I Certify that this PRIVATE BILL, which originated in the LEGIS-LATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

> W. K. CHARLTON. Clerk of the Parliaments.

Legislative Council Chamber, Sydney, 23rd November, 1943.



ANNO SEPTIMO

GEORGII VI REGIS.

An Act to vest in Jacob Lollback the younger as Trustee of the Will and Codicil of Jacob Lollback the elder, part of the lands comprised in Certificate of Title Volume 882, Folio 227, and also to vest the residue of the said lands in the Trustees of the Roman Catholic Church for the Diocese of Lismore; and for purposes connected therewith. [Assented to, 29th November, 1943.]

HEREAS Joseph Lollback of Copmanhurst on Preamble. the 5th day of June 1888 became the registered proprietor of an estate in fee simple of the whole of the lands comprised in Certificate of Title Registered Volume 882 Folio 227 And whereas John Kirkpatrick instituted proceedings

proceedings against the said Joseph Lollback in the District Court of the Northern District holden at Grafton on or about the fifth day of March 1892 for the recovery of certain moneys by Plaint No. 90 of 1892 And whereas the said John Kirkpatrick pursuant to such Plaint obtained judgment against the said Joseph Lollback on the eighteenth day of November 1892 And whereas the said John Kirkpatrick thereupon caused a Warrant of Execution No. 53 of 1892 to issue against the lands of the said Joseph Lollback out of the said Court And whereas the said Warrant of Execution was registered in the Office for the Registration of Deeds at Sydney on the 22nd day of December 1892 and Numbered 1784 but was not entered upon the register book as required by statute to bind the said lands And whereas pursuant to the said Warrant of Execution the said lands of the said Joseph Lollback at Copmanhurst were entered and attached by a Bailiff of the said Court in accordance with an authority first had and obtained by him from the Registrar of the said Court And whereas the sale of the said lands was advertised on the 5th day of January 1893 by the Registrar of the said Court and the said lands were submitted for sale by Public Auction on the 20th day of January 1893 And whereas Jacob Lollback the elder purchased all the right title and interest (if any) of the said Joseph Lollback in the said lands And whereas the Registrar of the said Court signed a receipt for the purchase money And whereas no Deed of Bargain and Sale or Memorandum of Transfer was ever executed for the purpose of vesting the title of the said lands in the said Jacob Lollback the elder And whereas the said Jacob Lollback the elder entered into possession of the said lands so purchased by him and up to his decease on the 23rd day of October 1915 remained in undisputed possession of the said lands with the exception of the land described in the Second Schedule hereto and paid all rates and taxes assessed thereon from time to time And whereas the said Jacob Lollback the elder farmed and improved the said lands except as aforesaid And whereas by his last Will and testament dated the 23rd day of November 1914 the said Jacob

Act, 1943.

Jacob Lollback the elder appointed Jacob Lollback (the Younger) Michael C. Gallagher and William Gallagher as his executors and trustees and by Codicil dated the 12th day of December 1914 the said Jacob Lollback the elder revoked the appointment of the said Michael C. Gallagher and William Gallagher as his executors and trustees and appointed his wife Hannah Mary Lollback as executrix and trustee in their stead And whereas probate of the Will and Codicil of the said Jacob Lollback the elder was granted to the said Hannah Mary Lollback and the said Jacob Lollback the Younger on the 9th day of December 1915 And whereas by his said Will the said Jacob Lollback the elder gave his wife the said Hannah Mary Lollback a life estate in the said lands and directed that upon her death all his property should be sold and divided amongst his children And whereas the said Hannah Mary Lollback continued in undisputed possession of the said lands except as aforesaid until her death on the 29th day of July, 1936, since which date the said Jacob Lollback the younger as surviving trustee of the Will of the said Jacob Lollback the elder has remained in undisputed possession of the said lands except as aforesaid And whereas during his lifetime the said Jacob Lollback the elder gave to the Roman Catholic Church the part of the said lands described in the Second Schedule hereto for the purpose of erecting a building thereon to be used for the purposes of public worship and with the intention of vesting such lands in the Roman Catholic Church And whereas a building was subsequently erected on such part of the said lands and has been for many years in the occupation of the Roman Catholic Church And whereas it is expedient to vest such part of the said lands as aforesaid in the Trustees of the Roman Catholic Church for the Diocese of Lismore in which Diocese such lands are situated And whereas it is expedient to vest the residue of the said lands in Jacob Lollback the younger to be held by him as Trustee of the Will and Codicil of Jacob Lollback the elder And whereas it is expedient to provide for the matters hereinafter referred to: Be it therefore enacted by the King's Most Excellent Majesty

