

An Act to relieve the Rector and Fellows of Saint John's College of the trusts of a devise by will of the late John McEncroe, in regard to certain land near Jamberoo; and to enable them to convey the said land to Trustees; and to enable such Trustees to lease the said land, and also to sell the same and deal with the proceeds thereof.
[3rd March, 1892.]

Preamble.

WHEREAS the Venerable John McEncroe, late of Sydney, in the Colony of New South Wales, Archdeacon of the Roman Catholic Church, deceased, by his last will and testament devised the portion of his real estate specified in the Schedule hereto to the Rector and Fellows of Saint John's College, upon trust for the support of ecclesiastical students for the Archdiocese of Sydney aforesaid, in ecclesiastical colleges in Ireland and Rome, until arrangements should be made for the education of such students in Saint John's College within the University of Sydney, when the rents and profits of the said land should be applied for their education therein: And whereas it is expedient that it should be lawful to expend the said rents and profits in the Colony of New South Wales for the education of the said students therein: And whereas no provision has been made or proposed for the education of such students in Saint John's College aforesaid: And whereas it is expedient that the Rector and Fellows of Saint John's College be relieved of the said trust, and that the said land be conveyed by them to Patrick Francis Moran, Joseph Higgins, John Joseph Carroll, Samuel Austin Sheehy, and Thomas O'Reilly, to be held by them on trust for the education of ecclesiastical students for the Archdiocese of Sydney aforesaid: And whereas it is expedient that the said Patrick Francis Moran, Joseph Higgins, John Joseph Carroll, Samuel Austin Sheehy, and Thomas O'Reilly should have power to lease, and, subject to the control of the Supreme Court of New South Wales, to sell the said land, and to provide for the appropriation of the proceeds thereof: 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:—

Rector and Fellows
of Saint John's
College to convey
to new trustees.

1. The Rector and Fellows of Saint John's College shall have power to convey the land specified in the Schedule hereto to the said Patrick Francis Moran, Joseph Higgins, John Joseph Carroll, Samuel Austin Sheehy, and Thomas O'Reilly, and their heirs, upon trust to apply the rents and profits derived from the said land for the education of ecclesiastical students for the Archdiocese of Sydney. And upon such conveyance

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conveyance the estate of the Rector and Fellows of Saint John's College shall vest in the said Patrick Francis Moran, Joseph Higgins, John Joseph Carroll, Samuel Austin Sheehy, and Thomas O'Reilly.

2. It shall be lawful for the said Patrick Francis Moran, ^{Power to lease.} Joseph Higgins, John Joseph Carroll, Samuel Austin Sheehy, and Thomas O'Reilly, subject to all existing rights, to lease the said land for any term not exceeding ten years, in such portions and upon such terms as they may deem expedient.

3. It shall be lawful for the said Patrick Francis Moran, Joseph Higgins, John Joseph Carroll, Samuel Austin Sheehy, and Thomas O'Reilly to apply the rents and profits of the said land, and also the interest and income to arise from the proceeds of such land should the same be sold under the provisions hereinafter contained, for the education of ecclesiastical students for the Archdiocese of Sydney, in such college or colleges in the Colony of New South Wales as to the said Patrick Francis Moran, Joseph Higgins, John Joseph Carroll, Samuel Austin Sheehy, and Thomas O'Reilly may from time to time appear expedient. ^{Power to expend income in New South Wales.}

4. It shall be lawful for the said Patrick Francis Moran, Joseph Higgins, John Joseph Carroll, Samuel Austin Sheehy, and Thomas O'Reilly to petition, according to the existing practice in similar cases, under the "Settled Estates Act of 1886," the Supreme Court of New South Wales in Equity for leave to sell the said land and to invest the proceeds of such sale in other property, real or personal, or real or other securities, and thereupon, if it appear to the said Court advantageous for the purposes of the said trust and of this Act, it shall be lawful for the said Court to grant permission to the said Patrick Francis Moran, Joseph Higgins, John Joseph Carroll, Samuel Austin Sheehy, and Thomas O'Reilly to sell the said land and invest the proceeds of such sale in the manner proposed in the said petition, or such other manner as to the Court may appear expedient, and thereupon it shall be lawful for the said Patrick Francis Moran, Joseph Higgins, John Joseph Carroll, Samuel Austin Sheehy, and Thomas O'Reilly to sell the said land in the manner so permitted, and convey the same to the purchaser or purchasers thereof free and discharged from any trust, and the proceeds of the said sale shall then be invested by the said Patrick Francis Moran, Joseph Higgins, John Joseph Carroll, Samuel Austin Sheehy, and Thomas O'Reilly as directed by the order of the Supreme Court made upon the hearing of the said petition, and it shall be lawful for the said Court to grant permission from time to time to change the nature of the said investment as to the said Court may appear expedient. ^{Power to petition Supreme Court for leave to sell and invest proceeds of sale.}

SCHEDULE.

All that piece or parcel of land situated near Jamberoo, in the parish of Terragong, in the county of Camden, Colony of New South Wales, and be all the hereinafter mentioned dimensions more or less: Commencing at the south-east corner of the Reverend J. McEncroe's grant of three hundred and twenty acres; and bounded on the east by part of the western boundary of D. Wentworth's two thousand acres bearing northerly thirty-one chains thirty links; thence on the north by part of the southern boundary of J. Reddell's twelve hundred and eighty acres bearing westerly sixty-three chains fifty-four links; thence on the west by a line dividing it from Downey's fifty acres bearing southerly thirty-one chains thirty links; thence on the south by the northern boundaries of T. Hanley's one hundred acres, J. Derrall's eighty-four acres, and A. Riley's one hundred acres bearing easterly sixty-three chains fifty-four links to the point of commencement,—being the three hundred and twenty acres granted to the Reverend John McEncroe, excepting thereout fifty acres conveyed to William Downey by conveyance dated the eleventh day of June, one thousand eight hundred and fifty-three, fifty acres conveyed to Edward Keating by conveyance dated the eleventh day of June, one thousand eight hundred and fifty-three, and twenty acres conveyed to Thomas Hanley by conveyance dated the twentieth day of December, one thousand eight hundred and sixty-five.