

An Act to enable the Bishop of Sydney to lease or sell the lands known as the Moorebank Estate and to convey portions of the said lands to the Commissioner for Railways and for the other purposes therein mentioned. [1st July, 1886]

MOOREBANK
ESTATE.

WHEREAS by an indenture of release dated the second day of Preamble. January one thousand eight hundred and thirty-nine and made between Thomas Moore of the one part and the Right Reverend William Grant Broughton Doctor of Divinity Bishop of Australia of the other part a deed of bargain and sale for a year having been made between the same parties on the day before the execution of the said indenture of release the lands mentioned and described in the Schedule hereto and known as the Moorebank Estate were granted and released by the said Thomas Moore to the said Bishop of Australia and his successors Bishops of Australia being Protestants of the United Church of England and Ireland as by law established upon certain trusts in the said indenture of release expressed and declared And whereas the said indenture contains no power of sale and no powers of granting building or improving leases And whereas the said lands are now by law vested in the Most Reverend Alfred Barry Doctor of Divinity Bishop of Sydney hereinafter called the said Trustee upon the trusts expressed and declared in the said indenture And whereas the said lands have greatly increased in value but the rents and profits derived from letting the same on leases for short terms produce only a small income in comparison with such value And whereas it has been proposed that in order to induce the Government of New South Wales to construct a railway from St. Peters to Liverpool in the said Colony the owners of lands through which the line of such railway would pass should convey the portions of land required for the purpose of

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of constructing and maintaining such railway to the Commissioner for Railways without any payment or compensation in respect thereof And whereas the line of the said railway if constructed may pass through the said lands known as Moorebank And whereas it is expedient that the said Trustee should be empowered in the event of such railway so passing through the said land to convey without consideration to the Commissioner for Railways such portions of land as may be required for the purposes of such railway And whereas it is also expedient that power should be given to sell the said lands and hereditaments and to grant building and improving leases of the same and to dedicate portions of the said lands as the sites for roads schools churches and parsonages reserves for recreation and public purposes and otherwise with a view to the improvement of the estate and the accommodation of the lessees and purchasers thereof And whereas the said powers cannot be obtained without the assistance of Parliament 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 :—

Power to convey to
Commissioner of
Railways without
payment.

1. It shall be lawful for the said Trustee to convey and release in fee-simple to the Commissioner for Railways for and on behalf of Her Majesty without any payment or compensation for the same any portion of the lands mentioned and particularly described in the Schedule hereto which may be resumed by such Commissioner for any railway and which such Commissioner is authorized to take compulsorily under the powers conferred by the Act passed in the twenty-second year of the reign of Her present Majesty and intitituled "*An Act to make more effectual provision for the construction by the Government of Railways in the Colony of New South Wales and for the regulation of the same*" and upon any such conveyance the lands thereby conveyed shall be freed and discharged from all the trusts of the said indenture of the second day of January one thousand eight hundred and thirty-nine affecting the same.

Power to lease for
ninety-nine years.

2. It shall be lawful for the said Trustee to lease either the whole or any part of the said lands to any person or persons who shall covenant to improve the same by erecting thereon any new house or houses building or buildings or by repairing or rebuilding any of the houses or buildings which are now or shall hereafter be standing thereon or by otherwise expending in improvements such moneys as shall be deemed adequate to the interest to be parted with for any term of years not exceeding ninety-nine years to take effect in possession and not in reversion nor by way of future interest so as there be reserved in every lease made under this power the best or most improved yearly rent that can be reasonably obtained having regard to the nature of the covenants entered into by the lessee without any fine foregift or other payment of a like nature for the making thereof and so that there be contained in every such lease a condition for re-entry by the said Trustee for non-payment of rent or non-observance or non-performance of the covenants therein contained within a reasonable time to be therein specified and so that the lessee do execute a counterpart of such lease and do thereby covenant for payment of the rent thereby reserved and be not by any express words therein made dispusniable for waste.

Power to sell.

3. It shall be lawful for the said Trustee to sell and dispose of the said lands or any part or parts thereof either together or in parcels and either at public auction or by private contract and at such time or times at such price or prices and subject to such terms and conditions of sale as to title time and manner of payment and otherwise howsoever and generally in such manner as the said Trustee shall deem

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deem expedient with power to buy in at any sale and to rescind or vary any contract for sale and to resell without being liable for any loss which may be occasioned by such rescission variation or resale and to convey the said land or any part or parts thereof when sold to the purchaser or purchasers freed and discharged from all the trusts of the said indenture of the second day of January one thousand eight hundred and thirty-nine. And the receipts in writing of the said Trustee for the purchase moneys of any land sold under this power shall effectually discharge the person paying such moneys for the same and from seeing to the application thereof and from all liability as to the mis-application or mis-appropriation thereof. Provided that so long as any portion of the purchase money payable for any land sold under this power shall be unpaid such land shall remain unconveyed or be otherwise rendered a security for the unpaid purchase money together with the interest thereon until the same shall have been paid.

