

**An Act to enable William Henry Simpson
James Vickery and William Ransome
Gullick as Trustees of certain land in the
parish of St. Mary Waverley to sell the
said land and to provide for the appropri-
ation of the proceeds thereof and to vest
in the said Trustees certain other land in
the said parish and to provide for the sale
of the same and the appropriation of the
proceeds thereof. [28th May, 1886.]**

ST. MARY'S
WAVERLEY CHURCH
OF ENGLAND LAND
SALE.
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WHEREAS by a grant from the Crown bearing date the twenty-
second day of October one thousand eight hundred and seventy-
two the land specified in the First Schedule hereto was granted unto
Robert William Newman William Barker and Edward Raynes their
heirs and assigns upon trust for the erection thereon of a church of the
United Church of England and Ireland as by law established in con-
formity with the provisions of the Act seventh William Fourth number
three and the Act eighth William Fourth number five And whereas by
grant from the Crown bearing date the twenty-second day of October
one thousand eight hundred and seventy-two the land specified in the
Second Schedule hereto was granted unto the said Robert William
Newman William Barker and Edward Raynes their heirs and assigns
upon trust for the appropriation thereof as a site for a dwelling-house
garden and other appurtenances for the clergyman duly appointed to
officiate in the said church of the United Church of England and
Ireland in New South Wales erected at Waverley in conformity with the
provisions of the said before-mentioned Acts And whereas by a grant
from the Crown bearing date the twenty-sixth day of October one
thousand eight hundred and seventy-two the land specified in the Third
Schedule hereto was granted unto the said Robert William Newman
William Barker and Edward Raynes their heirs and assigns upon trust
for the erection thereon of a school-house in connection with the
United Church of England and Ireland as by law established And
whereas the said Robert William Newman William Barker and
Edward

Preamble.

St. Mary's Waverley Church of England Land Sale.

Edward Raynes have long ceased to be the Trustees of the said lands and William Henry Simpson James Vickery and William Ransome Gullick are now the duly appointed Trustees thereof And whereas the said sites having been found unsuitable for the purposes for which they were respectively granted and there being already in existence within the said parish of St. Mary Waverley a Church of England and a dwelling-house for the clergyman thereof (which are vested in the said William Henry Simpson James Vickery and William Ransome Gullick as Trustees) it is deemed expedient to sell the said lands and to apply the proceeds as hereinafter directed And whereas the land in the Fourth Schedule hereto described was by an indenture dated the first day of September anno Domini one thousand eight hundred and fifty-seven made between James Heather Atkinson of Waverley aforesaid of the one part and John Dickson and Samuel Raymond both of Waverley of the other part granted in fee to the said John Dickson and Samuel Raymond by the said James Heather Atkinson And whereas by a declaration of trust dated the eighteenth day of November one thousand eight hundred and fifty-seven executed by the said John Dickson and Samuel Raymond after reciting the aforesaid indenture and that the said land therein described had been purchased by them the said John Dickson and Samuel Raymond out of church funds and upon trust for the said church it was declared and provided that the said John Dickson and Samuel Raymond should stand possessed (and were then possessed) of the said lands upon trust to permit and suffer the same to be used and occupied by the master and scholars of the said Church of England School at Waverley as is therein provided subject to the directions and control of the Bishop of Sydney or his successors And whereas the said John Dickson pre-deceased the said Samuel Raymond who died leaving his widow Catherine Sophia Raymond him surviving And whereas by an indenture made the fourth day of June one thousand eight hundred and seventy-nine between the said Catherine Sophia Raymond of the one part and the Right Reverend Frederic Barker Lord Bishop of Sydney of the other part the said Catherine Sophia Raymond conveyed the land specified in the Fourth Schedule hereto unto and to the use of the said Bishop of Sydney and his successors for ever And whereas the said land was held by the said Bishop of Sydney and used by him in trust for the said parish of St. Mary Waverley And whereas the said Frederic Barker is since deceased and the Most Reverend Alfred Barry is now the Bishop of the said Diocese of Sydney And whereas the said Alfred Barry is desirous that the said land in the Fourth Schedule described should be vested in the said William Henry Simpson James Vickery and William Ransome Gullick their heirs or assigns as Trustees for the said parish of St. Mary Waverley and should be dealt with by them in like manner and in conjunction with the lands in the First Second and Third Schedules mentioned and so as aforesaid now held by them And whereas the population in the said parish has largely increased and is still largely increasing and it will be necessary to enlarge and improve the said present existing church and parsonage and to purchase sites for additional buildings in connection with the said church 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 :—

Land vested in
Trustees.

1. The land in the Fourth Schedule hereto described shall be held by and shall be and the same is hereby vested in the said William Henry Simpson James Vickery and William Ransome Gullick their heirs and assigns upon trust for the said parish of St. Mary Waverley.

2.

St. Mary's Waverley Church of England Land Sale.

