

University and College Lands (Saint Paul's College and Wesley College) Act 1957 No 16

[1957-16]



New South Wales

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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University and College Lands (Saint Paul's College and Wesley College) Act 1957 No 16



New South Wales

An Act to vest in trustees for The Principal and Councillors of Wesley College certain land formerly vested in trustees for The Warden and Fellows of Saint Paul's College; to declare the trusts upon which that land and certain other lands held by the trustees for such colleges shall be held; to create in favour of such trustees rights of way over certain lands; and for purposes connected therewith.

1 Name of Act and commencement

- (1) This Act may be cited as the *University and College Lands (Saint Paul's College and Wesley College) Act 1957*.
- (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2 Vesting of certain land in trustees for Wesley College

- (1) The land described in Schedule One to this Act is hereby vested in the trustees for Wesley College for an estate in fee simple freed and discharged from all trusts affecting the land immediately before the commencement of this Act.
- (2) **Declaration of trusts upon which trustees for Wesley College shall hold certain land** From and after the commencement of this Act the trustees for Wesley College shall, notwithstanding any occurrence or transaction before such commencement, hold the land described in Schedule One to this Act together with the land described in the First Schedule to the indenture of subgrant mentioned in subsection four of this section and the right of way over the land described in the Second Schedule to such indenture of subgrant upon the same trusts as those for the use and benefit of The Principal and Councillors of Wesley College in and by such indenture of subgrant declared and subject to the same provisos and conditions (including, but without limiting the generality of the foregoing provisions of this subsection, the proviso or condition relating to the nomination or election of new trustees and the proviso or condition declaring the circumstances in which the trusts for the use and benefit of The Principal and Councillors of Wesley College become void cease and determine) as those in such indenture of subgrant contained.

(3) **Creation of right of way over certain land in favour of trustees for Wesley College and others** Notwithstanding anything in any instrument contained, the trustees for Wesley College shall have full right and liberty for themselves and their successors and every person authorised by them and their successors and for The Principal and Councillors of Wesley College, the Principal, Councillors, tutors, students, tradesmen, servants and visitors of Wesley College at all times by day or night with or without horses, cattle or other animals, carriages, motor cars or other vehicles of any description to pass and repass along the land described in Schedule Two to this Act as a means of access to and from the right of way mentioned in subsection two of this section from and to the land which such trustees from time to time hold as trustees for The Principal and Councillors of Wesley College.

(4) **Interpretation** In this section:

trustees for Wesley College means the persons who immediately before the commencement of this Act were the trustees of the land described in the First Schedule and of the right of way over the land described in the Second Schedule to the indenture of subgrant dated the eighth day of December, one thousand nine hundred and twenty-six, and made between The University of Sydney of the first part, The Honourable Sir William Portus Cullen, The Honourable Mr Justice Philip Whistler Street, the Reverend Leslie Ernest Bennett, Ebenezer Frank Vickery, Esquire, and Frederick Cull, Esquire of the second part and The Principal and Councillors of Wesley College of the third part.

3 Modification of subgrant to Saint Paul's College and declaration of trusts upon which land in modified subgrant is to be held

(1) From and after the commencement of this Act:

- (a) the indenture of subgrant mentioned in subsection three of this section shall be read and construed as if the land subgranted by the indenture had been the land described in Schedule Three to this Act and as if the plan on the indenture had been omitted therefrom, and
- (b) the trustees for Saint Paul's College shall, notwithstanding any occurrence or transaction before such commencement, hold the land described in Schedule Three to this Act upon the same trusts as those for the use and benefit of The Warden and Fellows of Saint Paul's College in and by such indenture of subgrant declared and subject to the same provisos and conditions (including, but without limiting the generality of the foregoing provisions of this paragraph, the proviso or condition relating to the nomination or election of new trustees and the proviso or condition declaring the circumstances in which the trusts for the use and benefit of The Warden and Fellows of Saint Paul's College become void cease and determine) as those in such indenture of subgrant contained.

(2) **Creation of right of way over certain land in favour of trustees for Saint Paul's College**

Notwithstanding anything in this Act or any other instrument contained, the trustees for Saint Paul's College shall have full right and liberty for themselves and their successors and every person authorised by them and their successors and for The Warden and Fellows of Saint Paul's College, the Warden, Fellows, tutors, students, tradesmen, servants and visitors of Saint Paul's College at all times by day or night with or without horses, cattle or other animals, carriages, motor cars or other vehicles of any description to pass and repass along the lands described in Schedules Four and Five to this Act as a means of access to and from Carillon Avenue from and to the land described in Schedule Three to this Act.

