ANNO QUADRAGESIMO OCTAVO ET QUADRAGESIMO NONO

VICTORIÆ REGINÆ.

A.D. 1885.

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Private Act.

An Act to perfect and complete the Title of William Paxton of Brighton Sussex England Gentleman to part Town Acre No. 142 Grenfell-street in the City of Adelaide and to vest the same in him for his sole use and benefit absolutely.

[Assented to, December 11th, 1885.]

WHEREAS by indentures of lease and release bearing date respectively the sixteenth and seventeenth days of February one thousand eight hundred and forty-five, the release being registered in the General Registry Office for the said province at Adelaide by memorial numbered 437 Book 4 and made between Edward Stephens of the one part Alexander Lang Elder Duncan Macfarlane William Smillie John Wotherspoon and George Young of the other part. It was witnessed that for the considerations in the said indenture of release expressed the said Edward Stephens (being the person then entitled to the fee-simple of and in the land and premises hereinafter described as appears by land grant under the hand and seal of office of James Hurtle Fisher then Commissioner of Public Lands resident in the said Province registered in the General Registry Office aforesaid by registration memorial numbered 205 Book 155 and also enrolled therein by enrolment numbered 3 Book 40 and by two several indentures of lease and release registered as aforesaid and numbered respectively 206 and 207 Book 155 and enrolled therein by enrolments numbered respectively 46 and 47 Book 40) did grant bargain sell alien release and confirm unto the said Alexander Lang Elder Duncan Macfarlane William Smillie
Smillie John Wotherspoon and George Young their heirs and assigns for ever the lands hereditaments right of way and premises herein-after described and hereinafter referred to by and comprised in the words where the same appear "the said land and premises" And whereas the said Alexander Lang Elder Duncan Macfarlane William Smillie John Wotherspoon and George Young by a declaration or instrument in writing under their hands and seals endorsed on the said indenture of release hereinbefore partly recited did or purported so to do declare that they held the said land and premises as trustees for the Church of Scotland Society of South Australia And whereas by an indenture bearing date the twenty-third day of August one thousand eight hundred and forty-eight registered as aforesaid No. 182 Book 12 and enrolled No. 26 Book 5 and made between the said Alexander Lang Elder Duncan Macfarlane William Smillie John Wotherspoon and George Young of the first part and Thomas Shepherd James Wardlaw Disher and Andrew Murray of the second part after reciting (inter alia) the before recited Indenture of Release of the seventeenth day of February one thousand eight hundred and forty-five and reciting the said declaration endorsed thereon and reciting that the said trustees or certain of them had been desirous to be relieved of the said trust and that the said Church of Scotland Society at meetings duly convened for that purpose had resolved and directed that the said hereditaments should be conveyed to the said Thomas Shepherd James Wardlaw Disher and Andrew Murray being respectively trustees of St. Andrews Church of Scotland duly nominated and appointed it was witnessed that for the considerations therein expressed they the said Alexander Lang Elder Duncan Macfarlane William Smillie John Wotherspoon and George Young and every of them granted bargained sold and released unto the said Thomas Shepherd James Wardlaw Disher and Andrew Murray being trustees nominated and appointed as aforesaid and to their heirs and successors (inter alia) the said land and premises together with the appurtenances to hold the same unto the said Thomas Shepherd James Wardlaw Disher and Andrew Murray their heirs and successors for ever upon trust so far as regarded the piece or parcel of land part of town acre section No. 142 being the said land and premises for the maintenance and repair of the said church erected thereon and known as St. Andrew's Church Adelaide and upon and for certain other trusts and purposes therein set forth. And whereas by a memorial bearing date the thirty-first day of July one thousand eight hundred and fifty-four enrolled in the General Registry Office aforesaid No. 19 Book 22 Sir Henry Edward Fox Young Knight then Lieutenant-Governor of the said province in pursuance of the ordinance in that behalf thereby directed Thomas McLaren and William Milne to be enrolled as trustees of such church And whereas at a meeting of the seat-holders of the said St. Andrew's Church of Scotland held in the said church in Grenfell-street aforesaid on the twenty-fourth day of September one thousand eight hundred and fifty-six it was
was resolved that the said church property being the said land and premises should be placed in the hands of Mr. George Green for sale by auction and at a meeting of the Central Committee of the said Church of Scotland, held in St. Andrew’s Church aforesaid on the first day of July one thousand eight hundred and fifty-seven, it was resolved that the upset price of the said property should be Two Thousand Two Hundred Pounds And whereas the said land and premises were by advertisements appearing in the South Australian Register newspaper published in Adelaide aforesaid on each of the eighteenth twentieth twenty-fourth twenty-seventh and twenty-eighth days of August one thousand eight hundred and fifty-seven advertised for sale by public auction at the auction mart of the said George Green in Adelaide aforesaid and were in pursuance of such advertisement put up and offered for sale on the twenty-eighth day of August one thousand eight hundred and fifty-seven by public auction at which sale the agent of the said William Paxton attended and being the highest bidder for the same the said William Paxton was declared the purchaser of the said land and premises at or for the sum of Two Thousand Two Hundred Pounds sterling and which sum was duly paid to the trustees of St. Andrew’s Church Adelaide as stated by the