4. The present occupants of the said property shall be entitled to compensation for improvements erected or made by them or by the previous tenants whose interests they have purchased before the first day of April one thousand eight hundred and eighty-six such compensation to be ascertained by arbitration in the usual way. Provided that no such occupant shall be entitled to compensation until his present occupation shall be terminated.

5. It shall be lawful for the said Trustee to appropriate and dedicate any part or parts of the said lands and hereditaments not being at the time of such appropriation under lease for the site of any church parsonage or school-house or for any purpose connected with religious worship or education or for gardens or grounds used in connection with such church parsonage-house or school or for any ways streets squares avenues passages sewers reserves for recreation and public purposes or otherwise for the general improvement of the estate and the accommodation of the lessees tenants occupiers and purchasers thereof as shall to the said Trustees seem desirable.

6. The said Trustee shall stand possessed of the rents and profits of any lands leased by him under the powers herein contained upon the same trusts as are by the said indenture of the second day of January one thousand eight hundred and thirty-nine declared of and concerning the rents and profits of the lands which shall be so leased or upon such of the said trusts as shall be subsisting and capable of taking effect.

7. The said Trustee shall stand possessed of the moneys arising from any sale under the powers herein contained upon trust to invest the same in the purchase of other freehold lands or upon Government or freehold security in the Colony of New South Wales and shall stand possessed of such investments upon trust to apply the rents issues or profits or the interest or income as the case may be upon such and the same trusts as are by the said indenture of the second day of January one thousand eight hundred and thirty-nine declared of and concerning the rents and profits of the lands so sold or such of the said trusts as shall be subsisting and capable of taking effect.

8. The powers hereby conferred upon the said Trustees shall be exercisable by the Trustees or Trustee for the time being of the said indenture of the second day of January one thousand eight hundred and thirty-nine.

9. This Act may be cited as the "Moorebank Estate Act 1886." Short title.

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THE SCHEDULE.

FIRST PART.

Seven hundred and fifty acres of land lying and situate in the district of Banks-town bounded on the south side by an east line of one hundred and sixteen chains thirty links on the east by a north line of sixty-two chains seventy links to Richards' south-east corner along Richards' back line west eleven degrees south ten chains twenty links then west seventeen chains thirty links to Mitchell's south-west corner along Mitchell's line north to the river which is to be the boundary on north and west sides The said seven hundred and fifty acres of land to be known by the name of Boyte's Plains.

Fifty acres of land situate at Liverpool originally granted by the Crown to one William Mitchell.

Sixty acres of land lying and situate in the district of Bankstown and bounded on the west side by Mitchell farm The said sixty acres of land to be known by the name of Richards' farm.

Fifty-five acres of land lying and situate in the district of Bankstown bounded on the south by a line east eleven and a half degrees north thirteen chains fifty links from Richards' corner on the east by a north line of fifty-five chains on the north by the river and on the west by Richards' farm.

One hundred and fifty acres of land lying and situate in the district of Banks-town and bounded on the north side by Clinch farm and on the south side by Angle farm.

One hundred and forty acres of land lying and situate in the district of Banks-town and bounded on the north side by Bramwell farm and on the south side by Wixstead farm.

Two hundred and sixty acres of land to be known by the name of Wixstead farm lying and situate on the banks of George's River in the district of Bankstown and bounded on the south side by Heaty farm.

Six hundred acres of land lying and situate in the district of Bankstown bounded on the west side by Cunningham and Moore farms bearing south fifty-three chains west eleven degrees south thirteen chains fifty links and south sixty-two chains seventy links on the south side by an east line of twenty-eight chains to Rowley's farm on the east side by seven chains ten links of that farm M'Callam Wixstead Angell Bramwell and Clinch farms on the north side by Rowley Johnston Andlezack and Ikin farms and George's River To be called Thomas farm.

SECOND PART.

Three hundred and eighty-five acres of land lying and situate in the district of Holdsworth bounded on the north side by an east line of forty-eight chains (commencing at the south-east corner of his—T. Moore's—present Turnbull farm) on the east by a south line of eighty-four chains on the south by a west line of forty-eight chains and on the west by a north line of eighty-four chains covering his present Boits and Nathaniel farms To be called Rachael farm.

One hundred and sixty acres of land lying and situate in the district of Banks-town bounded on the north side by his—T. Moore's—Turnbull farm bearing east on the east by a south line of twenty-nine chains on the south by a west line to George's River and on the west side by that river A road one chain wide reserved on the north side To be known by the name of Nathaniel farm.

