

Lewisham Hospital and Church Lands Act 1934

No 60

[1934-60]



New South Wales

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Lewisham Hospital and Church Lands Act 1934 No 60



New South Wales

An Act to provide for the vesting of certain parcels of land situate at Lewisham in the trustees of the religious order of women known as the Little Company of Mary and in the trustees of the Roman Catholic Church and School and Cemetery lands respectively; to provide for the vesting of land upon the appointment of new trustees of the said religious order; to validate certain matters; and for purposes connected therewith.

1 Name of Act

This Act may be cited as the *Lewisham Hospital and Church Lands Act 1934*.

2 Vesting of hospital lands

- (1) The land described in the First Schedule to this Act is hereby vested in Norah Martin, Elizabeth O'Connor, Annie McMahon and Josephine Hazledine, the present trustees for the Province of Australasia of the religious order of women known as the Little Company of Mary (in this Act hereinafter referred to as the **Little Company of Mary**) for an estate in fee simple as joint tenants, subject to a right of foot way over the land described in the Second Schedule to this Act, as appurtenant to the lands respectively described in the Third Schedule and the Fourth Schedule to this Act.
- (2) The land described in the First Schedule to this Act shall be held upon trust for the Little Company of Mary for the Province of Australasia under and in accordance with the constitutions for the time being of the Little Company of Mary, but subject nevertheless to the provisions of this Act.

3 Trustees of hospital lands

- (1) The Provincial Council of the Little Company of Mary for the Province of Australasia shall have power to appoint from time to time a new trustee to fill any vacancy which may occur in the office of a trustee of the land described in the First Schedule to this Act.
- (2) Upon any appointment of a trustee made under subsection one of this section the property and estate in the lands described in the First Schedule to this Act shall without any conveyance vest in the persons who after such appointment are the

trustees, as joint tenants, and shall be held by them upon the trusts set out in subsection two of section two of this Act.

- (3) A certificate purporting to be signed by the Mother Provincial for the time being of the Little Company of Mary for the Province of Australasia stating that the persons named therein were at the date specified the trustees of the land described in the First Schedule to this Act shall in favour of a purchaser or mortgagee or the Registrar-General be conclusive evidence of the facts stated.
- (4) For the purposes of section four of this Act and of subsections one, two and three of this section the land described in the First Schedule to this Act shall be deemed to include any land in the parish of Petersham, county of Cumberland, acquired in conjunction with the land described as aforesaid by the trustees for the time being of such last-mentioned land, and held by the trustees upon the trusts set out in subsection two of section two of this Act.

4 Sale or mortgage of land in First Schedule

The trustees of the Little Company of Mary for the Province of Australasia shall have power to sell or mortgage the lands described in the First Schedule to this Act or any part thereof, but such lands shall not be sold or mortgaged without the consent in writing of the Roman Catholic Archbishop of Sydney for the time being.

Where the consent referred to in this section is given, then, in favour of a purchaser or mortgagee or the Registrar-General, such consent shall be conclusive evidence that any permission or approval required under the constitutions of the Little Company of Mary has been duly obtained.

5 Vesting of Church lands

The land described in the Third Schedule to this Act, together with a right of foot way over the land described in the Second Schedule to this Act, is hereby vested in the Most Reverend Michael Kelly, of Sydney, Roman Catholic Archbishop, the Most Reverend Michael Sheehan, of Homebush, Co-adjutor Archbishop, the Right Reverend Monsignor Patrick Lewis Coonan, of Forest Lodge, Vicar General, and the Very Reverend Thomas Phelan, of Lewisham, Chancellor, for an estate in fee simple as joint tenants, subject to a certain indenture of mortgage to the Commonwealth Bank of Australia dated the fourth day of December, one thousand nine hundred and twenty-two, and registered in the General Registry of Deeds at Sydney, Number 751, Book 1286, and shall be held by them upon trust as a site for a Roman Catholic church, school and clergyman's residence, and for any other church purpose approved of by the Roman Catholic Archbishop of Sydney for the time being.

