



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

By His Excellency SIR CHARLES AUGUSTUS FITZ ROY, Knight Companion of the Royal Hanoverian Guelphic Order, Governor-General of all Her Majesty's Australian Possessions, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice and consent of the Legislative Council.

An Act to enable the Trustees of the "Sydney Bethel Union" to sell their Land and Buildings in Erskine-street, Sydney, and to erect a new Mariners' Church in a more convenient situation; and for other purposes therein mentioned [Assented to, 10th December, 1851.]

WHEREAS by a Deed of Grant bearing date the third day of June, Preamble. One thousand eight hundred and forty-two, Her Majesty Queen Victoria did give and grant unto Francis Mitchell, Thomas Barker, Ambrose Foss, Robert Bourne, and George Allen, all of Sydney, their heirs and assigns, an allotment of land in Erskine-street, in the Parish of Saint Philip, and in the City of Sydney, containing fifteen and a half Perches, and in the said Grant described as "Allotment Number Fourteen, of Section Number Fifty-five, Bounded on the south by a line bearing east fifteen degrees thirty minutes north one hundred and twenty-one links; on the east by allotment number fifteen, bearing north fifteen degrees thirty minutes west seventy-six links; on the north by Erskine-street, bearing west fifteen degrees thirty minutes south one hundred and thirty-six links; and on the west by Darling Harbour; being the allotment promised by His Excellency Sir Richard Bourke, on twenty-second September, one thousand eight hundred and thirty-four, as the site for the "Sydney Bethel Union Chapel," to hold in trust for the erection of the Sydney Bethel Union Chapel and for no other purpose: And whereas a Bethel Union Chapel or Church was duly erected on such land for the use of Mariners: And whereas such Mariners' Church being in an inconvenient situation, it is deemed expedient to sell the said piece of land with the buildings

Trustees authorised to sell and convey land in Erskine-street, and buildings thereon.

buildings thereon, and to obtain other land in a more suitable situation, and to erect a new Church thereon for the use of Mariners visiting the Port of Sydney: And whereas the said Robert Bourne has ceased to reside in this Colony: Be it therefore enacted, by His Excellency the Governor of New South Wales, by and with the advice and consent of the Legislative Council thereof, That it shall be lawful for the said Francis Mitchell, Thomas Barker, Ambrose Foss, and George Allen, or the Trustees for the time being of the said Sydney Bethel Union, to sell and dispose of the said piece or parcel of Land in Erskine-street, together with the buildings now 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 in the said purchaser or purchasers, their or his heirs and assigns, freed and discharged from the Trusts affecting the same in the hands of the said Trustees.

Proceeds of sale to be paid to the Colonial Treasurer.

II. And be it further enacted, That the moneys to arise from the sale of the said land and buildings shall be paid into the hands of the Colonial Treasurer, to the credit of the said Trustees for the time being, and that the receipt of the Colonial Treasurer shall be a sufficient discharge to the purchaser or purchasers of the said Land and buildings or any part or parts thereof, and shall wholly exonerate him or them from seeing to the application thereof, and from all liability as to the misapplication or non-application thereof.

Power to Trustees to purchase or accept land, and to employ proceeds of sale in erecting new buildings.

III. And be it further enacted, That it shall be lawful for the said Francis Mitchell, Thomas Barker, Ambrose Foss, and George Allen, or the Trustees for the time being of the Sydney Bethel Union, to purchase or to accept a grant of land in the City of Sydney, for the purpose of erecting a new Mariners' Church and all other necessary buildings thereon, and to employ the proceeds of the sale of the said land and buildings in Erskine-street in the purchase of such other land and in the erection thereon of a new Mariners' Church and other buildings if required in connection therewith; and the drafts of the said Trustees or any three of them, purporting on the face of them to be for either of such purposes, and to be drawn by the said Trustees as such Trustees, shall be a sufficient discharge to the said Colonial Treasurer for all such sum or sums of money as shall be therein expressed to be drawn for, and as shall have been paid in pursuance thereof; and the said Colonial Treasurer shall not be responsible in respect of any misapplication or non-application of any money so paid by him upon any such draft.

Land and Mariners' Church to vest in Trustees to be chosen.

IV. And be it enacted, That the land to be purchased or granted as aforesaid, and the new Mariners' Church and buildings when built or erected shall be vested in the said Francis Mitchell, Thomas Barker, Ambrose Foss, and George Allen, or other the Trustees for the time being of the said Sydney Bethel Union; and that upon the election or appointment at any time hereafter of any other Trustee or Trustees thereof by the subscribers thereto, under and in conformity with the rules and regulations of the said Institution, the said land and buildings shall thereupon, and without the execution of any conveyance or transfer thereof, become and be vested in the said new Trustee or Trustees, together with the continuing Trustees or Trustee, if any, or alone, as the case may require, and the said Trustees for the time being shall hold the said land and buildings in Trust for the purposes of the said Institution, and subject to the rules and regulations thereof.

In case no sale takes place, present land and buildings to vest in Trustees for the time being.

V. And be it further enacted, That in case no sale of the said land and buildings thereon in Erskine-street shall take place under the powers conferred by this Act, then the same shall from time to time, and

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at all times be vested in the persons who for the time being shall be the Trustees of the said Institution, under an election or appointment by the subscribers thereto as aforesaid, without any conveyance or transfer of the said land and buildings having been made to any new Trustee or Trustees, and shall be held by the said Trustees for the time being in Trust for the purposes aforesaid, and subject to the rules and regulations of the said Institution.

VI. And be it further enacted, That nothing in this Act or Ordinance contained shall be deemed to affect or apply to any right, title, or interest, of Her Majesty, Her Heirs or Successors, or of any body corporate or politic, or of any other person or persons, excepting such as are mentioned herein, or of those claiming by or under him or them. Reserving rights of Her Majesty, &c., &c.

VII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be Judicially taken notice of accordingly. This Act to be deemed a Public Act.

*Passed the Legislative Council, this ninth }
day of December, one thousand eight hun- }
dred and fifty-one.*

CHARLES NICHOLSON,
SPEAKER.

WM. MACPIERSON,
CLERK OF THE COUNCIL.

In the name and on the behalf of Her Majesty, I assent to this Act,

CH^s. A. FITZ ROY,
GOVERNOR-GENERAL

Govt. House, Sydney, 10th December, 1851.