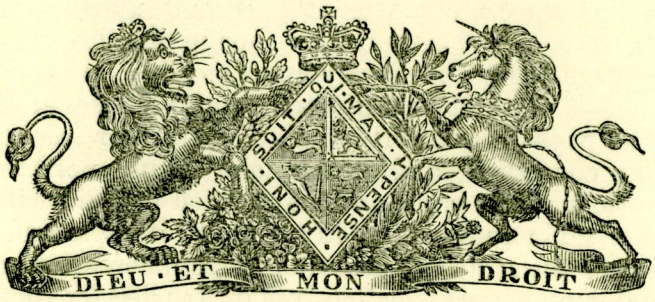
New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

* *

An Act to enable William John Wiseman and William Robson or other the trustees or trustee for the time being of the will of the late John Bright to grant building and improving leases of certain lands devised by the said will, and to make roads, streets, and ways over and upon the said lands; and for other purposes connected therewith. [Assented to, 29th December, 1899.]

WHEREAS John Bright, late of Wollongong, in the Colony of New South Wales, merchant, duly made and executed his last will and testament, dated the twenty-seventh day of February, one thousand eight hundred and eighty-three, and thereby appointed Francis Woodward, of Wollongong aforesaid, gentleman, and William John Wiseman, of the same place, coachbuilder, the trustees and executors of his said will, and (*inter alia*) gave, devised, and bequeathed all his real and all the residue of his personal estate whatsoever and wheresoever, Preamble.

wheresoever, of or to which he should at his death be seized, possessed, or entitled, or over which he should have a general power of appointment or disposition by will unto his said trustees, their heirs, executors, and administrators respectively, upon trust to permit his wife Esther Annie Lee Bright (in the said will called Esther Annie Lee), to hold, use, occupy, enjoy, or receive the rents, issues, and profits of all and singular the lands and hereditaments situate in Crown-street, Keira-street, Market-street, Church-square, and Church-street, in Wollongong aforesaid, together with the houses, dwellings, easements, and appurtenances thereunto belonging or appertaining, so long as she should continue his widow, and so that she should have the same rights thereto as a tenant without impeachment of waste. And from and immediately after the second marriage of his said wife upon trust to pay his said wife during her life an annuity or yearly rent charge of one hundred pounds sterling, to be charged upon and issuing out of the said hereditaments and premises at Wollongong aforesaid, to be payable quarterly and to be for her sole and separate use during any coverture; and so that she should not have power to alienate or anticipate the same and empowered his said wife to recover payment of her said annuity when in arrears by distress and entry upon and perception of the rents and profits of the said hereditaments charged therewith, and empowered the trustees or trustee for the time being of his said will to let all or any part or parts of the said hereditaments and premises at Wollongong aforesaid for any term not exceeding five years at any one time for such purposes under such conditions and in such manner as the said trustees or trustee for the time being of his said will should think fit. And upon trust as to all other his said real estate and the said residue of his personal estate (and also as to the said lands, hereditaments, and premises in Wollongong aforesaid after the death of his said wife) that they his said trustees or the survivor of them should in such manner and under such stipulations and upon such terms and conditions in all respects as they or he should in their or his uncontrolled discretion think fit sell, collect, or otherwise convert into money (according to the nature of the premises) all such part of the same premises as should not consist of money, and might buy in or rescind or vary any contract for sale or of any other description and resell without being liable for any loss, and might for the purposes aforesaid or any of them execute and do all such assurances and things as they or he should think fit. And should out of the moneys to be produced by such sale, collection, and conversion, and all other moneys arising from or forming part of his residuary estate pay his funeral any testamentary and trust expenses and debts and the legacies bequeathed by his said will or any codicil thereto and the legacy duty or any legacies bequeathed free of duty. And directed that the said Francis Woodward should thereout pay and retain to himself a sum equal to

two

two pounds ten shillings sterling per centum on the total amount of his said real and personal estate, and the said William John Wiseman a sum equal to one pound sterling per centum on such total amount of his said real and personal estate, for their trouble as such executors as aforesaid, and should hold the residue of the said moneys upon trust for all his children or any his child who being sons or a son should attain the age of twenty-one years, or being daughters or a daughter should attain that age or marry, with power to invest the said trust moneys in real securities in the said Colony and vary the same at their or his discretion, and directed that if there should be no child of his living at his death, who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry, then the said trustees or the survivor of them should pay over the said moneys and the investments representing the same or so much thereof as should not have become vested or been applied under the trusts aforesaid to the New South Wales Wesleyan Church Sustentation and Extension Society to be held by that society in trust as to the sum of three thousand pounds part thereof to invest the same in the names of and in such manner as the trustees for the time being of the said society might deem fit, and to pay the interest or income thereof towards the support of a second minister in connection with the Wesleyan Methodist Church in the district of Wollongong in the said Colony, and as to the residue of the said moneys in trust for the said New South Wales Wesleyan Church Sustentation and Extension Society absolutely; and the said testator by his said will declared that the receipts of the said society or of the trustees for the time being thereof or any other officers or officer thereof to whom his said trustees or the survivor of them should in their or his uncontrolled discretion think fit to pay the same should be full and sufficient discharges therefor and they or he should not be responsible or accountable therefor or for the due and proper investment thereof nor be bound to inquire into the same: And the said testator by his said will further declared that it should be lawful for his said trustees or trustee to defer and postpone the sale, conversion, and collection of the whole or any part or parts of any of his said real and personal estate therein before by his said will devised and bequeathed in trust for sale respectively so long as to such trustees or trustee should in their or his uncontrolled discretion seem proper: And whereas the said testator died on or about the fourteenth day of May, one thousand eight hundred and eighty-three, leaving him surviving his said wife Esther Annie Lee Bright, but without leaving any child of his living at his death: And whereas probate of the said will was granted by the Supreme Court of New South Wales in its ecclesiastical jurisdiction to the said Francis Woodward and the said William John Wiseman, on the thirtieth day of August, in the year one thousand eight

