

An Act to enable the Minister and Churchwardens of Saint Thomas' Church, Enfield, to sell certain land in Kent-street, Sydney, devised by the will of Thomas Hyndes, deceased. [26th June, 1888.]

SAINT THOMAS
CHURCH ENFIELD
LAND SALE.

WHIEREAS Thomas Hyndes, late of Sydney, in the Colony of New South Wales, deceased, duly made and published his last will and testament in writing, dated the first day of December, one thousand eight hundred and fifty-three, and thereby, after giving directions as to the payment of his debts and funeral and testamentary expenses, and bequeathing all his personal estate to his wife, Lucy Hyndes, gave and devised unto the said Lucy Hyndes, Francis Mitchell, and Charles Fairfax, and their heirs, all his lands, messuages, tenements, hereditaments, and real estate, to hold the same unto the said Lucy Hyndes, Francis Mitchell, and Charles Fairfax, and their heirs, to the uses upon the trusts, and with, under, and subject to the powers, provisoes, and declarations thereafter expressed and declared concerning the same respectively (that is to say) *inter alia*, as to all his messuage or dwelling-house with the appurtenances to the same belonging, being the southernmost of the four messuages or dwelling-houses situated in Kent-street South, and adjoining to the house hereinafter devised to Mrs. Christina Milner Galley, to the use of the Minister and Churchwardens for the time being of the Church of Saint Thomas at Enfield, upon trust, to apply the rents, issues, and profits thereof, towards the repairing and keeping in repair the said Church: And whereas the said testator died on the eighth day of February,

Preamble.

Saint Thomas Church Enfield Lands Sale.

February, one thousand eight hundred and fifty-five, without having altered or revoked his said will; and whereas the Reverend Septimus Hungerford is the present Minister of the said Church, and William Price, Thomas Hodson, and Hugh Cadden are the present Churchwardens thereof; and whereas the said messuage or dwelling-house has been from time to time let for various terms at rack rents, but is now and has been for some time past unlet, and the same is now in a bad state of repair, and in order to put the same into a proper state of tenantable repair, a considerable sum of money would require to be expended, and the said Minister and Churchwardens have no money at their disposal applicable to any such purpose, and it would be greatly for the benefit of the trust that the said messuage or dwelling-house should be sold; and whereas the said Minister and Churchwardens have agreed with John Paul for the sale to him of the said messuage or dwelling-house and the land on which the same is erected, with the appurtenances, at the price of eight hundred and seventy-five pounds, which is a reasonable and proper price for the said messuage or dwelling-house; and whereas subsequently to the said agreement being entered into, it was discovered that the said will contained no power of sale over the said messuage or dwelling-house, and the said Minister and Churchwardens are further advised that great doubts exist as to the persons in whom the legal estate in the said premises is now vested, and it is desirable that power should be given to the said Minister and Churchwardens to carry out the said agreement, and to sell the said land and premises to the said John Paul, and to vest the legal estate therein in the said John Paul, and to apply the proceeds as hereafter directed; and whereas the description, comprised in the Schedule hereto, is a correct description of the messuage or dwelling-house with the appurtenances so devised by the will of the said Thomas Hyndes as aforesaid. 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 sell land.

1. It shall be lawful for the said Septimus Hungerford, William Price, Thomas Hodson, and Hugh Cadden, or other the Minister and Churchwardens for the time being of the said Church of Saint Thomas, at Enfield, to carry out the said agreement for sale, and to sell and convey the said land and premises described in the Schedule hereto with the appurtenances thereto, unto the said John Paul, his heirs and assigns, freed and discharged from the aforesaid trust, and the receipt in writing of the said Minister and Churchwardens or other the said Minister and Churchwardens for the time being for the said sum of eight hundred and seventy-five pounds shall be an efficient and absolute discharge to the said John Paul, his heirs and assigns, and shall free him or them from seeing to the application of the said purchase money and from any liability in respect of the same; and upon the execution of any conveyance, transfer, or other assurance, by the said Minister and Churchwardens, or other the Minister and Churchwardens for the time being to the said John Paul, his heirs and assigns, the legal estate in the said messuage or dwelling-house and premises shall be deemed to and shall effectually vest in the said John Paul, his heirs and assigns.

Investment clause.

2. The said Minister and Churchwardens, or other the said Minister and Churchwardens for the time being shall, out of the said sum of eight hundred and seventy-five pounds, pay the actual and reasonable expenses of the said sale and of this Act, and shall invest the balance thereof by way of deposit as a permanent investment with any bank carrying on business in Sydney, or in or upon the purchase of shares of

Perpetual Trustee Company (Limited).

of any such bank, or in or upon the purchase of the debentures or Treasury Bills of any Australian British Colony, or in the purchase or on mortgage of any real estate in New South Wales, and may from time to time vary or transpose such investments, and shall apply the dividends, interest, and annual income thereof towards the repairing and keeping in repair the said Church.

THE SCHEDULE BEFORE REFERRED TO.

All that piece or parcel of land, containing by admeasurement three perches or thereabouts, situate in the parish of Saint Andrew, county of Cumberland, and being part of lot four, section twenty, city of Sydney: Commencing on the western building line of Kent-street, at a point distant one hundred and ninety feet four inches from the southern building line of Druitt-street; and bounded thence on the north-west by a line bearing south eighty-three degrees twenty-nine minutes west fifty-one feet four inches; again on the north-west by a line bearing south seventy-three degrees thirty-four minutes west four feet nine inches; thence on the south-west by a line bearing south four degrees fifty-eight minutes east fourteen feet two inches; thence on the south-east by a line bearing north eighty-five degrees five minutes east fifty-nine feet to the building line of Kent-street aforesaid; and thence on the north-east by that building line bearing north fifteen degrees fifty minutes west sixteen feet ten inches, to the point of commencement.
