

RANDWICK  
CEMETERY UNUSED  
LANDS SALE.

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An Act to authorize the Trustees for the time being of the Randwick Cemetery to sell lands situate at Randwick originally granted for the purpose of the interment of the dead and apply the proceeds to the extension of the Church of Saint Jude's and to make such further provision for Church extension in the parish of Randwick as may be deemed necessary. [17th August, 1886.]

Preamble.

WHEREAS by a deed-poll bearing date the twenty-sixth day of February one thousand eight hundred and sixty-four under the hand of His Excellency Sir John Young all that piece or parcel of land in the said deed-poll and in Schedule A hereto annexed particularly mentioned and described with all the appurtenances whatsoever thereto belonging subject nevertheless to certain reservations therein specified were duly granted to Samuel Hebblewhite Joseph Burdekin Holdsworth and Simeon Henry Pearce therein described their heirs and assigns for ever upon trust for the interment of the dead according to the use of the United Church of England and Ireland as by law established in conformity with the "Crown Lands Alienation Act of 1861" and of a certain other Act made and passed in the seventh year of the reign of His Majesty King William the Fourth intituled "*An Act to promote the building of Churches and Chapels*"

*Randwick Cemetery Unused Lands Sale.*

*Chapels and to provide for the maintenance of Ministers of Religion in New South Wales*” so far as the same might apply to the trusts of the said grant and for no other purpose whatsoever. And whereas by the Act thirty-one Victoria number two intituled “*An Act to prohibit burials in the Camperdown Cemetery and to regulate burials in the Randwick Cemetery*” it was enacted that on and after the first day of January one thousand eight hundred and sixty-eight all burials in the burial-ground known as the Randwick Cemetery should be discontinued. Provided that it should be lawful to inter bodies in any enclosure in the Randwick Cemetery within which any body should on such day have been interred and in which on such day an exclusive right of interment should have been acquired. And whereas the parcel of land described in Schedule B hereto particularly mentioned and described is a portion of the parcel of land described in Schedule A hereto but has never been used as a burial-ground and is fenced off and distinct from the remaining portion of the said lands. And whereas Edwin Daintrey Thomas James Stutchbury and George Wall all of Randwick aforesaid Esquires are now the duly appointed Trustees of the said Randwick Cemetery and of the said grant of the twenty-sixth day of February one thousand eight hundred and sixty-four. And whereas it is expedient that the said Trustees or the Trustees for the time being of the said grant should be empowered to sell and dispose of the said land in Schedule B hereto more particularly described and to apply the proceeds of such sale as hereinafter directed. 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:—

1. The said Edwin Daintrey Thomas James Stutchbury and George Wall or the Trustees for the time being of the said grant of the twenty-sixth day of February one thousand eight hundred and sixty-four (hereinafter called the said Trustees) may sell the said lands described in Schedule B hereto by public auction or private contract and either in one or more lot or lots and in such manner generally and upon and subject to such terms and conditions as they may deem expedient and for such price or prices as may reasonably be obtained for the same with power to buy in the said lands or any part thereof at any auction sale or to rescind or vary the terms of any contract for the sale of the said land or any part or parts thereof and when sold convey the lands as aforesaid or any part or parts thereof to the purchaser or purchasers respectively his or their heirs successors or assigns or to such uses and in such manner as such purchaser or purchasers may direct freed and discharged from all trusts affecting the same and the receipt in writing of the said Trustees for the purchase money of any lands so sold as aforesaid shall be full and sufficient discharges to any purchaser for the same and shall free him from being bound to see to the application thereof and from all liability for the loss non-application or mis-application of the same or any part thereof.

2. The said Trustees may upon such sale as aforesaid give credit to any purchaser or purchasers of the said land or any part or parts thereof for any period not exceeding three years for the payment of so much of the purchase money as shall not exceed two-thirds of the whole upon such terms as to interest as they may deem proper. Provided that the lands so sold shall remain unconveyed or untransferred or be otherwise rendered a security for so much of the purchase money as shall remain unpaid together with interest thereon until the same shall have been wholly satisfied.

3. The said Trustees shall stand possessed of the proceeds realized by the sale of the said land upon trust in the first place to pay the

Power to sell and convey.

Power to give credit.

Trusts of purchase money.

*Randwick Cemetery Unused Lands Sale.*

the costs and expenses of and incidental to such sale and this Act and to invest the balance until it may be required from time to time for the purposes hereinafter mentioned in any Government securities or debentures of any of the Australian Colonies or on mortgage of freeholds in the Colony of New South Wales.

Application of proceeds.

4. The said Trustees may apply such portion of the said balance as they may think reasonable in that behalf in the repair or erection of a suitable dwelling-house for the residence of a caretaker for the said Randwick Cemetery and may set apart and separately invest another portion thereof as they may deem sufficient for the purpose next hereinafter mentioned and apply the income thereof in keeping the said Cemetery neat and in order and shall hold the residue of the said moneys or so much as may not have been applied in manner aforesaid and the income thereof for such of the following purposes as may from time to time be deemed necessary by the said Trustees and the persons for the time being holding office as churchwardens and the incumbent for the time being of the parish of Saint Jude Randwick or a majority thereof that is to say for the payment of labour done or material actually supplied for the extension of Saint Jude's Church Randwick or in making such further provision for church extension in the parish of Randwick as may be deemed necessary by the persons hereinbefore mentioned or a majority thereof.

Short title.

5. This Act may be cited as the "Randwick Cemetery Unused Lands Sale Act of 1886."

SCHEDULE A.

All that piece or parcel of land in the Colony of New South Wales containing by admeasurement three acres three roods and thirty-seven perches be the same more or less situated in the county of Cumberland and parish of Alexandria at Randwick Commencing on the north side of Allison Road at the south-western corner of the appropriation for a Church of England School and bounded thence on the east by the western boundaries of that appropriation and the appropriation for a Church of England Parsonage being in all a line bearing north three chains and ninety-four links on the south by part of the north boundary of the last-mentioned appropriation bearing east one chain and forty-four links again on the east by the western boundaries of the respective appropriations for a Church of England Church and a Municipal Council Chamber being in all a line bearing north six chains and thirty links to Frances Road on the north by that road bearing west four chains and forty-four links to John's-lane on the west by that lane dividing it from the respective appropriations for Roman Catholics other denominations Jews Independents and Wesleyan Burial-grounds bearing south ten chains and twenty-four links to Allison Road aforesaid and again on the south by that road bearing east three chains to the point of commencement.

SCHEDULE B.

All that piece of land situated at Randwick in the parish of Alexandria and county of Cumberland Commencing at the intersection of Allison Road and John's-lane and bounded on the south by Allison Road bearing easterly one hundred and sixty-nine feet six inches on the east and north by fenced lines bearing northerly three hundred and twenty-four feet and westerly one hundred and sixty-nine feet six inches to John's-lane aforesaid and on the west by that lane bearing southerly three hundred and twenty-four feet to the point of commencement be the said dimensions all a little more or less.