hundred

hundred and eighty-three: And whereas the said Esther Annie Lee Bright, the said wife of the said testator, after the decease of the said testator, namely, on the thirtieth day of January, one thousand eight hundred and eighty-nine, was lawfully married to Frederick Thomas Potts then of Wollongong: And whereas by a decree made on the twenty-seventh day of September, one thousand eight hundred and ninety-five by the Supreme Court of New South Wales, in its equitable jurisdiction, the said Francis Woodward was removed from the office of trustee of the said will and William Robson, of Lewisham, was duly appointed to be a new trustee of the said will in the place of the said Francis Woodward: And whereas the correct name of the said society is the New South Wales Wesleyan Methodist Church Sustentation and Extension Society: And whereas the said society is a society under and subject to the direction, control, and government of the New South Wales Conference of the Australasian Wesleyan Methodist Church, and is managed by a committee appointed annually by the said conference: And whereas the said conference annually elects one of its members to be president thereof: And whereas the said president is by virtue of his office chairman of the said committee: And whereas some part of the real estate devised by the said testator consists of lands unimproved or only partly improved, and which are described in the Schedule hereto, and the income from such of these lands as produce any income, is inadequate according to the capital value of the said lands, and the value of the said lands would be greatly enhanced by granting either building or improving leases of the said lands: And whereas the said will contains no power to lease for more than five years, and no power to make roads, streets, or ways over or upon the said lands, but it would be beneficial to all parties interested under the said will that such powers should be conferred upon the trustees thereof: 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:—

Interpretation.

1. In this Act unless the context or subsequent matter otherwise indicates or requires—

"the said trustees" mean and include the said William John Wiseman and William Robson and the trustees or trustee howsoever appointed acting for the time being in the execution of the trusts of the said will of the said John Bright, deceased;

"the said lands" mean the lands described in the Schedule hereto;

"road, street, or way" mean and include any square, court, alley, lane, road, thoroughfare, or other passage or place within the said lands.

Power to lease, &c.

2. It shall be lawful for the said trustees from time to time by deed to lease either the whole or any part of the said lands to any person or persons who shall covenant to improve the same by erecting or building on any part of the land thereby leased any house or houses, building or buildings, or by repairing, rebuilding, enlarging, or improving any house or houses, building or buildings which are now or may hereafter be standing on the lands thereby leased, or by otherwise expending in improvements such moneys as shall be deemed by the said trustees adequate to the interest to be parted with for any term of years not exceeding ninety-nine years, to take effect in possession or within one year from the date of the said deed so as there be reserved in every lease made under this power the best or most improved yearly rent that can be reasonably obtained, having regard to the nature of the covenants entered into by the lessee without any fine, premium, or foregift or other payment of a like nature for the making thereof, and so that there be contained in every such lease a condition for re-entry by the said trustees for nonpayment of rent or nonobservance or nonperformance of the covenants or any of them therein contained within a reasonable time to be therein specified; and so that the lessee do execute a counter part of such lease and do thereby covenant for payment of the rent thereby reserved, and to insure against fire any house or houses, building or buildings, erected or to be erected on the land thereby leased and be not by any express words therein made dispunishable for waste: Provided that in case any lease made or granted under this power shall be made on the surrender of a former lease or agreement for a lease the value of the lessees' interest under such surrendered lease or agreement may be taken into account in fixing the terms of the next lease, and no lease made under such circumstances shall by reason of such allowance be considered as made otherwise than at the best or most improved yearly rent within the meaning of this Act.

Occupation leases.

3. The powers conferred by the said will on the said trustees for the granting of occupation leases may be exercised by the granting of leases for any term not exceeding twenty years.

Power to vary leases.

4. It shall be lawful for the said trustees from time to time to make or consent to alterations in the terms of any such lease by way of addition, explanation, or otherwise, and also wholly or partially to release from any such lease any person or persons bound thereby, and also to vary or depart from the terms of any such lease with the consent of the other party or parties thereto but so that every such lease be conformable to the provisions of the aforesaid powers.

Application of rents and profits.

5. The said trustees shall stand possessed of the rents and profits of any lands leased by them under the provisions of section two of this Act upon the same trusts as are by the said will of the said John Bright, deceased, declared of and concerning the rents and

profits

profits of the lands which shall be so leased, or upon such of the said trusts as shall be subsisting: Provided always that it shall be lawful for the said trustees in the first place to pay and retain out of the rents and profits of the said lands, or any part thereof, which may be leased under the powers hereinbefore conferred, the costs of and incidental to the passing of this Act.

Power to lay out roads, streets, or ways.

6. The said trustees may appropriate, dedicate, lay out, or set apart any part of the said lands respectively as and for roads, streets or ways, sewers, drains, or other such places or easements for the use of the public, or for the use of any house or houses, building or buildings erected or to be erected upon any of the said lands, or the tenants or occupiers thereof without receiving any consideration therefor; and the said trustees may allow, authorise, or make generally any such arrangements and dispositions of any parts of the said lands, respectively, as the said trustees may deem expedient for the purpose of advancing the letting of the said lands or promoting any building operations or other improvements thereon.

Exercise of powers subject to approval.

7. The said trustees shall not exercise any power hereinbefore conferred upon them without having first obained the written approval and consent thereto of the President for the time being of the New South Wales Conference of the Australasian Wesleyan Methodist Church.

Short title.

8. This Act may be cited for all purposes as "Bright's Estate Leasing Act, 1899."

SCHEDULE.

All that piece of land situate in the town of Wollongong, in the Colony of New South Wales, containing half an acre or thereabouts, being allotment number one of section number four on a plan of the said township; bounded on the north by Market-street, commencing at the west side of the church land in Market-street; thence by a line west two chains or thereabouts to number two allotment; thence by a line south along allotment number two two chains and one half to number four allotment; thence by a line east two chains or thereabouts to the church land; thence by a line north two chains and a half to the commencing corner in Market-street.

Also all that piece or parcel of land situated in the town of Wollongong, in the district of Illawarra, in the Colony of New South Wales, containing half an acre or thereabouts, being allotment number two of section four on the plan of the said township; bounded on the south by allotments three and four, together two chains; on the west by Keira-street, two and a half chains; on the north by Market-street, two chains; and on the east by number one allotment two and a half chains.

And also all that parcel of land, being portion of allotment number three of section four on the plan of the said township, containing half an acre or thereabouts; bounded on the west by Keira-street, commencing at the south-west corner of allotment number two, being a line running south four chains; thence by a line running east one chain; thence by a line north four chains to number two allotment; thence by a line west one chain, to the point of commencement.

