granted third February one thousand eight hundred and twenty-nine.

**18. COUNTY OF BATHURST PARISHES OF APSLEY PONSONBY AND OAKLEY.**

Commencing on the left bank of the Macquarie River at the south-eastern corner of W. M. Rothery's grant of 100 acres and bounded thence on the north by the south boundary of that grant and the south boundary of W. A. Steel's three hundred and twenty acres being in all a line bearing westerly to the right bank of Queen Charlotte's Vale Creek on the west by that creek upwards to its confluence with Summer Hill Creek thence by that creek upwards to its intersection with the northern boundary of the parish of Bringellet on the south by part of that parish boundary and the northern boundary of the parish of Arkell being in all a line crossing Brown's Creek Mountain Run Creek Back Creek Foster's Valley Creek and Spring Creek to the left bank of Campbell's or Macquarie River to a point opposite S. Smith's fifty-seven acres in the county of Westmoreland and on the east by that river downwards to the point of commencement The above described land contains an area of thirty-two thousand eight hundred and fifty-four acres exclusively of the alienated measured portions.

Being the unsold residue of fifty thousand seven hundred and four acres in the said county and parishes granted third February one thousand eight hundred and twenty-nine.

**19. COUNTIES OF GLOUCESTER AND HAWES AND PARISHES OF KARUAH HORTON THALABA FAULKLAND TREVOR VERULAM FITZROY CROSBIE WILMOT AND TAREAN.**

Commencing on the right bank of the Karuah River at a point where the southern boundary-line of the Australian Agricultural Company's grant of four hundred and sixty-four thousand six hundred and forty acres meets that river and bounded thence on the north by that boundary-line bearing westerly six hundred and forty-eight chains five links on the east by a line dividing it from part of that grant crossing the aforesaid river the Avon River the Barrington River and the Bowman River bearing northerly forty-eight miles three chains and eighty-three links to the Manning River again on the north by the Manning River upwards to its junction with the Barnard River and thence by that river upwards to a point due north from where the western side of a road three chains wide and distant three chains west of portion twenty of two hundred and twenty-one acres parish of Verulam meets the right bank of the Barrington River on the west by a line parallel with and distant three miles and a-half west from the western boundary of the Australian Agricultural Company's grant of four hundred and sixty-four thousand six hundred and forty acres aforesaid bearing south to the northern boundary of B. Sullivan's two thousand five hundred and sixty acres grant being a line crossing Craven's Creek the Bowman River Back Creek the Barrington River the Avon River and the Karuah River thence by part of the northern boundary of Sullivan's grant easterly about eighty chains thence by the eastern boundary of that grant southerly to Thalaba Creek and thence by that creek downwards to its junction with the Williams River thence by that river downwards to the north-western corner of Brown's one hundred acres grant thence by the northern eastern and

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and southern boundaries of that grant easterly southerly and westerly to the Williams River thence by that river downwards to the south-western corner of Ann Ireland's portion seven of one hundred and sixteen acres in the parish of Wilmot on the south by the southern boundary of that portion and its easterly prolongation in all a line bearing east to the right bank of the Karuah River near its junction with Tarean Creek and again on the east by the Karuah River upwards to the point of commencement.

The above described land contains an area of one hundred and fifty-three thousand six hundred and seventy-three acres exclusively of the alienated measured portions.

Being the unsold residue of one hundred and sixty-eight thousand acres in the said counties and parishes granted third February one thousand eight hundred and twenty-nine.

**20. COUNTY OF ST. VINCENT PARISHES OF BOYLE PERCY AND BRUCE.**

Commencing on the right bank of Jembaicumbene Swamp at the south-western corner of the village of Jembaicumbene and bounded thence on the east by the west boundary of that village bearing northerly forty-eight chains thence by the north boundary of that village easterly eighty chains to the south-western corner of J. Coghill's six hundred and forty acres in the parish of Coghill and thence by the western boundary of that land and its northerly continuation being in all a line crossing Gillamatong Creek St. Omer's Creek and Durran Durra Creek bearing northerly one thousand two hundred and eighty chains on the north by a line bearing westerly seven chains to the Shoalhaven River on the west by that river upwards to its confluence with Jembaicumbene Creek and on the south by that creek and the aforesaid swamp easterly to the point of commencement.

The above described land contains an area of twenty thousand nine hundred and fifty-one acres exclusively of the alienated measured portions.

Being the unsold residue of forty-two thousand four hundred and sixty-seven acres in the said counties and parishes granted third February one thousand eight hundred and twenty-nine.

*Unsold portions of Orphan School Grant at Cabramatta.*

The under described parcels of land being the unsold portions of the land known as the Orphan School Grant at Cabramatta and conveyed by indenture dated the twenty-seventh day of May one thousand eight hundred and twenty-three made between Governor Sir Thomas Brisbane and the Committee of the Female Orphan Institution therein named which said parcels of land are delineated in certain plans deposited in the office of the Surveyor General.

**1. COUNTY OF CUMBERLAND PARISH OF ST. LUKE** containing fifteen acres one rood thirty-seven perches.

Commencing on the southern side of a road one chain wide at the north-eastern corner of John Lackey's portion one hundred and ten and bounded thence on the north by that road bearing east sixteen chains fourteen links on the south-east by a road one chain wide bearing south thirty degrees west sixteen chains on the south-west by the north-eastern boundary of John Lackey's portion one hundred and eleven bearing west thirty-six degrees eight minutes north thirteen chains eighty-eight links and on the north-west by part of the south-eastern boundary of portion one hundred and ten aforesaid bearing north thirty degrees east six chains thirty-one links to the point of commencement.

**2. COUNTY OF CUMBERLAND PARISH OF ST. LUKE** containing twenty-two acres and twenty-nine perches.

Commencing on the north-eastern side of a road one chain wide at the southern corner of N. G. Bull's portion one hundred and three and bounded thence on the south-west by that road bearing east twenty-nine degrees fifty-six minutes south sixteen chains ten links on the south-east by a road one chain wide bearing north thirty-six degrees eight minutes east thirteen chains on the north-east by the south-western boundary of N. G. Bull's portion one hundred and four bearing west thirty-six degrees eight minutes north sixteen chains and on the north-west by part of the south-eastern boundary of portion one hundred and three aforesaid bearing south thirty-six degrees eight minutes west fourteen chains seventy-four links to the point of commencement.

**3. COUNTY OF CUMBERLAND PARISH OF ST. LUKE** containing ten acres three roods thirteen perches.

Commencing on the south-western side of a road one chain wide at a northern corner of Edward James Ashcroft's portion one hundred and two and bounded thence on the north-east by that road bearing west twenty-seven degrees five minutes north fifteen chains forty-eight links on the north-west on the south-west and on the south-east by lines dividing it from portion one hundred and two aforesaid bearing south twenty-six degrees twenty-four minutes west seven chains east twenty-seven degrees five minutes south fifteen chains forty-eight links and thence north twenty-six degrees twenty-four minutes east seven chains to the point of commencement.