

TEMPE ROMAN CATHOLIC CHURCH LAND SALE ACT.

George V. An Act to vest certain lands situated in the Roman Catholic Diocese of Sydney in his Grace the Most Reverend Michael Kelly, the Right Reverend Monsignor Patrick Lewis Coonan, and the Reverend Patrick Augustine Holland, as trustees ; and to authorise the said trustees to sell and dispose of the said lands and to provide for the appropriation of the proceeds thereof ; and for purposes consequent thereon and incidental thereto. [Assented to, 11th December, 1914.]

Preamble. **W**HEREAS by an indenture of conveyance bearing date the twenty-fourth day of January, in the year of Our Lord one thousand eight hundred and fifty-nine, and made between Edward Flood, Esquire, of the one part, and the Most Reverend John Bede Polding and the Venerable John McEncroe, of the other part, the said Edward Flood did convey and assure to the said Most Reverend John Bede Polding and the Venerable John McEncroe, and their heirs, all that piece or parcel of land described in the First Schedule hereto upon trust as a site for the erection and maintenance of a Roman Catholic Church and priests' dwelling : And whereas since the date of the said indenture the Venerable John McEncroe and the Most Reverend John Bede Polding have departed this life and no new or other trustees have been appointed in their place : And whereas it is expedient that new trustees should be appointed of so much of the said land described in the First Schedule hereto as is comprised in the land described

described in the Third Schedule to this Act, and that such land as aforesaid should be vested in such new trustees: And whereas by another indenture of conveyance bearing date the twentieth day of September, in the year of Our Lord one thousand eight hundred and seventy, and made between Michael Gannon, Esquire, of the one part, and the Most Reverend John Bede Polding aforesaid, the Right Reverend Henry Gregory Gregory, the Reverend Patrick Birch, and the said Michael Gannon, of the other part, the said Michael Gannon did convey and assure to the said Most Reverend John Bede Polding, the Right Reverend Henry Gregory Gregory, and the Reverend Patrick Birch, and Michael Gannon, Esquire, and their heirs, all that piece or parcel of land described in the Second Schedule hereto upon trust as a site for the erection and maintenance of a Roman Catholic Church and priests' dwelling house: And whereas afterwards the said Reverend Patrick Birch, being then the sole trustee, and being desirous of being discharged from the trusts of the said indenture of the twentieth day of September, one thousand eight hundred and seventy, by deed bearing date the thirtieth day of September, one thousand nine hundred and twelve, in exercise of every power in anywise enabling him so to do, did appoint the Most Reverend Michael Kelly, the Right Reverend Monsignor Patrick Lewis Coonan, and the Reverend Patrick Augustine Holland to be trustees of the said indenture of the twentieth day of September, one thousand eight hundred and seventy, and did convey and assure the said land unto the said Most Reverend Michael Kelly, the Right Reverend Monsignor Patrick Lewis Coonan, and the Reverend Patrick Augustine Holland, and their heirs, upon the trusts subject to which the same ought to be held by virtue of the indenture of the twentieth day of September, one thousand eight hundred and seventy, and so much of the said land as is comprised in the land described in the Third Schedule to this Act accordingly became and is vested in the said Most Reverend Michael Kelly, the Right Reverend Monsignor Patrick Lewis Coonan, and the Reverend Patrick Augustine Holland: And whereas

to

George V. to the land described in the First and Second Schedules to this Act, except so much of the same as is described in the Third Schedule to this Act, has been destroyed by the adverse possession of divers persons : And whereas a Roman Catholic school church has been built on portion of the land described in the Third Schedule to this Act, and the remaining portion of the said land so described has been used in conjunction therewith, but the settlement in the district has so altered the conditions of the Roman Catholic parish of Tempe that it has been found that the said land has ceased to be suitably situated for the purposes for which it was granted : And whereas another piece of land in the said parish in a more suitable situation as a site for a Roman Catholic church and priests' dwelling has been purchased, and the Roman Catholic church known as Saint Peter and Saint Paul and a priests' dwelling-house have been erected thereon, and a debt exists upon the said land and buildings : And whereas the land described in the Third Schedule to this Act is not now required for the purposes for which it was granted, as the said Roman Catholic church of Saint Peter and Saint Paul is in its immediate vicinity, and it has accordingly become desirable that the said land should be sold and that the proceeds to arise from such sale should be applied in and towards the reduction of the debt on the Roman Catholic church of Saint Peter and Saint Paul : And whereas it is expedient that the said land described in the Third Schedule to this Act should be vested in His Grace the Most Reverend Michael Kelly, the Right Reverend Monsignor Patrick Lewis Coonan, and the Reverend Patrick Augustine Holland upon the trusts hereinafter declared in this Act : 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 :—

Short title.