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 same as follows:—

Short title.

1. This Act may be cited as "The Lollback Estate (Copmanhurst Land) Title Act, 1943."

Vesting.

Entries in

register.

2. The lands described in the First Schedule are hereby vested in Jacob Lollback the Younger for an estate in fee simple to be held by him as trustee of the Will and codicil of Jacob Lollback the elder.

3. The lands described in the Second Schedule are hereby vested in the Trustees of the Roman Catholic Church for the Diocese of Lismore for an estate in fee simple.

4. The Registrar-General is hereby directed to make such entry or entries in the register book and issue such certificates of title as may be necessary to carry out the provisions of this Act.

FIRST SCHEDULE.

The lands comprised in Certificate of Title Registered Volume 882 Folio 227 dated the 5th day of June, 1888, excepting thereout the part thereof described in the Second Schedule hereto.

SECOND SCHEDULE.

That piece of land containing by admeasurement 1 rood and 3/10th perches more or less situated in the State of New South Wales, County of Clarence, Parish of Copmanhurst, being part of portion 22: Commencing on the north-eastern side of the Government road from Baryulgil to Grafton, at a point bearing south 70 degrees 0 minutes east, 8 chains 55 9/10th links from the south-western corner of portion 22 aforesaid; and bounded thence on the south-west by that road being a line bearing south 70 degrees 0 minutes east, 1 chain 3/5th link; thence on the south-east by a line bearing north 21 degrees 32 minutes east, 2 chains 53 4/5th links; thence on the north-east by a line bearing north 69 degrees 0 minutes west, 97 4/5th links; thence on the north-west by a line bearing south 22 degrees 9 minutes west, 2 chains 55 3/5th links to the point of commencement,—and being part of the lands comprised in Certificate of Title, Registered Volume 882, Folio 227, dated the 5th day of June, 1888.

In the name and on behalf of His Majesty I assent to this Act.

WAKEHURST,

Governor.

Government House,

Sydney, 29th November, 1943.

This PRIVATE BILL originated in the LEGISLATIVE COUNCIL, and. having this day passed, is now ready for presentation to the LEGISLA-TIVE ASSEMBLY for its concurrence.

> W. K. CHARLTON, Clerk of the Parliaments.

Legislative Council Chamber. Sydney, 26th October, 1943.



ANNO SEPTIMO GEORGII VI REGIS.

An Act to vest in Jacob Lollback the younger as Trustee of the Will and Codicil of Jacob Lollback the elder, part of the lands comprised in Certificate of Title Volume 882, Folio 227, and also to vest the residue of the said lands in the Trustees of the Roman Catholic Church for the Diocese of Lismore; and for purposes connected therewith.

7 HEREAS Joseph Lollback of Copmanhurst on Preamble. the 5th day of June 1888 became the registered proprietor of an estate in fee simple of the whole of the lands comprised in Certificate of Title Registered Volume 5 882 Folio 227 And whereas John Kirkpatrick instituted 14625 c35proceedings

Act, 1943.

proceedings against the said Joseph Lollback in the District Court of the Northern District holden at Grafton on or about the fifth day of March 1892 for the recovery of certain moneys by Plaint No. 90 of 1892 And whereas