Also all that parcel of land, part of three hundred acres of land, situate in Crown-street, in Wollongong aforesaid, containing one acre and a half an acre, be the same more or less, being allotments numbered four, five, and six of section four: Commencing at the distance of one chain from the junction of Keira-street and Crown-street; and bounded

bounded on the south by Crown-street three chains; on the east by number seven allotment five chains; on the north by number one and part of number two allotments three chains; and on the west by number three allotment five chains, to the commencing point in Crown-street aforesaid.

Also all that parcel of land, being the northern half of allotment number seven of section number four on the plan of the township of Wollongong, containing one quarter of an acre or thereabouts; bounded on the north by a reserved open space known as "Church-square;" on the south by the southern portion of allotment seven; on the east by the allotment number eight; and on the west by allotment number six of said section number four.

Also all that piece or parcel of land situated in the town of Wollongong aforesaid, being the southern moiety of allotment number seven of section number four: Commencing at the south-east corner of the late John Osborne's property; and bounded on the west by such property, being a line bearing northerly two and a half chains to the northern moiety of said lot seven; on the north by said northern moiety of said lot seven, being a line bearing easterly one chain to land forming portion of allotment number eight of section number four; on the east by such land, being a line bearing southerly two and a half chains to Crown-street; and on the south by Crown-street, being a line bearing westerly one chain, to the point of commencement.

Also all that piece or parcel of land situate in Crown-street, in the town of Wollongong aforesaid, being part of the southern moiety of allotment number seven of section number four: Commencing at the south-east corner of the late John Osborne's property; and bounded on the west by the said last-mentioned land, being a line bearing northerly one hundred and twenty feet to the north-east corner of the last-mentiond land; on the north by the other part of said lot seven, being a line bearing easterly eleven feet three inches to other land of the late John Bright; on the east by the land of the late John Bright, being a line bearing southerly one hundred and twenty feet to Crown-street; and on the south by Crown-street, being a line bearing westerly eleven feet three inches, to the commencing point.

Also all that parcel of land being the northern half of allotment number eight of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by said open reserved space; on the south by the southern portion of allotment eight; on the east by the allotment number nine of said section.

Also all that parcel of land, being the northern half of allotment number nine of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by said open reserved space; on the south by the southern portion of allotment nine; on the east by the allotment number ten; and on the west by the allotment lastly before described.

Also all that piece or parcel of land, being portions of allotments eight and nine of section number four on the plan of the said township of Wollongong: Commencing in Crown-street at a point distant eighty-eight feet west from the north-west corner of Church-street at its junction with Crown-street; and bounded on the south by Crown-street being a line bearing west one hundred and five feet to portion of lot seven of section four; on the west by part of the last-mentioned land, being a line bearing north one hundred and sixty-five feet; on the north by the remaining portions of the said allotments eight and nine of section four, being a line bearing east one hundred and five feet to the Presbyterian Church land; and on the east by the last-mentioned land, being a line bearing south one hundred and sixty-five feet, to the commencing point, be the said boundaries more or less.

Also all that parcel of land, being the northernmost half part of allotment number ten of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by the said open reserved space; on the south by the remainder of said allotment number ten; on the east by Church-street leading from Crown-street towards the Church-square (and which separates section three from section four); and on the west by part of the allotment number nine before described.

By Authority: William Applegate Gullick, Government Printer, Sydney, 1900.

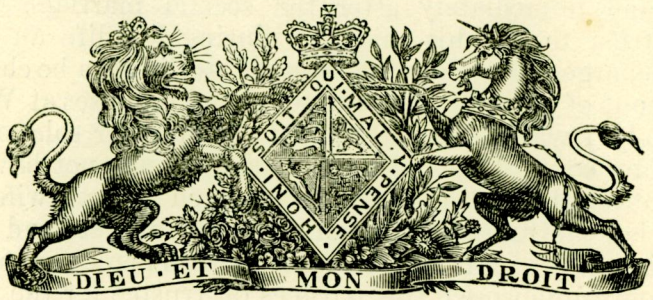
[6*d*.]

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

Legislative Council Chamber,
Sydney, 22 *December,* 1899.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

* *

An Act to enable William John Wiseman and William Robson or other the trustees or trustee for the time being of the will of the late John Bright to grant building and improving leases of certain lands devised by the said will, and to make roads, streets, and ways over and upon the said lands; and for other purposes connected therewith. [Assented to, 29th December, 1899.]

WHEREAS John Bright, late of Wollongong, in the Colony of New South Wales, merchant, duly made and executed his last will and testament, dated the twenty-seventh day of February, one thousand eight hundred and eighty-three, and thereby appointed Francis Woodward, of Wollongong aforesaid, gentleman, and William John Wiseman, of the same place, coachbuilder, the trustees and executors of his said will, and (*inter alia*) gave, devised, and bequeathed all his real and all the residue of his personal estate whatsoever and wheresoever, Preamble.

wheresoever, of or to which he should at his death be seized, possessed, or entitled, or over which he should have a general power of appointment or disposition by will unto his said trustees, their heirs, executors, and administrators respectively, upon trust to permit his wife Esther Annie Lee Bright (in the said will called Esther Annie Lee), to hold, use, occupy, enjoy, or receive the rents, issues, and profits of all and singular the lands and hereditaments situate in Crown-street, Keira-street, Market-street, Church-square, and Church-street, in Wollongong aforesaid, together with the houses, dwellings, easements, and appurtenances thereunto belonging or appertaining, so long as she should continue his widow, and so that she should have the same rights thereto as a tenant without impeachment of waste. And from and immediately after the second marriage of his said wife upon trust to pay his said wife during her life an annuity or yearly rent charge of one hundred pounds sterling, to be charged upon and issuing out of the said hereditaments and premises at Wollongong aforesaid, to be payable quarterly and to be for her sole and separate use during any coverture; and so that she should not have power to alienate or anticipate the same and empowered his said wife to recover payment of her said annuity when in arrears by distress and entry upon and perception of the rents and profits of the said hereditaments charged therewith, and empowered the trustees or trustee for the time being of his said will to let all or any part or parts of the said hereditaments and premises at Wollongong aforesaid for any term not exceeding five years at any one time for such purposes under such conditions and in such manner as the said trustees or trustee for the time being of his said will should think fit. And upon trust as to all other his said real estate and the said residue of his personal estate (and also as to the said lands, hereditaments, and premises in Wollongong aforesaid after the death of his said wife) that they his said trustees or the survivor of them should in such manner and under such stipulations and upon such terms and conditions in all respects as they or he should in their or his uncontrolled discretion think fit sell, collect, or otherwise convert into money (according to the nature of the premises) all such part of the same premises as should not consist of money, and might buy in or rescind or vary any contract for sale or of any other description and resell without being liable for any loss, and might for the purposes aforesaid or any of them execute and do all such assurances and things as they or he should think fit. And should out of the moneys to be produced by such sale, collection, and conversion, and all other moneys arising from or forming part of his residuary estate pay his funeral any testamentary and trust expenses and debts and the legacies bequeathed by his said will or any codicil thereto and the legacy duty or any legacies bequeathed free of duty. And directed that the said Francis Woodward should thereout pay and retain to himself a sum equal to