2. It shall and may be lawful for the said William Henry Simpson James Vickery and William Ransome Gullick (hereinbefore styled Trustees) or other the Trustee or Trustees for the time being of the said lands in the four Schedules hereto described and their heirs or assigns to sell and dispose of the said lands either by public auction or private sale and either in one lot or in several lots and for such price or prices as can be obtained for the same and upon such terms and conditions of sale as the said Trustees may deem expedient and to buy in the said lands or any part or parts thereof and to convey transfer and assure the said lands or any part or parts thereof in fee simple to the purchaser or purchasers thereof his her or their heirs or assigns freed and discharged from each and all the trusts affecting the same and the receipt in writing of the said Trustees their heirs and assigns for any money arising from such sale or sales shall be an effectual and absolute discharge to the purchaser or purchasers thereof and shall free him her or them from seeing to the application of any proceeds of such sale or sales and from any liability in respect of the same.

3. The said Trustees their heirs or assigns shall stand possessed of all moneys arising from each and every such sale or sales as aforesaid and after the payment of the actual and reasonable expenses of such sale or sales and of this Act upon trust to apply the proceeds of such sale or sales

- (a) In or towards the purchase of another site within the said parish of St. Mary Waverley for the erection thereon of a school-house in connection with the Church of England and in or towards the erection of such school-house thereon.
- (b) In or towards the purchase of additional land within the said parish for the said parsonage in connection with the said church.
- (c) In or towards the enlargement or improvement of the said present existing church.

and to apply the remainder of the said moneys (if any) in or towards the purchase of sites within the said parish and the erection thereon of additional buildings in connection with the said church as may be rendered necessary by the aforesaid increase of population therein.

4. This Act may be cited as the "St. Mary's Waverley Church of England Land Sale Act of 1886."

FIRST SCHEDULE.

All that piece or parcel of land in the Colony of New South Wales containing by admeasurement one acre be the same more or less situated in the county of Cumberland and parish of Alexandria near Waverley Commencing on the south-western side of the Coogee Bay Road at the south-eastern corner of John M'Lerie's three acres three roods twenty-four perches and bounded thence on the north-east by that road bearing south thirty-one degrees east three chains and twenty-six links on the south by the northern boundaries of the appropriations of two roods each for Church of England school and parsonage respectively being in all a line bearing west four chains and forty-six links on the west by part of the eastern boundary-line of the three acres two roods three perches for the institution for the education of the daughters of clergymen bearing north two chains seventy-seven links and one-half of a link and on the north by part of the southern-boundary line of John M'Lerie's three acres and three roods twenty-four perches aforesaid bearing east two chains and seventy-seven links to the point of commencement.

Newcastle Steamship Company's Preferential Shares.

SECOND SCHEDULE.

All that piece or parcel of land in the Colony of New South Wales containing by admeasurement two roods be the same more or less situated in the county of Cumberland parish of Alexandria near Waverley Commencing on the northern side of Nelson Road at the south-western corner of the appropriation for a Church of England school and bounded thence on the south by that road bearing west two chains and sixty-three links on the west by part of the eastern boundary-line of the three acres two roods three perches for the institution for the education of the daughters of clergymen bearing north one chain ninety links and one-half of a link on the north by part of the southern boundary-line of the appropriation of one acre for a Church of England church bearing east two chains and sixty-three links and on the east by the western boundary line of the appropriation for a Church of England school aforesaid bearing south one chain ninety links and one-half of a link to the point of commencement.

THIRD SCHEDULE.

All that piece or parcel of land in the Colony of New South Wales containing by admeasurement two roods be the same more or less situated in the county of Cumberland and parish of Alexandria near Waverley Commencing on the south-western side of Coogee Bay Road at the south-eastern corner of the appropriation of one acre for a Church of England church and bounded thence on the north-east by that road bearing south forty degrees thirty minutes east two chains forty-eight links and one-half of a link on the south by Nelson Road bearing west three chains and forty-two links on the west by the eastern boundary-line of the appropriation for a Church of England parsonage bearing north one chain ninety links and one-half of a link and on the north by part of the southern boundary-line of the appropriation for a Church of England church aforesaid bearing east one chain and eighty-three links to the point of commencement.

FOURTH SCHEDULE.

All that piece or parcel of land situated at Waverley in the parish of Alexandria county of Cumberland and Colony of New South Wales containing fourteen perches more or less bounded on the north by a Government road one chain wide Commencing at a point on the south side thereof distant one hundred and twenty feet westerly from the junction of the Coogee Road and bearing westerly forty feet on the west by a line bearing southerly ninety-six feet to a lane on the south by that lane (eight feet wide) bearing easterly forty feet and on the east by a line bearing northerly ninety-six feet dividing it from lot number three to the point of commencement and being lot number four of the subdivisions of James Heather Atkinson's property at Waverley.