One hundred and sixty acres of land lying and situate in the district of Banks-town bounded on the north side by his—T. Moore's—Hudson farm bearing east fifty-nine chains on the east by a south line of twenty-eight chains on the south by a west line to George's River and on the west side by that river A road of one chain wide on the north side To be known by the name of Turner farm.

One hundred and sixty acres of land lying and situate in the district of Banks-town bounded on the north side of his—T. Moore's—Clarke farm bearing east seventy-six chains on the east by a south line of twenty-three chains on the south by a west line of fifty-nine chains to George's River and on the west side by that river To be known by the name of Hudson farm.

One hundred and sixty acres of land lying and situate in the district of Banks-town bounded on the north side by his—T. Moore's—Turner farm bearing east on the east by a south line of twenty-eight chains on the south by a line west to George's River and on the west side by that river To be known by the name of Turnbull farm.

Two hundred acres of land lying and situate in the district of Bankstown bounded on the north side by Bull's farm bearing east forty chains fifty links and north fourteen chains thence by Moore's present farm bearing east thirty-six chains fifty links on the east side by a south line of thirty-five chains on the south by a west line of seventy-six chains to George's River and on the west side by that river To be known by the name of Clarke farm.

Fifty acres of land lying and situate in the district of Bankstown bounded on the north side by an east line of thirty-eight chains on the south-east side by a south line of fourteen chains on the south by a west line of forty chains fifty links to George's River and on the west by that river dividing it from Guise's farm.

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Three hundred acres of land lying and situate in the district of Bankstown bounded on the north side by Fryar's farm and a continued east line being sixty-two chains from the river on the east by a line south of forty-seven chains twenty links on the south by a west line to the river bounding Bull's farm and on the west side by the river Reserving a road of one chain wide on the south side

Eighty acres of land lying and situate in the district of Bankstown bounded on the north side by forty-nine chains twenty links of Mr. Moore's grant bearing east on the east side by a south line of eighteen chains fifty links on the south by a west line of fifty chains eighty links of George's River and on the west side by that river A road of one hundred feet wide reserved on the north side.

Two hundred and sixty acres of land lying and situate in the district of Banks-town bounded on the south side by Bramwell farm and on the north side by George's River The said two hundred and sixty acres of land to be known by the name Clinch farm.

One hundred and sixty acres of land lying and situate in the district of Banks-town bounded on the north side by his (T. Moore's) Nathaniel farm bearing east on the east side by a south line of twenty-eight chains on the south by a west line to George's River and on the west side by that river To be known by the name of Boit's farm.

STEP'S GRANT.

Eighty acres situate lying and being in the district of Holdsworthy bounded on the north by Moore's Rachael farm bearing east forty-eight chains on the east by a south line of eighteen chains on the south by a west line of forty-eight chains and on the west by a north line of eighteen chains.

Two hundred acres of land situate lying and being in the county of Cumberland and district of Holdsworthy bounded on the west by Moore's Rachael farm bearing north eighty-four chains on the north by an east line of twenty-five chains on the east by a south line of eighty-four chains and on the south by a west line of twenty-five chains To be called Ikin's farm.

One thousand three hundred acres of land situate in the parish of in the county of in the said Colony bounded on the south by a line commencing at the south-west corner of Thomas Laycock's farm of two hundred acres and bearing west seventy-nine chains on the west by a line bearing north one hundred and sixty-one chains twenty links west eleven chains twenty links and north eighteen chains fifty links on the north by a line bearing east to the western boundary of Thomas Rowley's farm and on the east by part of the western boundary of Thomas Rowley's farm and by the western boundaries of G. W. Evans and Thomas Laycock's farms.

GARNOCK'S GRANT.

Six hundred and forty acres of land more or less situated in the county of Cumberland parish of Holdsworthy Commencing at the south-west corner of Thomas Moore's bounded on the north by a line bearing east sixty-three chains forty links on the east by a line south one hundred and ten chains on the south by a line west forty-one chains to George's River and on the west by that river being the land promised to the said grantee (Geo. Garnock) on or before the date above-mentioned and of which he was authorized to take possession on the sixth day of September one thousand eight hundred and thirty-one being also the land inserted as number seventeen in the Government notice of the twenty-fifth day of March one thousand eight hundred and thirty-five.

THIRD PART.

All that twenty acres of land being part and parcel of a certain farm situate at Bankstown in the said territory of New South Wales containing thirty acres bounded on the north side by Johnston's farm bearing east thirty-one chains fifty links on the east side by a south line of eleven chains on the south by a west line to George's River and on the west side by that river reserving a road one chain wide on the north side.