two

two pounds ten shillings sterling per centum on the total amount of his said real and personal estate, and the said William John Wiseman a sum equal to one pound sterling per centum on such total amount of his said real and personal estate, for their trouble as such executors as aforesaid, and should hold the residue of the said moneys upon trust for all his children or any his child who being sons or a son should attain the age of twenty-one years, or being daughters or a daughter should attain that age or marry, with power to invest the said trust moneys in real securities in the said Colony and vary the same at their or his discretion, and directed that if there should be no child of his living at his death, who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry, then the said trustees or the survivor of them should pay over the said moneys and the investments representing the same or so much thereof as should not have become vested or been applied under the trusts aforesaid to the New South Wales Wesleyan Church Sustentation and Extension Society to be held by that society in trust as to the sum of three thousand pounds part thereof to invest the same in the names of and in such manner as the trustees for the time being of the said society might deem fit, and to pay the interest or income thereof towards the support of a second minister in connection with the Wesleyan Methodist Church in the district of Wollongong in the said Colony, and as to the residue of the said moneys in trust for the said New South Wales Wesleyan Church Sustentation and Extension Society absolutely; and the said testator by his said will declared that the receipts of the said society or of the trustees for the time being thereof or any other officers or officer thereof to whom his said trustees or the survivor of them should in their or his uncontrolled discretion think fit to pay the same should be full and sufficient discharges therefor and they or he should not be responsible or accountable therefor or for the due and proper investment thereof nor be bound to inquire into the same: And the said testator by his said will further declared that it should be lawful for his said trustees or trustee to defer and postpone the sale, conversion, and collection of the whole or any part or parts of any of his said real and personal estate therein before by his said will devised and bequeathed in trust for sale respectively so long as to such trustees or trustee should in their or his uncontrolled discretion seem proper: And whereas the said testator died on or about the fourteenth day of May, one thousand eight hundred and eighty-three, leaving him surviving his said wife Esther Annie Lee Bright, but without leaving any child of his living at his death: And whereas probate of the said will was granted by the Supreme Court of New South Wales in its ecclesiastical jurisdiction to the said Francis Woodward and the said William John Wiseman, on the thirtieth day of August, in the year one thousand eight

hundred

hundred and eighty-three: And whereas the said Esther Annie Lee Bright, the said wife of the said testator, after the decease of the said testator, namely, on the thirtieth day of January, one thousand eight hundred and eighty-nine, was lawfully married to Frederick Thomas Potts then of Wollongong: And whereas by a decree made on the twenty-seventh day of September, one thousand eight hundred and ninety-five by the Supreme Court of New South Wales, in its equitable jurisdiction, the said Francis Woodward was removed from the office of trustee of the said will and William Robson, of Lewisham, was duly appointed to be a new trustee of the said will in the place of the said Francis Woodward: And whereas the correct name of the said society is the New South Wales Wesleyan Methodist Church Sustentation and Extension Society: And whereas the said society is a society under and subject to the direction, control, and government of the New South Wales Conference of the Australasian Wesleyan Methodist Church, and is managed by a committee appointed annually by the said conference: And whereas the said conference annually elects one of its members to be president thereof: And whereas the said president is by virtue of his office chairman of the said committee: And whereas some part of the real estate devised by the said testator consists of lands unimproved or only partly improved, and which are described in the Schedule hereto, and the income from such of these lands as produce any income, is inadequate according to the capital value of the said lands, and the value of the said lands would be greatly enhanced by granting either building or improving leases of the said lands: And whereas the said will contains no power to lease for more than five years, and no power to make roads, streets, or ways over or upon the said lands, but it would be beneficial to all parties interested under the said will that such powers should be conferred upon the trustees thereof: 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:—

Interpretation.

1. In this Act unless the context or subsequent matter otherwise indicates or requires—

"the said trustees" mean and include the said William John Wiseman and William Robson and the trustees or trustee howsoever appointed acting for the time being in the execution of the trusts of the said will of the said John Bright, deceased;

"the said lands" mean the lands described in the Schedule hereto;

"road, street, or way" mean and include any square, court, alley, lane, road, thoroughfare, or other passage or place within the said lands.

2.

2. It shall be lawful for the said trustees from time to time by deed to lease either the whole or any part of the said lands to any person or persons who shall covenant to improve the same by erecting or building on any part of the land thereby leased any house or houses, building or buildings, or by repairing, rebuilding, enlarging, or improving any house or houses, building or buildings which are now or may hereafter be standing on the lands thereby leased, or by otherwise expending in improvements such moneys as shall be deemed by the said trustees adequate to the interest to be parted with for any term of years not exceeding ninety-nine years, to take effect in possession or within one year from the date of the said deed so as there be reserved in every lease made under this power the best or most improved yearly rent that can be reasonably obtained, having regard to the nature of the covenants entered into by the lessee without any fine, premium, or foregift or other payment of a like nature for the making thereof, and so that there be contained in every such lease a condition for re-entry by the said trustees for nonpayment of rent or nonobservance or nonperformance of the covenants or any of them therein contained within a reasonable time to be therein specified; and so that the lessee do execute a counter part of such lease and do thereby covenant for payment of the rent thereby reserved, and to insure against fire any house or houses, building or buildings, erected or to be erected on the land thereby leased and be not by any express words therein made dispunishable for waste: Provided that in case any lease made or granted under this power shall be made on the surrender of a former lease or agreement for a lease the value of the lessees' interest under such surrendered lease or agreement may be taken into account in fixing the terms of the next lease, and no lease made under such circumstances shall by reason of such allowance be considered as made otherwise than at the best or most improved yearly rent within the meaning of this Act. Power to lease, &c.