receipt and acquittance contained in and the receipt endorsed on the indenture of conveyance hereinafter recited And whereas in pursuance of such sale as aforesaid the said William Paxton entered into possession of the said land and premises in the year one thousand eight hundred and fifty-eight and did in the month of February one thousand eight hundred and fifty-eight at the request of the Reverend Robert Haining the then minister of St. Andrew’s Church Adelaide let to him for a period of twelve months or thereabouts the building or church then standing upon the said land for the purpose of enabling the congregation to conduct religious worship during the time required to complete the building of a new church and the said William Paxton was paid and received the rent for the said piece of land from the said Robert Haining as aforesaid And whereas by an indenture bearing date the twenty-eighth day of December in the year of our Lord one thousand eight hundred and fifty-eight registered as aforesaid No. 258 Book 148 made between the said James Wardlaw Disher Thomas McLaren and William Milne of the first part the said Thomas Shepherd and Andrew Murray of the second part and the said William Paxton of the third part It was witnessed that in consideration of the sum of Two Thousand Two Hundred Pounds sterling on the execution of the now reciting indenture paid by the said William Paxton to the said James Wardlaw Disher Thomas McLaren and William Milne with the privity and consent of the said Thomas Shepherd and Andrew Murray for the purchase of the fee simple in possession of the said land and premises the receipt of which said sum of Two Thousand Two Hundred Pounds the said James Wardlaw Disher Thomas McLaren and William Milne did hereby acknowledge and from the same did thereby acquit the said William
William Paxton his heirs executors administrators and assigns the said James Wardlaw Disher Thomas McLaren William Milne Thomas Shepherd and Andrew Murray did and each and every of them did grant bargain sell release convey and confirm unto the said William Paxton and his heirs all that piece or parcel of land being part and parcel of the one acre section of town land No. 142 in the provincial survey marked with the letter A which said piece of land thereby assured contains in width on the north side thereof next Grenfell-street aforesaid and on the south side next a piece of land of the width of fifteen feet part of the same section forming a private road or way running from Grenfell-street the whole depth of the said acre section along the eastern extremity thereof and then turning off at a right angle and running in a westerly direction along the southern extremity of the said acre severally fifty-two feet six inches or thereabouts and runs in depth backwards as well on the west side next town acre section No. 141 as on the east side next a piece of land other part of the said town acre section No. 142 formerly belonging to the said Edward Stephens severally one hundred and ninety-five feet or thereabouts be the said dimensions a little more or less together with the right of road by the said piece of land of the width of fifteen feet along the east and south sides of the said town acre section No. 142 together with the appurtenances and all the estate right title and interest of them the said James Wardlaw Disher Thomas McLaren William Milne Thomas Shepherd and Andrew Murray respectively in and to the premises to have and to hold the said thereby assured land hereditaments and premises unto the said William Paxton and his heirs to the use of the said William Paxton his heirs and assigns for ever. And whereas the said William Paxton has ever since entering into possession as aforesaid been and now is in continuance thereof in absolute uninterrupted possession of the said land and premises without let or hindrance and without having been required by any person whomsoever to account for the rents and profits thereof And whereas by an indenture bearing date the seventh day of August one thousand eight hundred and eighty-five and registered as aforesaid No. 124 Book 369 and made between the Presbytery of the Presbyterian Church of South Australia incorporated under “The Associations Incorporation Act 1858” of the one part and the said William Paxton of the other part after reciting inter alia the several indentures and facts before recited and reciting that the Church of Scotland in South Australia of which the congregation of St. Andrew’s Church aforesaid formed part together with other Presbyterian churches in the said province did on or about the tenth day of May one thousand eight hundred and sixty five by a Basis of Union signed by the ministers and elders of the said churches become and form the Presbyterian Church of South Australia It was witnessed that for the consideration therein expressed the said the Presbytery of the Presbyterian Church of South Australia did
did as representing *inter alia* the aforesaid Church of Scotland including St. Andrew's Church fully and absolutely confirm unto the said William Paxton and his heirs all and singular the lands hereditaments and premises together with all edifices buildings appurtenances and easements thereon or thereto belonging or appurtenant described and comprised in and conveyed and granted or intended so to be by the hereinbefore recited indenture of the twenty-eighth day of December one thousand eight hundred and fifty-eight and did confirm and ratify the said indenture of conveyance And whereas doubts have arisen as to whether notwithstanding the several indentures and facts before recited a clear marketable title can be shown by the said William Paxton to the said land comprised in the said recited Indenture of the twenty-eighth day of December one thousand eight hundred and fifty-eight registered No. 258 Book 148 without the aid and authority of the Legislature of the said province Be it therefore Enacted by the Governor of the Province of South Australia with the advice and consent of the Legislative Council and House of Assembly of the said Province in this present Parliament assembled as follows

