

Sydney Bethel Union Extension Act 1908 (Private Act)

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New South Wales

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Sydney Bethel Union Extension Act 1908 (Private Act)



New South Wales

An Act to extend the powers of the trustees of the Sydney Bethel Union in dealing with their land and buildings in George-street, Sydney, and to enable them to sell, lease, or mortgage the said land and buildings, and to purchase other land and erect other buildings for the benefit of seamen visiting any port in New South Wales; to provide for the appointment of new trustees of the Sydney Bethel Union; to provide for the vesting of the trust property without conveyance or assignment, and to enable the trustees to accept certain land in exchange for land which has been resumed by the Government of New South Wales; and for other purposes therein mentioned.

Preamble

WHEREAS by a certain grant from the Crown, under the hand and seal of Sir William Thomas Denison, Governor of the Colony of New South Wales, bearing date the first day of March, one thousand eight hundred and fifty-eight, the lands particularly described in the First Schedule hereto were granted unto George Allen, Thomas Barker, Francis Mitchell, Ambrose Foss, and John Alexander, all of the city of Sydney, to be trustees of the Sydney Bethel Union, and to their heirs and assigns in the said trust upon trust for the erection thereon of a mariners' church, and other necessary buildings in connection therewith, and for no other purpose whatsoever; and also upon trust that they, the said grantees, their heirs and assigns should, when thereunto required by the Governor for the time being of New South Wales, convey and assure the said piece or parcel of land unto and to the use of such person or persons as should from time to time have been appointed by the said Governor with the advice of the Executive Council, trustees in their place and stead: And whereas trustees have from time to time been appointed by the Governor for the time being of New South Wales in place of the original trustees named in the said grant, but no conveyance or assurance has been executed of the said lands to the several persons so from time to time appointed: And whereas Sir James Fairfax, George Stanley Littlejohn, Alfred William Meeks, and John Gainford have, by notification in the Government Gazette, been appointed, and they are now the present trustees of the Sydney Bethel Union: And whereas it is doubtful whether the lands subject to the trusts of the said grant are legally vested in the said trustees by reason of no conveyance or assurance as aforesaid of the said lands having been executed: And whereas it is expedient that the lands subject to the trusts of the said grant should be vested in the

said present trustees: And whereas the lands described in the Second Schedule to this Act have been resumed by the Government of New South Wales under the provisions of the *Public Works Act 1900*: And whereas the aforesaid trustees of the Sydney Bethel Union made a claim upon the Government of New South Wales for compensation in respect of the land so resumed: And whereas the said trustees are willing to accept from the Government of New South Wales, and the Government of New South Wales has expressed its willingness to grant to the said trustees in lieu of such compensation another portion of land, being the land described in the Third Schedule to this Act, which is contiguous to the lands described in First Schedule to this Act: And whereas the transfer of the said land to the said trustees in lieu of the said compensation cannot be effected without authority of an Act of Parliament: And whereas it is expedient that authority should be given to effect the said transfer in exchange for the said claim for compensation: And whereas a mariners' church was erected on the said lands described in the First Schedule with moneys subscribed by members of the public and particularly by the members of the Sydney Bethel Union: And whereas for many years past the said Mariners' Church has been the means of providing religious and secular instruction and social recreation for seamen of all nations visiting the port of Sydney; Ad whereas it has been found that such religious and secular instruction and social recreation could be more efficiently provided if a building of more modern design and better accommodation could be made available for the purpose: And whereas it is expedient that the operations of the said Mariners' Church should be extended with a view of enabling the work now carried on to be carried on more efficiently and of increasing its attractiveness to seamen: And whereas it would be greatly for the benefit of seamen visiting the port of Sydney that the said building should be extensively altered or new premises of a more extensive nature obtained for the purpose: And whereas the said deed of grant does not confer any power upon the trustees of the said land to deal in any way with the said land or building: And whereas it is expedient that the trustees for the time being of the said land should have power to sell, lease, or mortgage the said land with the buildings thereon, and in the event of a sale of the said land, to purchase other land, to be held upon the same trusts, and that the said trustees should have power to erect on the said land or any other land purchased by the said trustees a new church and other necessary buildings, and to make additions to and alterations of any buildings, for the purpose of providing religious and secular instruction and social recreation for the benefit of seamen of all nations visiting the port of Sydney: And whereas it is expedient to make provision for the vesting of the property subject to the trusts of the said grant in the persons who from time to time are the trustees of the Sydney Bethel Union without the necessity of any transfer, conveyance, or other formal assurance:

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 the same, as follows:

1 Vesting clause

Upon the passing of this Act the lands described in the First Schedule to this Act shall be vested in Sir James Fairfax, George Stanley Littlejohn, Alfred William Meeks, and John Gainford, the present trustees of the Sydney Bethel Union, and hereinafter called the said

trustees, their heirs and assigns, for an absolute estate in fee-simple to be held by them upon the trusts declared by the said grant of the first day of March, one thousand eight hundred and fifty-eight, and by this Act.

