

New South Wales.



ANNO PRIMÒ

EDWARDI VII REGIS.

An Act to validate the appointment of Walter Hamilton McClelland, Robert Dixon Sippe, Obed Ebenezer Newman, Francis Edward McLean, Robert Samuel Callaghan, Clement Bloomfield, Alfred Henry Everingham, Edward William Prees, George Read, and Walter Barnes as trustees of the residue of certain lands situate at Randwick, near Sydney, in the State of New South Wales, which said lands were originally granted for the purpose of erecting thereon a Wesleyan Methodist chapel, school-house, and minister's residence; to enable the said trustees or other the trustees or trustee for the time being of the said residue to sell

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or mortgage the same or any part or parts thereof; to provide for the application of the moneys arising from any such sale or mortgage; to validate certain mortgages of the said residue; to provide for the appointment of new trustees thereof; to validate a certain sale and transfer of part of the said lands so granted as aforesaid; and for other purposes incidental thereto or connected therewith.
[5th November, 1901.]

Preamble.

WHEREAS by three several deeds of grant, all bearing date the twelfth day of June, one thousand eight hundred and sixty-five, and all under the hand of His Excellency Sir John Young, Governor of the Colony of New South Wales and its Dependencies, and under the seal of the said Colony certain lands, situate at Randwick, near Sydney, in New South Wales, were granted to the Reverend Stephen Rabone, the Reverend George Hurst, the Reverend Benjamin Chapman, and their heirs upon the following trusts, that is to say: As to part thereof for a Wesleyan Methodist minister's residence, as to another part thereof for a Wesleyan Methodist school-house, and as to another part thereof for a Wesleyan Methodist chapel, the said lands subject to the said trusts comprising the whole of the lands so granted as aforesaid: And whereas the said Reverend Stephen Rabone, the Reverend George Hurst, and the Reverend Benjamin Chapman are long since deceased: And whereas part of the said lands was duly resumed for railway purposes, and was, on the fourth day of March, one thousand eight hundred and eighty-two, transferred for an estate in fee-simple to the Commissioner for Railways, appointed under the Act twenty-second Victoria number nineteen by the then trustee of the said lands: And whereas another part of the said lands was sold, and was, on the eleventh day of February, one thousand eight hundred and ninety-one, by memorandum of transfer, registered number one hundred and seventy-five thousand seven hundred and fifty-two, transferred for an estate in fee-simple by the then trustees of the said lands to the purchaser thereof: And whereas on the twenty-fifth day of June, one thousand eight hundred and ninety-one, the then trustees of the residue of the said lands so granted as aforesaid by memorandum of mortgage, registered number one hundred and eighty-three thousand four hundred and thirty-one, mortgaged part of the said residue of the said lands to secure certain
moneys

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moneys then advanced to them and interest thereon as in the said memorandum provided: And whereas on the twenty-sixth day of August, one thousand eight hundred and ninety-five, the then trustees of the said residue of the said lands by memorandum of mortgage, registered number two hundred and forty-two thousand nine hundred and fifty-seven, mortgaged the then residue of the said lands to secure certain moneys then advanced and interest thereon as in the said memorandum provided: And whereas new trustees of the said residue of the said lands have from time to time been appointed, and such appointments have purported to have been made under the provisions of the Wesleyan Methodist Church Property Trust Act, 1889, and under the provisions of the "Wesleyan Methodist Model Deed of New South Wales, one thousand eight hundred and eighty-eight," in the said Act referred to: And whereas Walter Hamilton McClelland, Robert Dixon Sippe, Obed Ebenezer Newman, Francis Edward McLean, Robert Samuel Callaghan, Clement Bloomfield, Alfred Henry Everingham, Edward William Prees, George Read, and Walter Barnes, having been appointed as aforesaid to be the trustees of the said residue of the said lands, are now the registered proprietors and trustees of the said residue of the said lands, which said residue of the said lands is more particularly described in the Schedule hereto: And whereas the said sale and transfer and mortgages were so made and given for better carrying out the purposes of the trusts upon which the lands so granted as aforesaid were held: And whereas it is expedient that the appointment of the said trustees and the said sale, transfer, and mortgages should be made valid and effectual for all purposes: And whereas the said trustees some time since erected a Wesleyan Methodist minister's residence upon part of the said lands: And whereas the said residue of the said lands are not suitable for the purposes for which the same were granted: And whereas the said trustees have acquired other lands situate at Randwick aforesaid, and have erected a Wesleyan Methodist church thereon: And whereas certain moneys are owing in respect of the purchase of the said lands last-mentioned and the erection of the said church: And whereas it is expedient that the said residue of the said lands so granted as aforesaid should be sold, and that the proceeds to arise from such sale should be applied in satisfaction of the said mortgages and in or towards the purchase of other lands eligible for a Wesleyan Methodist minister's residence in Randwick aforesaid, and in or towards the erection of such residence or in and about the payment of the moneys so owing in respect of the said lands already purchased as aforesaid, and the said church or in and about the maintenance of the said church: And whereas it is also expedient, pending the sale of the said residue of the said lands, to empower the said trustees to mortgage the same and also to provide for the appointment of new trustees thereof: Be it therefore enacted
by