(3) **Interpretation** In this section:

trustees for Saint Paul's College means the persons who immediately before the commencement of this Act were the trustees of the land described in the First Schedule to the indenture of subgrant dated the twenty-ninth day of October, one thousand nine hundred and twenty-four, and made between the University of Sydney of the first part The Honourable Sir William Portus Cullen, The Honourable Mr Justice Philip Whistler Street, Alfrey Becher Stewart White, Esquire, Francis Alfred Allison Russell, Esquire, and the Reverend Arthur Henry Garnsey of the second part and The Warden and Fellows of Saint Paul's College of the third part.

4 Saving

Except to the extent specified in subsection one of section three of this Act, nothing in this Act shall affect the provisions of section seven of the *University and College Lands and Victoria Park Act 1924-1937*.

Schedule One

(Section 2 (1) (2))

Description of land divested from trustees for Saint Paul's College and vested in trustees for Wesley College.

ALL THAT piece or parcel of land having an area of 1 rood 37 perches situate in the Parish of Petersham, County of Cumberland and State of New South Wales, being part of one hundred and twenty-six acres granted to the University of Sydney on the eighteenth day of January one thousand eight hundred and fifty-five, COMMENCING at the north-eastern corner of land vested in the trustees for Wesley College, and bounded thence on the south-west by a line bearing 169 degrees 27 minutes 30 seconds for 308 feet 7½ inches; thence on the south-east by lines bearing 24 degrees 41 minutes for 102 feet 6¾ inches, and 1 degree 41 minutes for 224 feet 8 inches to the northern boundary of land vested in trustees for Saint Paul's College; and bounded thence on the north by part of that northern boundary of that last-mentioned land being a line bearing 262 degrees 17 minutes for 106 feet 10½ inches to the point of commencement, be the said several dimensions all a little more or less.

Schedule Two

(Section 2 (3))

Description of site of right of way created in favour of trustees for Wesley College and others over land being part of Western Avenue.

ALL THAT piece or parcel of land having an area of 29½ perches situate in the Parish of Petersham, County of Cumberland and State of New South Wales, being part of one hundred and twenty-six acres granted to the University of Sydney on the eighteenth day of January one thousand eight hundred and fifty-five, COMMENCING at a point on the north-western boundary of land vested in the trustees for Wesley College bearing 40 degrees 49 minutes 30 seconds and distant 54 feet from the westernmost corner of that land, and bounded thence on the south-east by part of that north-western boundary of land vested in the trustees for Wesley College, being a line bearing 40 degrees 49 minutes 30 seconds for 263 feet 1½ inches to the north-western corner of the land vested in the trustees for Wesley College; thence on the north by the westerly prolongation of the northern boundary of the land vested in the trustees for Wesley College, being a line bearing 262 degrees 17 minutes for 49 feet 10 inches; thence on the north-west by a line bearing 220 degrees 49 minutes 30 seconds for 225 feet 9¼ inches; and bounded thence on the south-west by a line bearing 130 degrees 49 minutes 30 seconds for 33 feet to the point of commencement, be the said several dimensions all a little more or less.

Schedule Three

(Section 3 (1))

Description of residue of land held by trustees for Saint Paul's College.

ALL THAT piece or parcel of land having an area of 14 acres 3 roods 23 perches situate in the Parish of Petersham, County of Cumberland and State of New South Wales being the whole of the land comprised in Crown Grant Registered Volume 1375 Folio 60 together with part of one hundred and twenty-six acres granted to the University of Sydney on the eighteenth day of January one thousand eight hundred and fifty-five, COMMENCING on the north-western alignment of City Road (formerly known as Newtown Road), at a point bearing north-easterly and distant 89 feet 2¾ inches from its intersection with the northern alignment of Carillon Avenue (formerly known as Saint Paul's Road) and bounded thence on part of the south-east by the north-western alignment of City Road ninety feet wide, being lines bearing 40 degrees 28 minutes 20 seconds for 307 feet 5½ inches, and 38 degrees 45 minutes for 121 feet 6½ inches; thence on part of the north-east by a fenced line bearing 327 degrees 07 minutes for 55 feet 9¼ inches; thence on part of the south-east by a fenced line bearing 36 degrees 52 minutes for 95 feet 11¼ inches to a point which lies on the prolongation of the north-eastern side of a stone lodge; thence again on part of the north-east by a line bearing 306 degrees 31 minutes for 158 feet 6 inches, and by a circularly curved line of 100 feet radius concave towards the east whose length is 79 feet 10½ inches and whose chord bears 329 degrees 24 minutes for 77 feet 9¼ inches, and again by a straight line bearing 352 degrees 17 minutes for 277 feet 10¼ inches; thence on part of the north by a line bearing 262 degrees 17 minutes for 161 feet 8 inches; thence again on part of the north-east by a fenced line bearing 327 degrees 58 minutes for 180 feet; thence again on part of the north by a line bearing 262 degrees 17 minutes for 397 feet 1½ inches to the north-eastern corner of the lands described in Schedule One to this Act; thence generally on the south-west by lines separating subject area from the lands described in Schedule One to this Act and Women's College land bearing 181 degrees 41 minutes for 224 feet 8 inches; 204 degrees 41 minutes for 102 feet 6¾ inches; 169 degrees 27 minutes 30 seconds for 461 feet 8½ inches (partly fenced);