1A Company as trustee

- (1) Any property that, immediately before the appointed day, was vested in the trustees under this Act is, on that day, divested from the trustees and is, to the extent that it was so vested, vested (without conveyance) in Sydney Bethel Union Pty Ltd (ACN 617 974 688) (the **new Trust**).
- (2) The vesting of the property in the new Trust does not affect:
 - (a) any reservation, mortgage, charge, encumbrance, lien or lease that affected the property immediately before the vesting, or
 - (b) any trust on which the property was held immediately before the vesting.
- (3) The new Trust has the functions that are conferred or imposed on a trustee by this Act.
- (4) In this section, **appointed day** means the day on which this section commences.

2 Grant to trustees in lieu of compensation to operate as release

It shall be lawful for His Excellency the Governor with the advice of the Executive Council, to grant to the said trustees for an absolute estate the lands described in the Third Schedule to this Act to be held by them upon the trusts declared by the said grant of the first day of March, one thousand eight hundred and fifty-eight, and this Act in full satisfaction and discharge of all claim to compensation under the provisions of the [Public Works Act 1900](#), by the said trustees or by any other person or persons on behalf of the Sydney Bethel Union in respect of the resumption of the lands described in the Second Schedule to this Act, and the delivery of the grant of the said lands in the Third Schedule to the said trustees shall operate as an absolute release to the Government of New South Wales of all claims by any person claiming under the said grant of the first day of March, one thousand eight hundred and fifty-eight.

3 Power to extend operations

It shall be lawful for the said trustees, or other the trustees for the time-being of the Sydney Bethel Union, to extend the operations of the said Mariners' Church with full power from time to time either to erect on the said lands so vested in them, or on any other lands vested in or acquired by them, new buildings, or to make alterations of any buildings on those lands to provide such facilities as the trustees may in their discretion think advisable, with a view to more effectually providing religious and secular instruction and social recreation for seafarers of all nations visiting any port in New South Wales.

4 Trustees authorised to sell, and application of proceeds

After the passing of this Act it shall be lawful for the said trustees or other the trustees for the time-being of the lands subject to the said trusts to sell and dispose of the said lands together with the buildings erected thereon by public auction or private contract, and either in one lot or in several lots as the said trustees shall think most expedient, for such prices as can be reasonably had or obtained for the same, and when sold to convey the same, or any part or parts thereof, to the purchaser or purchasers thereof, and thereupon the same respectively shall vest absolutely for an estate in fee-simple in the said purchaser or purchasers, their or his heirs and assigns freed and discharged from the said trusts, and the trustees shall stand possessed of all moneys arising from any and every such sale or sales as aforesaid upon trust to apply the same, and the same shall be applied in and towards purchasing other lands suitable for a mariners' church and other necessary buildings as aforesaid in New South Wales, and in and towards building such church, and other necessary buildings as aforesaid, and the receipt in writing of the trustees for the purchase moneys arising from any such sale or sales shall be a sufficient discharge to any and every purchaser of the said land, and shall exonerate such purchaser from seeing to the application of the said moneys.

5 Trustees authorised to lease

It shall be lawful for the said trustees to lease the said lands subject to the said trusts, or any land subsequently acquired by the said trustees under the powers hereinbefore contained, together with the buildings from time to time erected thereon for such term not exceeding twenty-five years, and at such rental, whether nominal or not, as they may in their absolute discretion think fit to any association, institution, or body of persons engaged in mission work among seafarers in any port in New South Wales and in any such lease they may enter into an agreement with the lessees that they the said lessees shall erect such new building, or make such alterations in any existing building, as may appear to the trustees advisable, and generally may make such further or other agreement with the lessees as may, in the opinion of the trustees best secure the provision of religious and secular instruction and social recreation for such seafarers as aforesaid.

6 Terms of sale

Any sale by the trustees under the foregoing provisions may be made upon terms allowing the purchaser credit for the payment of any part of the purchase money not exceeding two third parts thereof upon such terms as to interest or otherwise as the trustees may deem reasonable and expedient.

7 Receipts to be valid discharges

The receipts of any person to whom any money shall be paid by the trustees under the provisions of this Act shall be a valid and complete discharge to the trustees for such moneys.

8 Trustees authorised to mortgage

It shall be lawful for the trustees to mortgage the said lands or any lands to be purchased by them as hereinbefore mentioned for the purpose of raising the moneys required by the trustees for carrying out the powers given to them by this Act, and no person proposing to lend money to the trustees upon any such mortgage shall be concerned to inquire the purpose for which such money is required, nor to see to the application of the money lent by him to the trustees.

8A Investment powers of trustees

The trustees may invest any money held by them that is not immediately required for the purposes of this Act in any manner in which trustees are authorised by the [Trustee Act 1925](#) to invest trust funds.

8B Power of trustees to employ staff

The trustees may employ or otherwise engage persons to assist in providing facilities for seafarers visiting any of the ports in New South Wales.

