

THE LOLBACK ESTATE (COPMANHURST LAND) TITLE ACT.

An Act to vest in Jacob Lollback the younger as Trustee of the Will and Codicil of Jacob Lollback the elder, part of the lands comprised in Certificate of Title Volume 882, Folio 227, and also to vest the residue of the said lands in the Trustees of the Roman Catholic Church for the Diocese of Lismore; and for purposes connected therewith. [Assented to, 29th November, 1943.]

W HEREAS Joseph Lollback of Copmanhurst on the 5th day of June 1888 became the registered proprietor of an estate in fee simple of the whole of the lands comprised in Certificate of Title Registered Volume 882 Folio 227 And whereas John Kirkpatrick instituted proceedings against the said Joseph Lollback in the District Court of the Northern District holden at Grafton on or about the fifth day of March 1892 for the recovery of certain moneys by Plaintiff No. 90 of 1892 And whereas the said John Kirkpatrick pursuant to such Plaintiff obtained judgment against the said Joseph Lollback on the eighteenth day of November 1892 And whereas the said John Kirkpatrick thereupon caused a Warrant of Execution No. 53 of 1892 to issue against the lands of the said Joseph Lollback out of the said Court And whereas the said Warrant of Execution was registered in the Office for the Registration of Deeds at Sydney on the 22nd day of December 1892 and Numbered 1784 but was not entered upon the *register book* as required by statute to bind the said lands And whereas pursuant to the said Warrant of Execution the said lands of the said Joseph Lollback at Copmanhurst were entered and attached by a Bailiff of the said Court in accordance with an authority first had and obtained by him from the Registrar of the said Court
And

George VI.

And whereas the sale of the said lands was advertised on the 5th day of January 1893 by the Registrar of the said Court and the said lands were submitted for sale by Public Auction on the 20th day of January 1893 And whereas Jacob Lollback the elder purchased all the right title and interest (if any) of the said Joseph Lollback in the said lands And whereas the Registrar of the said Court signed a receipt for the purchase money And whereas no Deed of Bargain and Sale or Memorandum of Transfer was ever executed for the purpose of vesting the title of the said lands in the said Jacob Lollback the elder And whereas the said Jacob Lollback the elder entered into possession of the said lands so purchased by him and up to his decease on the 23rd day of October 1915 remained in undisputed possession of the said lands with the exception of the land described in the Second Schedule hereto and paid all rates and taxes assessed thereon from time to time And whereas the said Jacob Lollback the elder farmed and improved the said lands except as aforesaid And whereas by his last Will and testament dated the 23rd day of November 1914 the said Jacob Lollback the elder appointed Jacob Lollback (the Younger) Michael C. Gallagher and William Gallagher as his executors and trustees and by Codicil dated the 12th day of December 1914 the said Jacob Lollback the elder revoked the appointment of the said Michael C. Gallagher and William Gallagher as his executors and trustees and appointed his wife Hannah Mary Lollback as executrix and trustee in their stead And whereas probate of the Will and Codicil of the said Jacob Lollback the elder was granted to the said Hannah Mary Lollback and the said Jacob Lollback the Younger on the 9th day of December 1915 And whereas by his said Will the said Jacob Lollback the elder gave his wife the said Hannah Mary Lollback a life estate in the said lands and directed that upon her death all his property should be sold and divided amongst his children And whereas the said Hannah Mary Lollback continued in undisputed possession of the said lands except as aforesaid until her death on the 29th day of July, 1936, since which date the said Jacob Lollback the younger as surviving trustee of the Will of the said Jacob Lollback the elder has remained in undisputed possession of the

said

said lands except as aforesaid And whereas during his lifetime the said Jacob Lollback the elder gave to the Roman Catholic Church the part of the said lands described in the Second Schedule hereto for the purpose of erecting a building thereon to be used for the purposes of public worship and with the intention of vesting such lands in the Roman Catholic Church And whereas a building was subsequently erected on such part of the said lands and has been for many years in the occupation of the Roman Catholic Church And whereas it is expedient to vest such part of the said lands as aforesaid in the Trustees of the Roman Catholic Church for the Diocese of Lismore in which Diocese such lands are situated And whereas it is expedient to vest the residue of the said lands in Jacob Lollback the younger to be held by him as Trustee of the Will and Codicil of Jacob Lollback the elder And whereas it is expedient to provide for the matters hereinafter referred to: Be it therefore enacted 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 same as follows:—

1. This Act may be cited as "The Lollback Estate **Short title.** (Copmanhurst Land) Title Act, 1943."

2. The lands described in the First Schedule are **Vesting.** hereby vested in Jacob Lollback the Younger for an estate in fee simple to be held by him as trustee of the Will and codicil of Jacob Lollback the elder.

3. The lands described in the Second Schedule are hereby vested in the Trustees of the Roman Catholic Church for the Diocese of Lismore for an estate in fee simple.

4. The Registrar-General is hereby directed to make **Entries in register.** such entry or entries in the register book and issue such certificates of title as may be necessary to carry out the provisions of this Act.

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The lands comprised in Certificate of Title Registered Volume 882 Folio 227 dated the 5th day of June, 1888, excepting thereout the part thereof described in the Second Schedule hereto.

SECOND SCHEDULE.

That piece of land containing by admeasurement 1 rood and 3/10th perches more or less situated in the State of New South Wales, County of Clarence, Parish of Copmanhurst, being part of portion 22: Commencing on the north-eastern side of the Government road from Baryulgil to Grafton, at a point bearing south 70 degrees 0 minutes east, 8 chains 55 9/10th links from the south-western corner of portion 22 aforesaid; and bounded thence on the south-west by that road being a line bearing south 70 degrees 0 minutes east, 1 chain 3/5th link; thence on the south-east by a line bearing north 21 degrees 32 minutes east, 2 chains 53 4/5th links; thence on the north-east by a line bearing north 69 degrees 0 minutes west, 97 4/5th links; thence on the north-west by a line bearing south 22 degrees 9 minutes west, 2 chains 55 3/5th links to the point of commencement,—and being part of the lands comprised in Certificate of Title, Registered Volume 882, Folio 227, dated the 5th day of June, 1888.
