

Armidale Roman Catholic Church School and Presbytery Land Sale.

ARMIDALE ROMAN
CATHOLIC CHURCH
SCHOOL AND PRES-
BYTERY LAND SALE.

An Act to enable the Venerable Samuel John Austin Sheehy and Thomas Cooper Makinson Trustees of certain land in the City of Armidale and the Very Reverend John Thomas Lynch Trustee of certain other land in the said City respectively to sell the said respective lands and to provide for the application of the proceeds thereof. [24th November, 1881.]

Preamble.

WHIEREAS by an indenture of conveyance bearing date the first day of October one thousand eight hundred and sixty-two made between the Very Reverend John Rigney of the one part and the Most Reverend John Bede Polding the abovenamed Venerable Samuel John Austin Sheehy and the abovenamed Thomas Cooper Makinson of the other part the land described in the First Schedule hereto was conveyed to the said John Bede Polding Samuel John Austin Sheehy and Thomas Cooper Makinson and their heirs upon trust as a site for the erection and maintenance of a Roman Catholic Church And whereas by a deed of grant from the Crown bearing date the sixteenth day of February one thousand eight hundred and seventy-two the land described in the Second Schedule hereto was granted unto the Right Reverend Timothy O'Mahony then Roman Catholic Bishop of Armidale the Very Reverend John Thomas Lynch abovenamed and Joseph Daly their heirs and assigns upon trust for the erection thereon of a Roman Catholic Church And whereas by a deed of grant from the Crown bearing date the sixteenth day of February one thousand eight hundred and seventy-two the land described in the Third Schedule hereto was granted unto the said Timothy O'Mahony John Thomas Lynch and Joseph Daly their heirs and assigns upon trust for the erection thereon of a Roman Catholic School-house And whereas by a deed of grant from the Crown bearing date the sixteenth day of February one thousand eight hundred and seventy-two the land described in the Fourth Schedule hereto was granted unto the said Timothy O'Mahony John Thomas Lynch and Joseph Daly their heirs and assigns upon trust for the appropriation thereof as the site of a dwelling-house garden and other appurtenances for the clergyman duly appointed to officiate in the Roman Catholic Church at Armidale And whereas it has been found that the lands described in the First and Second Schedules hereto are unsuitable for the erection thereon of a Roman Catholic Church and it is expedient that the said lands should be sold and that the proceeds to arise from such sale should be applied in or towards payment of the purchase money of another piece of land in the said city of Armidale situated in a more suitable position as a site for a Roman Catholic Church or in or towards payment of the cost of erection thereon of such Church And whereas the said Most Reverend John Bede Polding died in the year one thousand eight hundred and seventy-seven and the abovenamed Samuel John Austin Sheehy and Thomas Cooper Makinson are now the sole Trustees of the said lands And whereas the lands described in the Third and Fourth Schedules hereto have respectively been found unsuitable for the purposes for which the said lands were respectively granted and it is expedient that the said lands should be sold and that the proceeds to arise from such sale should be applied in

or

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or towards payment of the purchase-moneys of other lands in the said City of Armidale situated in more suitable positions as sites for a Roman Catholic school and presbytery respectively or in or towards payment of the cost of the erection on such sites respectively of such school and presbytery respectively And whereas the said Right Reverend Timothy O'Mahony some time since resigned his office of Roman Catholic Bishop of Armidale and is now permanently resident beyond the Colony of New South Wales And whereas the said Joseph Daly died in the year one thousand eight hundred and seventy-five And the abovenamed Very Reverend John Thomas Lynch is now the sole Trustee of the said lands respectively described in the Second Third and Fourth Schedules hereto 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. After the passing of this Act it shall be lawful for the said Power to sell. Venerable Samuel John Austin Sheehy and Thomas Cooper Makinson the present Trustees of the land described in the First Schedule hereto their heirs or assigns or other the Trustees for the time being of the said land to sell and dispose of the same by public auction or private contract and either in one lot or in several lots as they shall deem most expedient for such price or prices as can be had or obtained for the same and upon such sale or sales to convey the said land or any part or parts thereof to the purchaser or purchasers thereof in fee simple freed and discharged from all trusts affecting the same And the receipt in writing of the said Trustees their heirs or assigns for the purchase money for the said land upon such sale or sales shall absolutely discharge the purchaser or purchasers thereof from the purchase money payable by him or them respectively and shall exonerate him or them from seeing to the application of the said purchase money and from all liability in respect of any misapplication or non-application thereof.