6 Vesting of cemetery lands

- (1) The land described in the Fourth Schedule to this Act, together with a right of foot way over the land described in the Second Schedule to this Act, is hereby vested in the

Most Reverend Michael Kelly, of Sydney, Roman Catholic Archbishop, the Most Reverend Michael Sheehan, of Homebush, Co-adjutor Archbishop, the Right Reverend Monsignor Patrick Lewis Coonan, of Forest Lodge, Vicar General, and the Very Reverend Thomas Phelan, of Lewisham, Chancellor, for an estate in fee simple as joint tenants, and shall be held by them upon trust as a site for a cemetery, or for any church purpose approved by the Roman Catholic Archbishop of Sydney for the time being.

- (2) Nothing in this Act shall impair or in any way restrict the powers conferred on the trustees for the time being of the Lewisham Roman Catholic Cemetery by the [Lewisham Cemetery Act 1925](#). The powers conferred by that Act may be exercised by the trustees for the time being of the land described in the Fourth Schedule to this Act.

7 Sale or mortgage of land in Third and Fourth Schedules

The trustees for the time being of the lands respectively described in the Third and Fourth Schedules to this Act shall have power to sell or mortgage the respective lands so described or any part thereof; but such lands shall not be sold or mortgaged without the consent in writing of the Roman Catholic Archbishop of Sydney for the time being.

8 Validation of dedication

The dedication of a public highway purporting to have been effected by a certain deed of dedication dated the twelfth day of June, one thousand nine hundred and twenty-eight, and registered in the General Registry of Deeds at Sydney No 729, Book 1520, is hereby validated.

First Schedule Hospital land

(Section 2)

ALL that piece or parcel of land situated in the Municipality of Petersham Parish of Petersham County of Cumberland State of New South Wales being part of Block 3A of the Petersham Estate commencing at the intersection of the south-western building line of West-street with the south-eastern building line of Thomas-street and bounded thence on the north-east by part of the south-western building line of West-street aforesaid being lines bearing respectively 161 degrees 3 minutes 20 seconds for 103 feet 8 inches 149 degrees 40 minutes 40 seconds for 116 feet 11 inches 146 degrees 5 minutes 20 seconds for 244 feet 4 inches 141 degrees 44 minutes for 154 feet 8¾ inches 139 degrees 14 minutes for 295 feet 4 inches 141 degrees 35 minutes 40 seconds for 80 feet 6½ inches and 144 degrees 35 minutes 40 seconds for 28 feet 7¾ inches thence on part of the south-east and part of the south-west by the north-western and part of the north-eastern side of a public right-of-way leading from West-street to Thomas-street being fenced lines bearing 207 degrees 27 minutes for 201 feet 1¼ inches 241 degrees 55 minutes for 7 feet 4¾ inches 273 degrees 16 minutes for 27 feet 2 inches 273 degrees 8 minutes for 124 feet 11¾ inches and 274 degrees 25 minutes 20 seconds for 94 feet 11½ inches respectively to the St. Thomas' Church and School property thence again on part of the south-west by part of the north-eastern boundary of that property being a fenced line bearing 320 degrees 42 minutes 40 seconds for 102 feet 9¼ inches thence on part of the north-west by the south-eastern

boundary of the St. Thomas' Cemetery land being lines bearing 59 degrees 18 minutes for 122 feet $2\frac{3}{4}$ inches 14 degrees 47 minutes for 25 feet $3\frac{1}{4}$ inches and 1 degree 16 minutes for 10 feet $10\frac{3}{4}$ inches respectively thence again on part of the south-west by the north-eastern boundary of the St. Thomas' Cemetery land aforesaid, bearing 322 degrees 20 minutes 15 seconds for 247 feet $2\frac{3}{4}$ inches thence again on part of the south-east by part of the north-western boundary of the St. Thomas' Cemetery land aforesaid being a line passing partly along a fence bearing 239 degrees 21 minutes for 68 feet $9\frac{1}{4}$ inches to the St. Thomas' Church and School property aforesaid thence again on part of the south-west, part of the north-west and again part of the south-west by part of the north-eastern and part of the south-eastern boundaries of that land being fenced lines bearing 320 degrees 9 minutes 20 seconds for 300 feet $6\frac{3}{4}$ inches 44 degrees 16 minutes for 11 feet $2\frac{1}{2}$ inches and 319 degrees 51 minutes 30 seconds for 96 feet $8\frac{1}{4}$ inches respectively to the south-eastern building line of Thomas-street aforesaid thence again on part of the north-west by part of that building line being lines bearing 29 degrees 58 minutes 30 seconds for 146 feet $9\frac{1}{4}$ inches and 24 degrees 1 minute 20 seconds for 242 feet $10\frac{1}{4}$ inches to the point of commencement and containing in area 6 acres 1 rood $10\frac{1}{4}$ perches be the above-mentioned several dimensions a little more or less.