- 5 the said John Kirkpatrick pursuant to such Plaint obtained judgment against the said Joseph Lollback on the eighteenth day of November 1892 And whereas the said John Kirkpatrick thereupon caused a Warrant of Execution No. 53 of 1892 to issue against the lands of
- 1) the said Joseph Lollback out of the said Court And whereas the said Warrant of Execution was registered in the Office for the Registration of Deeds at Sydney on the 22nd day of December 1892 and Numbered 1784 but was not entered upon the *register book* as required
- 15 by statute to bind the said lands And whereas pursuant to the said Warrant of Execution the said lands of the said Joseph Lollback at Copmanhurst were entered and attached by a Bailiff of the said Court in accordance with an authority first had and
- 20 obtained by him from the Registrar of the said Court And whereas the sale of the said lands was advertised on the 5th day of January 1893 by the Registrar of the said Court and the said lands were submitted for sale by Public Auction on the 20th day of January
- 25 1893 And whereas Jacob Lollback the elder purchased all the right title and interest (if any) of the said Joseph Lollback in the said lands And whereas the Registrar of the said Court signed a receipt for the purchase money And whereas no Deed of Bargain and Sale or Memoran-
- **30** dum of Transfer was ever executed for the purpose of vesting the title of the said lands in the said Jacob Lollback the elder And whereas the said Jacob Lollback the elder entered into possession of the said lands so purchased by him and up to his decease on the 23rd day
- **35** of October 1915 remained in undisputed possession of the said lands with the exception of the land described in the Second Schedule hereto and paid all rates and taxes assessed thereon from time to time And whereas the said Jacob Lollback the elder farmed and improved the said
- **40** lands except as afoesaid And whereas by his last Will and testament dated the 23rd day of November 1914 the said

Jacob

Jacob Lollback the elder appointed Jacob Lollback (the Younger) Michael C. Gallagher and William Gallagher as his executors and trustees and by Codicil dated the 12th day of December 1914 the said Jacob Lollback the

- **5** elder revoked the appointment of the said Michael C. Gallagher and William Gallagher as his executors and trustees and appointed his wife Hannah Mary Lollback as executrix and trustee in their stead And whereas probate of the Will and Codicil of the said Jacob Lollback
- 10 the elder was granted to the said Hannah Mary Lollback and the said Jacob Lollback the Younger on the 9th day of December 1915 And whereas by his said Will the said Jacob Lollback the elder gave his wife the said Hannah Mary Lollback a life estate in the said lands and
- 15 directed that upon her death all his property should be sold and divided amongst his children And whereas the said Hannah Mary Lollback continued in undisputed possession of the said lands except as aforesaid until her death on the 29th day of July, 1936, since which
- 20 date the said Jacob Lollback the younger as surviving trustee of the Will of the said Jacob Lollback the elder has remained in undisputed possession of the said lands except as aforesaid And whereas during his lifetime the said Jacob Lollback the elder gave
- 25 to the Roman Catholic Church the part of the said lands described in the Second Schedule hereto for the purpose of erecting a building thereon to be used for the purposes of public worship and with the intention of vesting such lands in the Roman Catholic Church And
- **30** whereas a building was subsequently erected on such part of the said lands and has been for many years in the occupation of the Roman Catholic Church And whereas it is expedient to vest such part of the said lands as aforesaid in the Trustees of the Roman Catholic
- 35 Church for the Diocese of Lismore in which Diocese such lands are situated And whereas it is expedient to vest the residue of the said lands in Jacob Lollback the younger to be held by him as Trustee of the Will and Codicil of Jacob Lollback the elder And whereas it is
- **40** expedient to provide for the matters hereinafter referred to: Be it therefore enacted by the King's Most Excellent

Majesty

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 same as follows:—

5 1. This Act may be cited as "The Lollback Estate Short title. (Copmanhurst Land) Title Act, 1943."

2. The lands described in the First Schedule are Vesting. hereby vested in Jacob Lollback the Younger for an estate in fee simple to be held by him as trustee of the

10 Will and codicil of Jacob Lollback the elder.

3. The lands described in the Second Schedule are hereby vested in the Trustees of the Roman Catholic Church for the Diocese of Lismore for an estate in fee simple.