1. This Act may be cited as the "Tempe Roman Catholic Church Land Sale Act, 1914."

Vesting of the lands described in the Third Schedule hereto.

2. From and after the passing of this Act the land described in the Third Schedule hereto shall be deemed and taken to be vested in His Grace the Most Reverend the

Michael Kelly, the Right Reverend Monsignor Patrick Lewis Coonan, and the Reverend Patrick Augustine Holland, as the trustees of this Act, their heirs and assigns, for an estate in fee simple as joint tenants. **George V.**

3. It shall be lawful for the said Most Reverend Michael Kelly, the Right Reverend Monsignor Patrick Lewis Coonan, and the Reverend Patrick Augustine Holland, as such trustees as aforesaid, their heirs or assigns, to sell and dispose of the said land described in the Third Schedule hereto, by public auction or by private contract, and either in one lot or in several lots as they shall deem expedient, for such price or prices as can be reasonably obtained for the same, and to convey and assure the same or any part or parts thereof when sold to the purchaser or purchasers thereof in fee simple freed and discharged from all trusts in any way affecting the said lands.

Authority
sell and con-
vey the lands
described in
the Third
Schedule.

4. The receipt of the said Most Reverend Michael Kelly, the Right Reverend Monsignor Patrick Lewis Coonan, and the Reverend Patrick Augustine Holland, as such trustees as aforesaid, their heirs or assigns, for the purchase moneys arising from the sale or sales of the said lands shall be sufficient discharge to the purchaser or purchasers thereof, and shall wholly exonerate him, her, or them from seeing to the application of the said moneys, and from all liability in respect of the misapplication or non-application thereof.

Receipt to be
a discharge

5. The said trustees, their heirs or assigns, shall stand possessed of the moneys arising from such sale or sales as aforesaid upon trust to apply the proceeds thereof in or towards the reduction of the debt on the Roman Catholic Church of Saint Peter and Saint Paul in the parish of Tempe, and upon and subject to no other trusts or provisions whatever.

Application
of proceeds of
sale.

SCHEDULES.

George V.

SCHEDULES.

FIRST SCHEDULE.

ALL that piece or parcel of land situate in the village of Tempe, parish of Petersham, county of Cumberland and Colony aforesaid, being lots 9, 10, 11, 12, and 13 of section 18 on a plan of the said village and bounded as follows : Commencing at a mark on the north side of Unwin-street at the south-west corner of lot 8 ; and bounded on the east by lot 8, being a line bearing north 90 feet ; on the north by a line bearing west 150 feet ; on the west by lot 14, being a line bearing south to Unwin-street 90 feet ; and on the south by Unwin-street, being a line bearing east 150 feet, to the point of commencement.

SECOND SCHEDULE.

All that piece or parcel of land situate in the parish of Petersham, county of Cumberland, and Colony of New South Wales : Commencing at a mark at the north-east corner of lot 9 of the village of Tempe, section 18 ; and bounded on the east by a line being north 30 feet ; on the north by property belonging to Michael Gannon, being a line bearing west 150 feet ; on the west by a line bearing south to the north-west corner of lot 13 of the said village of Tempe 30 feet ; and on the south by the north boundary line of lots 13, 12, 11, 10, and 9 of the village of Tempe aforesaid dividing the land now being described from Unwin-street, being a line bearing east 150 feet, to the point of commencement.

THIRD SCHEDULE.

All that piece of land situated at Tempe in the municipality of St. Peters, parish of Petersham, county of Cumberland, being lots 10, 11, 12, and 13, and part of lot 9, section 18, village of Tempe, and also part of the land comprised in conveyance No. 613, book 121 : Commencing on the north-eastern building line of Station (late Unwin) street at the westernmost corner of land included in Real Property Act application 15,832 ; and bounded thence on the south-west by the building line of Station-street aforesaid bearing north-westerly 123 feet 10 inches ; on the north-west by a line partly forming the boundary between lots 13 and 14, and bearing north-easterly 104 feet 1½ inch to the south-western boundary of land included in Real Property Act application 8,794 ; on the north-east by part of that boundary, being a fenced line bearing south-easterly 137 feet 10 inches to the northernmost corner of land included in Real Property Act application 15,832 aforesaid ; and on the south-east by the north-western boundary of that land, being a fenced line bearing south-westerly 105 feet 8½ inches, to the point of commencement.

THE