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by the King'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:—

Sale and mortgages
validated.

.1. Notwithstanding any defect or invalidity in the appointment of the trustees for the time being by whom the sale, transfer, and mortgages hereinafter mentioned were effected—

- (a) the sale of the lands described in the memorandum of transfer, registered number one hundred and seventy-five thousand seven hundred and fifty-two, registered in the Lands Titles Office, Sydney;
- (b) the mortgage of the lands described in the memorandum of mortgage, registered number one hundred and eighty-three thousand four hundred and thirty-one, registered as aforesaid; and
- (c) the mortgage of the lands described in the memorandum of mortgage, registered number two hundred and forty-two thousand nine hundred and fifty-seven, registered as aforesaid;

shall be as valid and effectual as if the said trustees who made and executed such sale, transfer, and mortgages respectively had been duly and validly appointed, and had been duly empowered to make and execute such sale, transfer, and mortgages.

Names of present
trustees declared.

2. (1) Notwithstanding any defect or invalidity in the appointment of Walter Hamilton McClelland, Robert Dixon Sippe, Obed Ebenezer Newman, Francis Edward McLean, Robert Samuel Callaghan, Clement Bloomfield, Alfred Henry Everingham, Edward William Prees, George Read, and Walter Barnes to be trustees of the lands described in the Schedule hereto, hereinafter referred to as the "said lands," the said persons are hereby declared to be trustees of the said lands, and the appointment of such persons, and each of them, shall be deemed to have been valid at and from the time of their respective appointments.

Powers and duties
of trustees.

(2) The trustees mentioned in the next preceding subsection, or other the trustees or trustee for the time being of the said lands hereinafter referred to as the "said trustees," shall, from and after the passing of this Act, have the powers hereinafter conferred, and shall hold the said lands, and apply all moneys arising from the sale or mortgage thereof, subject and according to the provisions of this Act.

Power of sale.

3. (1) The said trustees may, with the concurrence of the mortgagee or mortgagees for the time being of the said lands, sell and absolutely dispose of the said lands, or any part or parts thereof, by public auction or private contract, and either in one lot or in several lots, as they deem most expedient, at such price or prices as can be had

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had or obtained for the same, and, when sold, may transfer the same or any part or parts thereof to the purchaser or purchasers in fee-simple freed and discharged from all trusts and encumbrances affecting the same, or may sell the said lands as aforesaid without such concurrence, and subject to any mortgage or mortgages existing thereon.

(2) Pending any such sale or sales, the said trustees may raise money by mortgage of the said lands, or any part or parts thereof, with or without power of sale, or in such manner as they think fit. Power to mortgage.

(3) Any transfer on any sale, or any mortgage hereby authorised, purporting to transfer or mortgage the said lands or any part thereof, if duly executed by a majority of the said trustees, shall be as good, valid, and effectual to and for all intents and purposes as if executed by all the said trustees. Executing transfer or mortgage.

(4) The receipt or receipts of a majority of the said trustees shall in all cases of payment made to them, or any of them, as such trustees, be a full discharge to the person or persons entitled to such receipt or receipts for all moneys therein respectively expressed to have been received, and shall exonerate him or them from seeing to the application of the said moneys and from all liability in respect of the misapplication or non-application thereof. Receipts may be given by a majority of trustees.