149 degrees 41 minutes for 124 feet 9 inches; 169 degrees 04 minutes for 50 feet (along the edge of an eaves gutter); 81 degrees 12 minutes for 2 feet 4½ inches, and along a line in part fenced bearing 169 degrees 30 minutes for 118 feet 10 inches to the northern alignment of Carillon Avenue aforesaid; thence on part of the south by that alignment bearing 88 degrees 16 minutes for 20 feet to the south-western corner of a stone pillar; thence on part of the north-east by a fenced line bearing 349 degrees 04 minutes for 121 feet 7 inches; thence again on part of the south by lines passing partly along a fence, touching the north-western corner of a brick building and again passing along a fence bearing 87 degrees 27 minutes for 163 feet 9¼ inches; and 88 degrees 15 minutes 40 seconds for 253 feet 1¾ inches and bounded thence again on part of the west by a fenced line being the eastern boundary of land comprised in Crown Grant Registered Volume 2352 Folio 207, bearing 174 degrees 31 minutes for 56 feet 5 inches to the point of commencement, be the said several dimensions all a little more or less.

Schedule Four

(Section 3 (2))

Description of site of right of way created in favour of trustees for Saint Paul's College and others over part of Wesley College land.

ALL THAT piece or parcel of land, in the Parish of Petersham, County of Cumberland and State of New South Wales, being part of one hundred and twenty-six acres granted to the University of Sydney on the eighteenth day of January one thousand eight hundred and fifty-five, COMMENCING at the north-eastern corner of the land described in Schedule One to this Act and bounded thence on the north partly by the northern boundary of the land described in Schedule One to this Act and partly by the northern boundary of Wesley College land being a line bearing 262 degrees 17 minutes for 155 feet 6¾ inches to the south-eastern side of a private roadway known as Western Avenue; thence on the north-west by that side of Western Avenue bearing 220 degrees 49 minutes 30 seconds for 30 feet 2¼ inches; thence on the south by lines bearing and distant respectively 82 degrees 17 minutes for 72 feet 3 inches, and 87 degrees 44 minutes for 101 feet 5¼ inches to the boundary between land described in Schedule One to this Act and Saint Paul's College land; and bounded thence on the east by part of that boundary being a line bearing 1 degree 41 minutes for 30 feet to the point of commencement, be the said several dimensions all a little more or less.

Schedule Five

(Section 3 (2))

Description of site of right of way created in favour of trustees for Saint Paul's College and others over land being part of Western Avenue.

ALL THAT piece or parcel of land having an area of 3 roods 15½ perches situate in the Parish of Petersham, County of Cumberland and State of New South Wales, being part of one hundred and twenty-six acres granted to the University of Sydney on the eighteenth day of January one thousand eight hundred and fifty-five, COMMENCING on the northern alignment of Carillon Avenue (formerly known as Saint Paul's Road) at the south-western corner of the Women's College land, being a point bearing 268 degrees 16 minutes and distant 706 feet 2½ inches from the intersection of that alignment with the western alignment of City Road and bounded thence on the east by the western boundary of the Women's College land, and by the western boundary of the Wesley College land being a line bearing 349 degrees 26 minutes for 808 feet; thence on the south-east by the north-western

boundary of the Wesley College land being a line in part fenced bearing 40 degrees 49 minutes 30 seconds for 317 feet 1½ inches to the north-western corner of the Wesley College land; thence on the north by the westerly prolongation of the northern boundary of the Wesley College land bearing 262 degrees 17 minutes for 49 feet 10 inches; thence on the north-west by a line bearing 220 degrees 49 minutes 30 seconds for 295 feet 7¾ inches; thence on the west by a line bearing 169 degrees 26 minutes for 818 feet 9 inches to the abovementioned northern alignment of Carillon Avenue; and bounded thence on the south by that alignment bearing 88 degrees 16 minutes for 33 feet 4¾ inches to the point of commencement, be the said several dimensions all a little more or less.