3. The powers conferred by the said will on the said trustees for the granting of occupation leases may be exercised by the granting of leases for any term not exceeding twenty years. Occupation leases.

4. It shall be lawful for the said trustees from time to time to make or consent to alterations in the terms of any such lease by way of addition, explanation, or otherwise, and also wholly or partially to release from any such lease any person or persons bound thereby, and also to vary or depart from the terms of any such lease with the consent of the other party or parties thereto but so that every such lease be conformable to the provisions of the aforesaid powers. Power to vary leases.

5. The said trustees shall stand possessed of the rents and profits of any lands leased by them under the provisions of section two of this Act upon the same trusts as are by the said will of the said John Bright, deceased, declared of and concerning the rents and Application of rents and profits.

profits

profits of the lands which shall be so leased, or upon such of the said trusts as shall be subsisting: Provided always that it shall be lawful for the said trustees in the first place to pay and retain out of the rents and profits of the said lands, or any part thereof, which may be leased under the powers hereinbefore conferred, the costs of and incidental to the passing of this Act.

Power to lay out roads, streets, or ways.

6. The said trustees may appropriate, dedicate, lay out, or set apart any part of the said lands respectively as and for roads, streets or ways, sewers, drains, or other such places or easements for the use of the public, or for the use of any house or houses, building or buildings erected or to be erected upon any of the said lands, or the tenants or occupiers thereof without receiving any consideration therefor; and the said trustees may allow, authorise, or make generally any such arrangements and dispositions of any parts of the said lands, respectively, as the said trustees may deem expedient for the purpose of advancing the letting of the said lands or promoting any building operations or other improvements thereon.

Exercise of powers subject to approval.

7. The said trustees shall not exercise any power hereinbefore conferred upon them without having first obained the written approval and consent thereto of the President for the time being of the New South Wales Conference of the Australasian Wesleyan Methodist Church.

Short title.

8. This Act may be cited for all purposes as "Bright's Estate Leasing Act, 1899."

SCHEDULE.

All that piece of land situate in the town of Wollongong, in the Colony of New South Wales, containing half an acre or thereabouts, being allotment number one of section number four on a plan of the said township; bounded on the north by Market-street, commencing at the west side of the church land in Market-street; thence by a line west two chains or thereabouts to number two allotment; thence by a line south along allotment number two two chains and one half to number four allotment; thence by a line east two chains or thereabouts to the church land; thence by a line north two chains and a half to the commencing corner in Market-street.

Also all that piece or parcel of land situated in the town of Wollongong, in the district of Illawarra, in the Colony of New South Wales, containing half an acre or thereabouts, being allotment number two of section four on the plan of the said township; bounded on the south by allotments three and four, together two chains; on the west by Keira-street, two and a half chains; on the north by Market-street, two chains; and on the east by number one allotment two and a half chains.

And also all that parcel of land, being portion of allotment number three of section four on the plan of the said township, containing half an acre or thereabouts; bounded on the west by Keira-street, commencing at the south-west corner of allotment number two, being a line running south four chains; thence by a line running east one chain; thence by a line north four chains to number two allotment; thence by a line west one chain, to the point of commencement.

Also all that parcel of land, part of three hundred acres of land, situate in Crown-street, in Wollongong aforesaid, containing one acre and a half an acre, be the same more or less, being allotments numbered four, five, and six of section four: Commencing at the distance of one chain from the junction of Keira-street and Crown-street; and bounded

bounded on the south by Crown-street three chains; on the east by number seven allotment five chains; on the north by number one and part of number two allotments three chains; and on the west by number three allotment five chains, to the commencing point in Crown-street aforesaid.

Also all that parcel of land, being the northern half of allotment number seven of section number four on the plan of the township of Wollongong, containing one quarter of an acre or thereabouts; bounded on the north by a reserved open space known as "Church-square;" on the south by the southern portion of allotment seven; on the east by the allotment number eight; and on the west by allotment number six of said section number four.

Also all that piece or parcel of land situated in the town of Wollongong aforesaid, being the southern moiety of allotment number seven of section number four: Commencing at the south-east corner of the late John Osborne's property; and bounded on the west by such property, being a line bearing northerly two and a half chains to the northern moiety of said lot seven; on the north by said northern moiety of said lot seven, being a line bearing easterly one chain to land forming portion of allotment number eight of section number four; on the east by such land, being a line bearing southerly two and a half chains to Crown-street; and on the south by Crown-street, being a line bearing westerly one chain, to the point of commencement.

Also all that piece or parcel of land situate in Crown-street, in the town of Wollongong aforesaid, being part of the southern moiety of allotment number seven of section number four: Commencing at the south-east corner of the late John Osborne's property; and bounded on the west by the said last-mentioned land, being a line bearing northerly one hundred and twenty feet to the north-east corner of the last-mentiond land; on the north by the other part of said lot seven, being a line bearing easterly eleven feet three inches to other land of the late John Bright; on the east by the land of the late John Bright, being a line bearing southerly one hundred and twenty feet to Crown-street; and on the south by Crown-street, being a line bearing westerly eleven feet three inches, to the commencing point.

Also all that parcel of land being the northern half of allotment number eight of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by said open reserved space; on the south by the southern portion of allotment eight; on the east by the allotment number nine of said section.

Also all that parcel of land, being the northern half of allotment number nine of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by said open reserved space; on the south by the southern portion of allotment nine; on the east by the allotment number ten; and on the west by the allotment lastly before described.

Also all that piece or parcel of land, being portions of allotments eight and nine of section number four on the plan of the said township of Wollongong: Commencing in Crown-street at a point distant eighty-eight feet west from the north-west corner of Church-street at its junction with Crown-street; and bounded on the south by Crown-street being a line bearing west one hundred and five feet to portion of lot seven of section four; on the west by part of the last-mentioned land, being a line bearing north one hundred and sixty-five feet; on the north by the remaining portions of the said allotments eight and nine of section four, being a line bearing east one hundred and five feet to the Presbyterian Church land; and on the east by the last-mentioned land, being a line bearing south one hundred and sixty-five feet, to the commencing point, be the said boundaries more or less.