15 4. The Registrar-General is hereby directed to make Entries in such entry or entries in the register book and issue such register. certificates of title as may be necessary to carry out the provisions of this Act.

FIRST SCHEDULE.

20 The lands comprised in Certificate of Title Registered Volume 882 Folio 227 dated the 5th day of June, 1888, excepting thereout the part thereof described in the Second Schedule hereto.

SECOND SCHEDULE.

- That piece of land containing by admeasurement 1 rood and 3/10th 25 perches more or less situated in the State of New South Wales, County of Clarence, Parish of Copmanhurst, being part of portion 22: Commencing on the north-eastern side of the Government road from Baryulgil to Grafton, at a point bearing south 70 degrees 0 minutes east, 8 chains 55 9/10th links from the south-western corner
- 30 of portion 22 aforesaid; and bounded thence on the south-west by that road being a line bearing south 70 degrees 0 minutes east, 1 chain 3/5th link; thence on the south-east by a line bearing north 21 degrees 32 minutes east, 2 chains 53 4/5th links; thence on the north-east by a line bearing north 69 degrees 0 minutes west, 97 4/5th

35 links; thence on the north-west by a line bearing south 22 degrees 9 minutes west, 2 chains 55 3/5th links to the point of commencement,—and being part of the lands comprised in Certificate of Title, Registered Volume 882, Folio 227, dated the 5th day of June, 1888.

LEGISLATIVE COUNCIL.

THE LOLLBACK ESTATE (COPMANHURST LAND) TITLE BILL.

Schedule of the Amendments agreed to in Select Committee.

Page 2, Preamble, line 11. Omit "duly"

- Page 2, Preamble, line 13. After "1874" insert "but was not entered upon the register book as required by statute to bind the said lands"
- Page 2, Preamble, line 21. Omit "duly"

Page 2, Preamble, line 23. Omit "duly"

- Page 2, Preamble, line 33. After "elder" insert "entered into possession of the said lands so purchased by him and"
- Page 2, Preamble, line 36. After "lands" insert "with the exception of the land described in the Second Schedule hereto"
- Page 2, Preamble, line 40. After "lands" insert "except as aforesaid"
- Page 3, Preamble, line 18. Omit "occupation" insert "possession"
- Page 3, Preamble, line 18. After "lands" insert "except as aforesaid"
- Page 3, Preamble, line 19. After "1936" insert "since which date the said Jacob Lollback the younger as surviving trustee of the will of the said Jacob Lollback the elder has remained in undisputed possession of the said land except as aforesaid And whereas during his lifetime the said Jacob Lollback the elder gave to the Roman Catholic Church the part of the said lands described in the Second Schedule hereto for the purpose of erecting a building thereon to be used for the purposes of public worship and with the intention of vesting such lands in the Roman Catholic Church And whereas a building was subsequently erected on such part of the said lands and has been for many years in the occupation of the Roman Catholic Church And whereas it is expedient to vest such part of the said lands as aforesaid in the Trustees of the Roman Catholic Church for the Diocese of Lismore in which Diocese such lands are situated"
- Page 3, Preamble, line 37. After "the" where firstly occurring insert "residue of the"
- Page 4, clause 2, line 7. After "the" where secondly occurring insert "First"
- Page 4, after clause 2, insert new clause as follows:-

3. The lands described in the Second Schedule are hereby vested in the Trustees of the Roman Catholic Church for the Diocese of Lismore for an estate in fee simple.

- Page 4, clause 4, line 16. After "book" insert "and issue such certificates of title"
- Page 4, The Schedule now to stand as "First Schedule"
- Page 4, The First Schedule, line 20. Omit "Whole of the"
- Page 4, The First Schedule, line 21. After "1888" insert "excepting thereout the part thereof described in the Second Schedule hereto"
- Page 4, after First Schedule, insert new Schedule to stand as "Second Schedule"

SECOND SCHEDULE.