Second Schedule Right of foot way

(Sections 2, 5, 6)

All that piece or parcel of land situated in the Municipality of Petersham Parish of Petersham County of Cumberland and State of New South Wales being part of Block 3A of the Petersham Estate commencing at a point on the south-western building line of West-street bearing and distant from the intersection of that building line with the south-eastern building line of Thomas-street 161 degrees 3 minutes 20 seconds for 103 feet 8 inches 149 degrees 40 minutes 40 seconds for 116 feet 11 inches 146 degrees 5 minutes 20 seconds for 244 feet 4 inches and 141 degrees 44 minutes for 126 feet 2 inches respectively and bounded thence on part of the north-east by part of the south-western building line of West-street aforesaid bearing 141 degrees 44 minutes for 20 feet $2\frac{1}{4}$ inches thence on part of the south-east and again on part of the north-east by part of the Lewisham Hospital property being lines bearing 239 degrees 21 minutes for 195 feet $7\frac{1}{4}$ inches 142 degrees 20 minutes 15 seconds for 220 feet $0\frac{1}{4}$ inch and 181 degrees 16 minutes for 31 feet $9\frac{3}{4}$ inches respectively thence on part of the south-west and again on part of the south-east by the north-eastern and part of the north-western boundaries of the St. Thomas' Cemetery land being lines bearing 322 degrees 20 minutes 15 seconds for 247 feet $2\frac{3}{4}$ inches and 239 degrees 21 minutes for 68 feet $9\frac{1}{4}$ inches respectively thence again on part of the south-west by part of the north-eastern boundary of the St. Thomas' Church and School property being a fenced line bearing 320 degrees 9 minutes 20 seconds for 20 feet 3 inches thence on the north-west by part of the Lewisham Hospital property being a line bearing 59 degrees 21 minutes for 285 feet $0\frac{3}{4}$ inch to the point of commencement be the above-mentioned several dimensions a little more or less.

Third Schedule Church and school land

(Section 5)

All that piece or parcel of land situated in the Municipality of Petersham Parish of Petersham County of Cumberland State of New South Wales being part of Block 3A of the Petersham Estate commencing at a point on the south-eastern building line of Thomas-street bearing and distant from the intersection of that building line with the south-western building line of West-street 204 degrees 1 minute 20 seconds for 242 feet $10\frac{1}{4}$ inches and 209 degrees 58 minutes 30 seconds for 146 feet $9\frac{1}{4}$ inches respectively and bounded thence on part of the north-east part of the south-east and again on part of the north-