Also all that parcel of land, being the northernmost half part of allotment number ten of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by the said open reserved space; on the south by the remainder of said allotment number ten; on the east by Church-street leading from Crown-street towards the Church-square (and which separates section three from section four); and on the west by part of the allotment number nine before described.

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

BEAUCHAMP,
Governor.

Government House,
Sydney, 29th December, 1899.

Legislative Council.

1899.

A BILL

To enable William John Wiseman and William Robson or other the trustees or trustee for the time being of the will of the late John Bright to grant building and improving leases of certain lands devised by the said will, and to make roads, streets, and ways over and upon the said lands; and for other purposes connected therewith.

(*As amended and agreed to in Select Committee.*)

WHEREAS John Bright, late of Wollongong, in the Colony of New South Wales, merchant, duly made and executed his last will and testament, dated the twenty-seventh day of February, one thousand eight hundred and eighty-three, and thereby appointed Francis Woodward, of Wollongong aforesaid, gentleman, and William John Wiseman, of the same place, coachbuilder, the trustees and executors of his said will, and (*inter alia*) gave, devised, and bequeathed all his real and all the residue of his personal estate whatsoever and wheresoever, Preamble.

c 98—

NOTE.—The word to be *omitted* is *ruled through*; that to be *inserted* is printed in **black letter.**

wheresoever, of or to which he should at his death be seized, possessed, or entitled, or over which he should have a general power of appointment or disposition by will unto his said trustees, their heirs, executors, and administrators respectively, upon trust to permit his wife Esther Annie Lee Bright (in the said will called Esther Annie Lee), to hold, use, occupy, enjoy, or receive the rents, issues, and profits of all and singular the lands and hereditaments situate in Crown-street, Keira-street, Market-street, Church-square, and Church-street, in Wollongong aforesaid, together with the houses, dwellings, easements, and appurtenances thereunto belonging or appertaining, so long as she should continue his widow, and so that she should have the same rights thereto as a tenant without impeachment of waste. And from and immediately after the second marriage of his said wife upon trust to pay his said wife during her life an annuity or yearly rent charge of one hundred pounds sterling, to be charged upon and issuing out of the said hereditaments and premises at Wollongong aforesaid, to be payable quarterly and to be for her sole and separate use during any coverture; and so that she should not have power to alienate or anticipate the same and empowered his said wife to recover payment of her said annuity when in arrears by distress and entry upon and perception of the rents and profits of the said hereditaments charged therewith, and empowered the trustees or trustee for the time being of his said will to let all or any part or parts of the said hereditaments and premises at Wollongong aforesaid for any term not exceeding five years at any one time for such purposes under such conditions and in such manner as the said trustees or trustee for the time being of his said will should think fit. And upon trust as to all other his said real estate and the said residue of his personal estate (and also as to the said lands, hereditaments, and premises in Wollongong aforesaid after the death of his said wife) that they his said trustees or the survivor of them should in such manner and under such stipulations and upon such terms and conditions in all respects as they or he should in their or his uncontrolled discretion think fit sell, collect, or otherwise convert into money (according to the nature of the premises) all such part of the same premises as should not consist of money, and might buy in or rescind or vary any contract for sale or of any other description and resell without being liable for any loss, and might for the purposes aforesaid or any of them execute and do all such assurances and things as they or he should think fit. And should out of the moneys to be produced by such sale, collection, and conversion, and all other moneys arising from or forming part of his residuary estate pay his funeral any testamentary and trust expenses and debts and the legacies bequeathed by his said will or any codicil thereto and the legacy duty or any legacies bequeathed free of duty. And directed that the said Francis Woodward should thereout pay and retain to himself a sum equal to

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two pounds ten shillings sterling per centum on the total amount of his said real and personal estate, and the said William John Wiseman a sum equal to one pound sterling per centum on such total amount of his said real and personal estate, for their trouble as such executors as aforesaid, and should hold the residue of the said moneys upon trust for all his children or any his child who being sons or a son should attain the age of twenty-one years, or being daughters or a daughter should attain that age or marry, with power to invest the said trust moneys in real securities in the said Colony and vary the same at their or his discretion, and directed that if there should be no child of his living at his death, who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry, then the said trustees or the survivor of them should pay over the said moneys and the investments representing the same or so much thereof as should not have become vested or been applied under the trusts aforesaid to the New South Wales Wesleyan Church Sustentation and Extension Society to be held by that society in trust as to the sum of three thousand pounds part thereof to invest the same in the names of and in such manner as the trustees for the time being of the said society might deem fit, and to pay the interest or income thereof towards the support of a second minister in connection with the Wesleyan Methodist Church in the district of Wollongong in the said Colony, and as to the residue of the said moneys in trust for the said New South Wales Wesleyan Church Sustentation and Extension Society absolutely; and the said testator by his said will declared that the receipts of the said society or of the trustees for the time being thereof or any other officers or officer thereof to whom his said trustees or the survivor of them should in their or his uncontrolled discretion think fit to pay the same should be full and sufficient discharges therefor and they or he should not be responsible or accountable therefor or for the due and proper investment thereof nor be bound to inquire into the same: And the said testator by his said will further declared that it should be lawful for his said trustees or trustee to defer and postpone the sale, conversion, and collection of the whole or any part or parts of any of his said real and personal estate therein before by his said will devised and bequeathed in trust for sale respectively so long as to such trustees or trustee should in their or his uncontrolled discretion seem proper: And whereas the said testator died on or about the fourteenth day of May, one thousand eight hundred and eighty-three, leaving him surviving his said wife Esther Annie Lee Bright, but without leaving any child of his living at his death: And whereas probate of the said will was granted by the Supreme Court of New South Wales in its ecclesiastical jurisdiction to the said Francis Woodward and the said William John Wiseman, on the thirtieth day of August, in the year one thousand eight hundred