2. After the passing of this Act it shall be lawful for the Power to sell. abovenamed Very Reverend John Thomas Lynch the present Trustee of the lands respectively described in the Second Third and Fourth Schedules hereto his heirs or assigns or other the Trustee or Trustees for the time being of the said lands to sell and dispose of the same by public auction or private contract and either in one lot or in several lots as they shall deem most expedient for such price or prices as can be had or obtained for the same And upon such sale or sales to convey the said lands respectively or any part or parts thereof to the purchaser or purchasers thereof in fee simple freed and discharged from all trusts affecting the same And the receipt in writing of the said Trustee or Trustees his or their heirs or assigns for the purchase money for the said lands upon such sale or sales shall absolutely discharge the purchaser or purchasers thereof from the purchase money payable by him or them respectively and shall exonerate him or them from seeing to the application of the said purchase money and from all liability in respect of any misapplication or non-application thereof.

3. The said Trustee and Trustees respectively mentioned or Investment of proceeds. referred to in the first and second clauses of this Act his or their heirs and assigns shall respectively stand possessed of all moneys arising from any and every such sale or sales as aforesaid Upon trust to apply the said moneys in or towards payment of the purchase money of another piece or other pieces of land in the said City of Armidale as a site or sites for the erection thereon of a Roman Catholic church school and presbytery respectively or in or towards payment of the cost of erecting thereon such church school and presbytery respectively
Provided

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Provided always that the moneys arising from the sale of the lands described in the said First and Second Schedules shall be applied so far as may be practicable in or towards the cost of a new site for the church or its erection thereon. And that the moneys arising from the sale of the lands described in the Third and Fourth Schedules respectively shall be applied so far as may be practicable in or towards the cost of new sites for the school and dwelling-house or their erection thereon respectively with the appurtenances in accordance with the trusts applicable respectively to the lands described in the said four Schedules.

SCHEDULES.

FIRST SCHEDULE.

All that piece or parcel of land containing by admeasurement one rood thirteen and a half perches more or less situate at Armidale parish of Armidale in New England in the Colony of New South Wales being town allotment number two of section one bounded on the south by Beardy-street one chain easterly on the east by allotment number three three chains thirty-five links northerly on the north by allotment number thirteen one chain westerly and on the west by allotments numbers sixteen and one three chains thirty-five links southerly.

SECOND SCHEDULE.

All that piece or parcel of land containing by admeasurement two roods be the same more or less situated in the county of Sandon and parish of Armidale town of Armidale allotment ten of section five Commencing at the south-western corner of the section and bounded thence on the south by Rusden-street easterly one chain and seventy links on the east by the western boundary-line of allotment nine appropriated for a Roman Catholic school northerly at right angles to Rusden-street three chains two links and one-half of a link to a lane and on the north by that lane westerly parallel with Rusden-street one chain and seventy links to Dangar-street and on the west by that street southerly three chains two links and one-half of a link to the point of commencement.

THIRD SCHEDULE.

All that piece or parcel of land containing by admeasurement one rood be the same more or less situated in the county of Sandon and parish of Armidale town of Armidale allotment nine of section five Commencing on the northern side of Rusden-street at the south-eastern corner of allotment ten appropriated for a Roman Catholic church and bounded thence on the south by that street easterly eighty-three links on the east by the western boundary-line of allotment eight appropriated for a Roman Catholic presbytery northerly at right angles to Rusden-street three chains and two links and one-half of a link to a lane on the north by that lane westerly parallel with Rusden-street eighty-three links and on the west by the eastern boundary-line of allotment ten aforesaid southerly at right angles to Rusden-street three chains two links and one-half of a link to the point of commencement.

FOURTH SCHEDULE.

All that piece or parcel of land containing by admeasurement one rood be the same more or less situated in the county of Sandon and parish of Armidale town of Armidale allotment eight of section five Commencing on the northern side of Rusden-street at the south-eastern corner of allotment nine appropriated for a Roman Catholic school and bounded thence on the south by that street easterly eighty-three links on the east by a line northerly at right angles to Rusden-street three chains two links and one-half of a link to a lane on the north by that lane westerly parallel with Rusden-street eighty-three links and on the west by the eastern boundary-line of allotment nine aforesaid southerly at right angles to Rusden-street three chains two links and one-half of a link to the point of commencement.