8C Power of trustees to make grants

The trustees may make grants to any association, institution or body of persons engaged in mission work among seafarers in any port of New South Wales for the purpose of securing the provision of religious and secular instruction and social recreation for those seafarers.

9 Appointment of new trustees

So often as there shall be any vacancy by death or resignation of any of the trustees it shall be lawful for the Governor, by notice in the Government Gazette, to appoint a new trustee in his place, and thereupon the lands, subject to the said trusts and the right to sue for and recover any stock, shares, or choses in action subject to the said trusts shall, by virtue of such notification, and without any formal assurance in the law, vest in the persons who, upon such appointment, are the trustees: Provided that in the event of the lands or any part thereof being subject to the provisions of the [Real Property Act 1900](#), such lands or such part thereof as the case may be shall not so vest until a copy of such notification in the Government Gazette shall have been received by the Registrar-General and been by him noted in the register book under the said Act.

10 Trustees absenting deemed to have resigned

For the purpose of the last preceding section any trustee who has been absent from the Commonwealth of Australia for a period of two years consecutively at any one time shall be deemed to have resigned his position as trustee.

11 Publication in Government Gazette of appointment to be evidence

The publication in the Government Gazette of a notification of appointment of a new trustee as hereinbefore mentioned shall be conclusive evidence of the propriety of such appointment, and that the person in whose place such new trustee is expressed to be appointed has ceased to be a trustee.

12 Name of Act

This Act may be cited as the *Sydney Bethel Union Extension Act 1908*.

First Schedule

ALL that piece or parcel of land in our said territory containing by admeasurement twenty-seven perches, situated in the city of Sydney, parish of St. Philip, county of Cumberland: Commencing at the intersection of the eastern building line of George-street with the southern side of the wall forming the southern boundary of R. Campbell's property; bounded thence on the west by the said eastern building line of George-street, bearing south-easterly eighty links and one half link; thence south-south-easterly one chain and six links; on the south-east by a line bearing north-easterly two chains more or less to the Circular Quay; on the east by the west side of the Circular Quay, bearing northerly thirty-one links to the southern side of the wall forming the southern boundary line of R. Campbell's property aforesaid; and on the north by the southern side of the said wall, bearing westerly one chain and seventy-six links, to the point of commencement at its intersection with the eastern building line of George-street aforesaid, being the land advertised in the Government Gazette notice dated the first day of January, one thousand eight hundred and fifty-eight.

Second Schedule

All that piece and parcel of land containing three and three-quarter perches situate in the city of Sydney, parish of Alexandria, county of Cumberland, New South Wales, and being part of the Mariners' Church area, and commencing at the intersection of the northern face of a new nine-inch brick wall (retaining a passage six feet three and a half inches wide), with the old dwarf stone wall on the eastern side of George-street, such intersection being distant forty-five feet one and three-quarter inches, and bearing one degree eighteen minutes from the intersection of the east side of George-street with the north-west side of Bethel-street; and bounded thence on the north by the north face of nine-inch brick wall referred to, bearing ninety-seven degrees eighteen minutes for forty-eight feet eleven inches to Bethel-street aforesaid; thence on the south-east by Bethel-street, bearing two hundred and thirty-one degrees fifty minutes for fifty-six feet seven inches; thence on the south and south-west by the arc of a circle (of four feet radius) for eight feet two and a half inches whose chord bears three hundred and fifteen degrees for six feet ten and a quarter inches, the centre of which lies to the north-east of said chord to the eastern side of George-street; thence on the west by the eastern side of George-street, bearing one degree eighteen minutes for thirty-six feet four inches, to the point of commencement, be the said several dimensions a little more or less.

NOTE—All bearings are to the trigonometrical meridian. Bethel-street is now non-existent, and this area embraces the passage referred to and part of the Coroner's Court.

Third Schedule

All that piece and parcel of land, containing four perches, situate in the city of Sydney, parish of

Alexandria, county of Cumberland, New South Wales, adjoining the Mariners' Church property, and commencing on Circular Quay at a bend in the wall surrounding said property, and being also the intersection of the north-west side of Bethel-street with the western side of Circular Quay, such bend in the wall being distant thirty-three feet four and seven-eighth inches, bearing one hundred and eighty-eight degrees thirty-six minutes from the north-east corner of Mariners' Church property aforesaid; and bounded thence on the north-west by a stone wall along Bethel-street bearing two hundred and thirty-one degrees fifty minutes for sixty-five feet ten and a quarter inches to a new nine-inch brick wall (retaining a passage six feet six inches wide); thence on the south by the northern edge of said wall bearing ninety-seven degrees eighteen minutes for forty-six feet five and three-eighth inches to Circular Quay; thence on the east by a line along Circular Quay crossing Bethel-street bearing six degrees fifty-eight minutes for forty-seven feet, to the point of commencement, be the said several dimensions a little more or less.

NOTE—All bearings are to the trigonometrical meridian. This area is wholly within Bethel-street, now non-existent.