1. That from and after the coming into operation of this Act all that piece or parcel of land being part and parcel of the one acre section of town land No. 142 in the provincial survey marked with the letter A which said piece of land contains in width on the north side thereof next Grenfell-street in the city of Adelaide and on the south side next a piece of land of the width of fifteen feet part of the same section forming a private road or way running from Grenfell-street the whole depth of the said acre section along the eastern extremity thereof and then turning off at a right angle and running in a westerly direction along the southern extremity of the said acre severally fifty-two feet six inches or thereabouts and runs in depth backwards as well on the west side next town acre section No. 141 as on the east side next a piece of land other part of the said town acre section No. 142 formerly belonging to Edward Stephens severally one hundred and ninety-five feet or thereabouts be the said dimensions a little more or less together with the right of road by the said piece of land of the width of fifteen feet along the east and south sides of the said town acre section No. 142 together with all edifices buildings ways easements rights members privileges and appurtenances to the said land belonging or in anywise appertaining shall be and the same is hereby vested as from the twenty-eighth day of December one thousand eight hundred and fifty-eight in the said William Paxton his heirs and assigns for ever for his and their own absolute use and benefit freed and absolutely discharged from all and every of the trusts (if any) contained in or implied by or arising under the said indenture bearing date the seventeenth day of February one thousand eight hundred and forty-five registered No. 437 Book 4 and the declaration or writing endorsed thereon

Part town acre 142 to vest absolutely and unconditionally in William Paxton.
and the indentures bearing date respectively the twenty-third day of August one thousand eight hundred and forty-eight registered No. 182 Book 12 and the twenty-eighth day of December one thousand eight hundred and fifty-eight registered No. 258 Book 148 or any or either of them.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.