hundred and eighty-three: And whereas the said Esther Annie Lee Bright, the said wife of the said testator, after the decease of the said testator, namely, on the thirtieth day of January, one thousand eight hundred and eighty-nine, was lawfully married to Frederick Thomas Potts then of Wollongong: And whereas by a decree made on the twenty-seventh day of September, one thousand eight hundred and ninety-five by the Supreme Court of New South Wales, in its equitable jurisdiction, the said Francis Woodward was removed from the office of trustee of the said will and William Robson, of Lewisham, was duly appointed to be a new trustee of the said will in the place of the said Francis Woodward: And whereas the correct name of the said society is the New South Wales Wesleyan Methodist Church Sustentation and Extension Society: And whereas the said society is a society under and subject to the direction, control, and government of the New South Wales Conference of the Australasian Wesleyan Methodist Church, and is managed by a committee appointed annually by the said conference: And whereas the said conference annually elects one of its members to be president thereof: And whereas the said president is by virtue of his office chairman of the said committee: And whereas some part of the real estate devised by the said testator consists of lands unimproved or only partly improved, and which are described in the Schedule hereto, and the income from such of these lands as produce any income, is inadequate according to the capital value of the said lands, and the value of the said lands would be greatly enhanced ~~either~~ by granting **either** building or improving leases of the said lands: And whereas the said will contains no power to lease for more than five years, and no power to make roads, streets, or ways over or upon the said lands, but it would be beneficial to all parties interested under the said will that such powers should be conferred upon the trustees thereof: 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:—

Interpretation.

1. In this Act unless the context or subsequent matter otherwise indicates or requires—

"the said trustees" mean and include the said William John Wiseman and William Robson and the trustees or trustee howsoever appointed acting for the time being in the execution of the trusts of the said will of the said John Bright, deceased;

"the said lands" mean the lands described in the Schedule hereto;

"road, street, or way" mean and include any square, court, alley, lane, road, thoroughfare, or other passage or place within the said lands.

2.

2. It shall be lawful for the said trustees from time to time by deed to lease either the whole or any part of the said lands to any person or persons who shall covenant to improve the same by erecting or building on any part of the land thereby leased any house or houses, building or buildings, or by repairing, rebuilding, enlarging, or improving any house or houses, building or buildings which are now or may hereafter be standing on the lands thereby leased, or by otherwise expending in improvements such moneys as shall be deemed by the said trustees adequate to the interest to be parted with for any term of years not exceeding ninety-nine years, to take effect in possession or within one year from the date of the said deed so as there be reserved in every lease made under this power the best or most improved yearly rent that can be reasonably obtained, having regard to the nature of the covenants entered into by the lessee without any fine, premium, or foregift or other payment of a like nature for the making thereof, and so that there be contained in every such lease a condition for re-entry by the said trustees for nonpayment of rent or nonobservance or nonperformance of the covenants or any of them therein contained within a reasonable time to be therein specified; and so that the lessee do execute a counter part of such lease and do thereby covenant for payment of the rent thereby reserved, and to insure against fire any house or houses, building or buildings, erected or to be erected on the land thereby leased and be not by any express words therein made dispunishable for waste: Provided that in case any lease made or granted under this power shall be made on the surrender of a former lease or agreement for a lease the value of the lessees' interest under such surrendered lease or agreement may be taken into account in fixing the terms of the next lease, and no lease made under such circumstances shall by reason of such allowance be considered as made otherwise than at the best or most improved yearly rent within the meaning of this Act. Power to lease, &c.

3. It shall be lawful for the said trustees from time to time to make or consent to alterations in the terms of any such lease by way of addition, explanation, or otherwise, and also wholly or partially to release from any such lease any person or persons bound thereby, and also to vary or depart from the terms of any such lease with the consent of the other party or parties thereto but so that every such lease be conformable to the provisions of the aforesaid powers. Power to vary leases.

4. The said trustees shall stand possessed of the rents and profits of any lands leased by them under the provisions of section two of this Act upon the same trusts as are by the said will of the said John Bright, deceased, declared of and concerning the rents and profits of the lands which shall be so leased, or upon such of the said trusts as shall be subsisting: Provided always that it shall be lawful for the said trustees in the first place to pay and retain out of the rents Application of rents and profits.

rents and profits of the said lands, or any part thereof, which may be leased under the powers hereinbefore conferred, the costs of and incidental to the passing of this Act.

Power to lay out roads, streets, or ways.

5. The said trustees may appropriate, dedicate, lay out, or set apart any part of the said lands respectively as and for roads, streets or ways, sewers, drains, or other such places or easements for the use of the public, or for the use of any house or houses, building or buildings erected or to be erected upon any of the said lands, or the tenants or occupiers thereof without receiving any consideration therefor; and the said trustees may allow, authorise, or make generally any such arrangements and dispositions of any parts of the said lands, respectively, as the said trustees may deem expedient for the purpose of advancing the letting of the said lands or promoting any building operations or other improvements thereon.

Exercise of powers subject to approval.

6. The said trustees shall not exercise any power hereinbefore conferred upon them without having first obained the written approval and consent thereto of the President for the time being of the New South Wales Conference of the Australasian Wesleyan Methodist Church.

Short title.

7. This Act may be cited for all purposes as "Bright's Estate Leasing Act, 1899."

SCHEDULE.

All that piece of land situate in the town of Wollongong, in the Colony of New South Wales, containing half an acre or thereabouts, being allotment number one of section number four on a plan of the said township; bounded on the north by Market-street, commencing at the west side of the church land in Market-street; thence by a line west two chains or thereabouts to number two allotment; thence by a line south along allotment number two two chains and one half to number four allotment; thence by a line east two chains or thereabouts to the church land; thence by a line north two chains and a half to the commencing corner in Market-street.

Also all that piece or parcel of land situated in the town of Wollongong, in the district of Illawarra, in the Colony of New South Wales, containing half an acre or thereabouts, being allotment number two of section four on the plan of the said township; bounded on the south by allotments three and four, together two chains; on the west by Keira-street, two and a half chains; on the north by Market-street, two chains; and on the east by number one allotment two and a half chains.

And also all that parcel of land, being portion of allotment number three of section four on the plan of the said township, containing half an acre or thereabouts; bounded on the west by Keira-street, commencing at the south-west corner of allotment number two, being a line running south four chains; thence by a line running east one chain; thence by a line north four chains to number two allotment; thence by a line west one chain, to the point of commencement.