east by part of the south-western and part of the north-western boundaries of the Lewisham Hospital property being fenced lines bearing 139 degrees 51 minutes 30 seconds for 96 feet 8 $\frac{1}{4}$ inches 224 degrees 16 minutes for 11 feet 2 $\frac{1}{4}$ inches and 140 degrees 9 minutes 20 seconds for 300 feet 6 $\frac{3}{4}$ inches respectively thence again on part of the south-east again on part of the north-east again on part of the south-east and again on part of the north-east by part of the north-west and part of the south-west boundaries of the St. Thomas' Cemetery land and part of the south-western boundary of the Lewisham Hospital property aforesaid being lines bearing 240 degrees 28 minutes 20 seconds for 61 feet 1 $\frac{1}{4}$ inches 154 degrees 2 minutes for 35 feet 8 $\frac{1}{4}$ inches 232 degrees 5 minutes for 19 feet 0 $\frac{3}{4}$ inch 140 degrees 42 minutes for 238 feet 4 $\frac{3}{4}$ inches and 140 degrees 44 minutes 40 seconds for 102 feet 9 $\frac{1}{4}$ inches respectively to a public right-of-way leading from West-street to Thomas-street thence on part of the south-west by part of the north-eastern side of that right-of-way being fenced lines bearing 274 degrees 16 minutes for 54 feet 7 inches 277 degrees 14 minutes 30 seconds for 83 feet 7 $\frac{1}{4}$ inches and 279 degrees 47 minutes for 179 feet 8 inches to the north-eastern building line of Thomas-street aforesaid thence again on part of the south-west and part of the north-west by part of the north-eastern and part of the south-eastern building lines of that street bearing 321 degrees 41 minutes 25 seconds for 360 feet 11 $\frac{1}{2}$ inches 15 degrees 6 minutes 40 seconds for 196 feet 7 $\frac{1}{2}$ inches and 29 degrees 58 minutes 30 seconds for 152 feet 9 $\frac{1}{4}$ inches to the point of commencement and containing in area 3 acres 1 rood 35 $\frac{1}{4}$ perches be the above-mentioned several dimensions a little more or less.

Fourth Schedule Cemetery land

(Section 6)

All that piece of parcel of land situated in the Municipality of Petersham, Parish of Petersham, County of Cumberland, State of New South Wales, being part of Block 3A of the Petersham Estate commencing at a point on the south-eastern side of a right-of-way 20 feet wide over part of the Lewisham Hospital property leading to West-street which point bears 239 degrees 21 minutes for 215 feet 9 inches from a point on the south-western building line of West-street aforesaid which latter point is bearing and distant from the intersection of that building line with the south-eastern building line of Thomas-street 161 degrees 3 minutes 20 seconds for 103 feet 8 inches 149 degrees 40 minutes 40 seconds for 116 feet 11 inches 146 degrees 5 minutes 20 seconds for 244 feet 4 inches and 141 degrees 44 minutes for 146 feet 4 $\frac{1}{4}$ inches respectively and bounded thence on the north-east by the south-western side of another right-of-way 20 feet wide over part of the Lewisham Hospital property aforesaid leading into the first mentioned right-of-way bearing 142 degrees 20 minutes 15 seconds for 247 feet 2 $\frac{3}{4}$ inches thence on the south-east by part of the Lewisham Hospital property aforesaid being lines bearing 181 degrees 16 minutes for 10 feet 10 $\frac{3}{4}$ inches 194 degrees 47 minutes for 25 feet 3 $\frac{3}{4}$ inches and 239 degrees 18 minutes for 122 feet 2 $\frac{3}{4}$ inches respectively thence on part of the south-west by part of the St. Thomas' Church and School property being a fenced line bearing 320 degrees 42 minutes for 238 feet 4 $\frac{3}{4}$ inches thence on part of the north-west and again on part of the south-west by part of the south-eastern and part of the north-eastern boundaries of the St. Thomas' Church and School property aforesaid being fenced lines bearing 52 degrees 5 minutes for 19 feet 0 $\frac{3}{4}$ inches and 334 degrees 2 minutes for 35 feet 8 $\frac{1}{4}$ inches respectively thence again on part the north-west by part of the south-eastern boundary of the St. Thomas' Church and School property aforesaid and by part of the south-eastern side of a right-of-way 20 feet wide aforesaid leading into West-street being a fenced line bearing 60 degrees 28 minutes 20 seconds for 61 feet 1 $\frac{1}{4}$ inches and a line passing partly along a fence bearing 59 degrees 21 minutes for 68 feet 9 $\frac{1}{4}$ inches to the point of commencement and containing in area 3 roods 29 $\frac{1}{4}$ perches be the abovementioned several dimensions a little more or less.