That piece of land containing by admeasurement 1 rood and 3/10th perches more or less situated in the State of New South Wales, County of Clarence, Parish of Copmanhurst, being part of portion 22: Commencing on the northeastern side of the Government road from Baryulgil to Grafton, at a point bearing south 70 degrees 0 minutes east, 8 chains 55 9/10th links from the southwestern corner of portion 22 aforesaid; and bounded thence on the south-west by that road being a line bearing south 70 degrees 0 minutes east, 1 chain 3/5th link; thence on the south-east by a line bearing north 21 degrees 32 minutes east, 2 chains 53 4/5th links; thence on the north-east by a line bearing north 69 degrees 0 minutes west, 97 4/5th links; thence on the north-west by a line bearing south 22 degrees 9 minutes west, 2 chains 55 3/5th links to the point of commencement,—and being part of the lands comprised in Certificate of Title, Registered Volume 882, Folio 227, dated the 5th day of June, 1888.

Page 1, Title. After "elder" omit all words and figures down to and including the figures 227, insert "part of the lands comprised in Certificate of Title, Volume 882, Folio 227, and also to vest the residue of the said lands in the Trustees of the Roman Catholic Church for the Diocese of Lismore"

14625



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1943.

A BILL

To vest in Jacob Lollback the younger as Trustee of the Will and Codicil of Jacob Lollback the elder, all that piece or parcel of land containing 182 acres 2 roods 6 perches being the whole of the lands comprised in Certificate of Title Volume 882 Folio 227 part of the lands comprised in Certificate of Title Volume 882, Folio 227, and also to vest the residue of the said lands in the Trustees of the Roman Catholic Church for the Diocese of Lismore; and for purposes connected therewith.

(As amended and agreed to in Select Committee.)

W HEREAS Joseph Lollback of Copmanhurst on Preamble. the 5th day of June 1888 became the registered proprietor of an estate in fee simple of the whole of the lands comprised in Certificate of Title Registered Volume 5 882 Folio 227 And whereas John Kirkpatrick instituted 14625 proceedings 35-

Note.-The words to be omitted are ruled through; those to be inserted are printed in black letter.

Act, 1943.

proceedings against the said Joseph Lollback in the District Court of the Northern District holden at Grafton on or about the fifth day of March 1892 for the recovery of certain moneys by Plaint No. 90 of 1892 And whereas 5 the said John Kirkpatrick pursuant to such Plaint obtained judgment against the said Joseph Lollback on the eighteenth day of November 1892 And whereas the said John Kirkpatrick thereupon caused a Warrant of Execution No. 53 of 1892 to issue against the lands of 1) the said Joseph Lollback out of the said Court And whereas the said Warrant of Execution was duly registered in the Office for the Registration of Deeds at Sydney on the 22nd day of December 1892 and Numbered 1784 but was not entered upon the register book as 15 required by statute to bind the said lands And whereas pursuant to the said Warrant of Execution the said lands of the said Joseph Lollback at Copmanhurst were entered and attached by a Bailiff of the said Court in accordance with an authority first had and 20 obtained by him from the Registrar of the said Court And whereas the sale of the said lands was duly advertised on the 5th day of January 1893 by the Registrar of the said Court and the said lands were duly submitted for sale by Public Auction on the 20th day of January 25 1893 And whereas Jacob Lollback the elder purchased all the right title and interest (if any) of the said Joseph Lollback in the said lands And whereas the Registrar of the said Court signed a receipt for the purchase money And whereas no Deed of Bargain and Sale or Memoran-30 dum of Transfer was ever executed for the purpose of vesting the title of the said lands in the said Jacob Lollback the elder And whereas the said Jacob Lollback the elder entered into possession of the said lands so purchased by him and up to his decease on the 23rd day 35 of October 1915 remained in undisputed possession of the said lands with the exception of the land described in the Second Schedule hereto and paid all rates and taxes assessed thereon from time to time And whereas the said Jacob Lollback the elder farmed and improved the said 40 lands except as aforesaid And whereas by his last Willand

testament dated the 23rd day of November 1914 the said Jacob

Act, 1943.