4. (1) The said trustees shall stand possessed of all moneys arising from any and every sale or mortgage as aforesaid upon trust, in the first place, to pay all moneys which have been or may hereafter be secured by any mortgage of the said lands or any part thereof, and as to the balance of the said moneys (if any) arising from such sales or mortgages, or, if there are no moneys so secured by mortgage as aforesaid, or if the sale or mortgage is subject to any existing mortgage, then as to the whole of the said moneys arising from any and every such sale or mortgage upon trust to apply the same in or towards any one or more of the following purposes— Application of proceeds, sale and mortgage.

- (a) the purchase of other lands at Randwick aforesaid for the purpose of erecting a Wesleyan Methodist minister's residence thereon and the erection of such residence; or
- (b) the payment of the moneys owing in respect of certain lands situate in Rae-street, in Randwick aforesaid, purchased for the erection thereon of a Wesleyan Methodist church as aforesaid, and in respect of the cost of the erection of the church already erected thereon as aforesaid; or
- (c) the payment of moneys which may hereafter become due in respect of the maintenance of the said church.

(2) Before applying the money arising from any sale or mortgage as provided by this section, the said trustees shall have power to deduct therefrom the costs and expenses of and incidental to such sale or mortgage and of and incidental to the passing of this Act.

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Appointment of new trustees.

5. When and so often as any one or more of the said trustees shall die or be incapacitated from acting, refuse to act, or resign office as trustee by and with the consent of a majority of his co-trustees, or withdraw from or cease to be an adherent of the Wesleyan Methodist Church, or shall remove to such a distance as shall in the opinion of his or their co-trustees, expressed by a majority of his or their said co-trustees, and entered in a minute-book which shall be kept by the said trustees, render it inexpedient for him or them to continue to be a trustee or trustees, the office of the trustee or trustees so dying, incapacitated from acting, refusing to act, resigning, withdrawing from or ceasing to be an adherent of the said Wesleyan Methodist Church, or removing as aforesaid, shall thereupon become vacant, and a new trustee or trustees shall be appointed in his or their place or places, in accordance with the provisions relating to the appointment of new trustees contained in the Wesleyan Methodist Model Deed of New South Wales, one thousand eight hundred and eighty-eight, referred to in the Wesleyan Methodist Church Property Trust Act, 1889, and the provisions of the said Act relating to registration from time to time of trustees in the Wesleyan Methodist Church Register of Trustees for New South Wales, and the evidence of the appointment of trustees so registered shall apply in respect of the said lands, and the Registrar-General is hereby authorised, on the production of the certificate of the Custodian of Deeds in the said Act referred to, to enter the name or names of the trustee or trustees for the time being appearing upon such register as evidenced by such certificate in the register book kept under the provisions of the Real Property Act, 1900, as the proprietor or proprietors of the said lands without any formal transfer thereof, and to issue a certificate of title to him or them or in his or their name or names as such proprietor or proprietors, subject nevertheless to the provisions and with the powers hereinbefore contained.

Exercise of powers subject to approval.

6. The said trustees shall not exercise the power of sale hereinbefore conferred upon them without having first obtained the written approval and consent thereto of the President for the time being of the New South Wales Conference of the Australasian Wesleyan Methodist Church.

Short title.

7. This Act may be cited as the "Randwick Wesleyan Methodist Chapel Enabling Act."

Aberdare Collieries Railway.

SCHEDULE.

All that piece of land situate at Randwick, in the parish of Alexandria and county of Cumberland, State of New South Wales, containing three roods seven and one quarter perches or thereabouts, being lots one, two, three and five, shown on a plan deposited in the Land Titles Office, Sydney, numbered two thousand five hundred and three, and being part of one acre three roods twelve perches originally granted to the Reverend Stephen Rabone, the Reverend George Hurst, and the Reverend Benjamin Chapman, by three several Crown Grants, all bearing date the twelfth day of June, one thousand eight hundred and sixty-five, registered in the Land Titles Office, Sydney, volume sixteen, folios nine, fifteen, and twenty-two respectively, and being the whole of the land comprised and described in Certificate of Title, dated the ninth day of July, one thousand eight hundred and ninety-one, registered volume one thousand and twenty, folio one hundred and five.