Jacob Lollback the elder appointed Jacob Lollback (the Younger) Michael C. Gallagher and William Gallagher as his executors and trustees and by Codicil dated the 12th day of December 1914 the said Jacob Lollback the 5 elder revoked the appointment of the said Michael C. Gallagher and William Gallagher as his executors and trustees and appointed his wife Hannah Mary Lollback as executrix and trustee in their stead And whereas probate of the Will and Codicil of the said Jacob Lollback 10 the elder was granted to the said Hannah Mary Lollback and the said Jacob Lollback the Younger on the 9th day of December 1915 And whereas by his said Will the said Jacob Lollback the elder gave his wife the said Hannah Mary Lollback a life estate in the said lands and 15 directed that upon her death all his property should be sold and divided amongst his children And whereas the said Hannah May Lollback continued in undisputed occupation possession of the said lands except as aforesaid until her death on the 29th day of July, 1936, since 20 which date the said Jacob Lollback the younger as surviving trustee of the Will of the said Jacob Lollback the elder has remained in undisputed possession of the said lands except as aforesaid And whereas during his lifetime the said Jacob Lollback the elder gave 25 to the Roman Catholic Church the part of the said lands described in the Second Schedule hereto for the purpose of erecting a building thereon to be used for the purposes of public worship and with the intention of vesting such lands in the Roman Catholic Church And 30 whereas a building was subsequently erected on such part of the said lands and has been for many years in the occupation of the Roman Catholic Church And whereas it is expedient to vest such part of the said lands as aforesaid in the Trustees of the Roman Catholic

35 Church for the Diocese of Lismore in which Diocese such lands are situated And whereas it is expedient to vest the residue of the said lands in Jacob Lollback the younger to be held by him as Trustee of the Will and Codicil of Jacob Lollback the elder And whereas it is

40 expedient to provide for the matters hereinafter referred to: Be it therefore enacted by the King's Most Excellent Majesty 3

Act, 1943.

4

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 same as follows:—

5 1. This Act may be cited as "The Lollback Estate short title. (Copmanhurst Land) Title Act, 1943."

2. The lands described in the **First** Schedule are Vesting. hereby vested in Jacob Lollback the Younger for an estate in fee simple to be held by him as trustee of the

10 Will and codicil of Jacob Lollback the elder.

3. The lands described in the Second Schedule are hereby vested in the Trustees of the Roman Catholic Church for the Diocese of Lismore for an estate in feesimple.

15 2. 4. The Registrar-General is hereby directed to make Entries in such entry or entries in the register book and issue such register. certificates of title as may be necessary to carry out the provisions of this Act.

THE FIRST SCHEDULE.

20 The Whole of the Lands comprised in Certificate of Title Registered Volume 882 Folio 227 dated the 5th day of June, 1888, excepting thereout the part thereof described in the Second Schedule hereto.

SECOND SCHEDULE.

- That piece of land containing by admeasurement 1 rood and 25 3/10th perches more or less situated in the State of New South Wales, County of Clarence, Parish of Copmanhurst, being part of portion 22: Commencing on the north-eastern side of the Government road from Baryulgil to Grafton, at a point bearing south 70 degrees 0 minutes east, 8 chains 55 9/10th links from the south-
- 30 western corner of portion 22 aforesaid; and bounded thence on the south-west by that road being a line bearing south 70 degrees 0 minutes east, 1 chain 3/5th link; thence on the south-east by a line bearing north 21 degrees 32 minutes east, 2 chains 53 4/5th links; thence on the north-east by a line bearing north 69 degrees 0 minutes
- 35 west, 97 4/5th links; thence on the north-west by a line bearing south 22 degrees 9 minutes west, 2 chains 55 3/5th links to the point of commencement,—and being part of the lands comprised in Certificate of Title, Registered Volume 882, Folio 227, dated the 5th day of June, 1888.

Sydney: Alfred Henry Pettifer, Acting Government Printer-1943.