Also all that parcel of land, part of three hundred acres of land, situate in Crown-street, in Wollongong aforesaid, containing one acre and a half an acre, be the same more or less, being allotments numbered four, five, and six of section four: Commencing at the distance of one chain from the junction of Keira-street and Crown-street; and bounded

bounded on the south by Crown-street three chains; on the east by number seven allotment five chains; on the north by number one and part of number two allotments three chains; and on the west by number three allotment five chains, to the commencing point in Crown-street aforesaid.

Also all that parcel of land, being the northern half of allotment number seven of section number four on the plan of the township of Wollongong, containing one quarter of an acre or thereabouts; bounded on the north by a reserved open space known as "Church-square;" on the south by the southern portion of allotment seven; on the east by the allotment number eight; and on the west by allotment number six of said section number four.

Also all that piece or parcel of land situated in the town of Wollongong aforesaid, being the southern moiety of allotment number seven of section number four: Commencing at the south-east corner of the late John Osborne's property; and bounded on the west by such property, being a line bearing northerly two and a half chains to the northern moiety of said lot seven; on the north by said northern moiety of said lot seven, being a line bearing easterly one chain to land forming portion of allotment number eight of section number four; on the east by such land, being a line bearing southerly two and a half chains to Crown-street; and on the south by Crown-street, being a line bearing westerly one chain, to the point of commencement.

Also all that piece or parcel of land situate in Crown-street, in the town of Wollongong aforesaid, being part of the southern moiety of allotment number seven of section number four: Commencing at the south-east corner of the late John Osborne's property; and bounded on the west by the said last-mentioned land, being a line bearing northerly one hundred and twenty feet to the north-east corner of the last-mentiond land; on the north by the other part of said lot seven, being a line bearing easterly eleven feet three inches to other land of the late John Bright; on the east by the land of the late John Bright, being a line bearing southerly one hundred and twenty feet to Crown-street; and on the south by Crown-street, being a line bearing westerly eleven feet three inches, to the commencing point.

Also all that parcel of land being the northern half of allotment number eight of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by said open reserved space; on the south by the southern portion of allotment eight; on the east by the allotment number nine of said section.

Also all that parcel of land, being the northern half of allotment number nine of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by said open reserved space; on the south by the southern portion of allotment nine; on the east by the allotment number ten; and on the west by the allotment lastly before described.

Also all that piece or parcel of land, being portions of allotments eight and nine of section number four on the plan of the said township of Wollongong: Commencing in Crown-street at a point distant eighty-eight feet west from the north-west corner of Church-street at its junction with Crown-street; and bounded on the south by Crown-street being a line bearing west one hundred and five feet to portion of lot seven of section four; on the west by part of the last-mentioned land, being a line bearing north one hundred and sixty-five feet; on the north by the remaining portions of the said allotments eight and nine of section four, being a line bearing east one hundred and five feet to the Presbyterian Church land; and on the east by the last-mentioned land, being a line bearing south one hundred and sixty-five feet, to the commencing point, be the said boundaries more or less.

Also all that parcel of land, being the northernmost half part of allotment number ten of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by the said open reserved space; on the south by the remainder of said allotment number ten; on the east by Church-street leading from Crown-street towards the Church-square (and which separates section three from section four); and on the west by part of the allotment number nine before described.

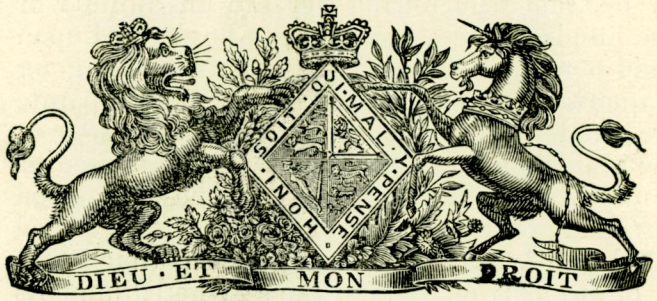
Sydney: William Applegate Gullick, Government Printer.—1899.

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

Legislative Council Chamber,
Sydney, 12*th December,* 1899.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

* *

An Act to enable William John Wiseman and William Robson or other the trustees or trustee for the time being of the will of the late John Bright to grant building and improving leases of certain lands devised by the said will, and to make roads, streets, and ways over and upon the said lands; and for other purposes connected therewith.

WHEREAS John Bright, late of Wollongong, in the Colony of New South Wales, merchant, duly made and executed his last will and testament, dated the twenty-seventh day of February, one thousand eight hundred and eighty-three, and thereby appointed Francis Woodward, of Wollongong aforesaid, gentleman, and William John Wiseman, of the same place, coachbuilder, the trustees and executors of his said will, and (*inter alia*) gave, devised, and bequeathed all his real and all the residue of his personal estate whatsoever and wheresoever, Preamble.

wheresoever, of or to which he should at his death be seized, possessed, or entitled, or over which he should have a general power of appointment or disposition by will unto his said trustees, their heirs, executors, and administrators respectively, upon trust to permit his wife Esther Annie Lee Bright (in the said will called Esther Annie Lee), to hold, use, occupy, enjoy, or receive the rents, issues, and profits of all and singular the lands and hereditaments situate in Crown-street, Keira-street, Market-street, Church-square, and Church-street, in Wollongong aforesaid, together with the houses, dwellings, easements, and appurtenances thereunto belonging or appertaining, so long as she should continue his widow, and so that she should have the same rights thereto as a tenant without impeachment of waste. And from and immediately after the second marriage of his said wife upon trust to pay his said wife during her life an annuity or yearly rent charge of one hundred pounds sterling, to be charged upon and issuing out of the said hereditaments and premises at Wollongong aforesaid, to be payable quarterly and to be for her sole and separate use during any coverture; and so that she should not have power to alienate or anticipate the same and empowered his said wife to recover payment of her said annuity when in arrears by distress and entry upon and perception of the rents and profits of the said hereditaments charged therewith, and empowered the trustees or trustee for the time being of his said will to let all or any part or parts of the said hereditaments and premises at Wollongong aforesaid for any term not exceeding five years at any one time for such purposes under such conditions and in such manner as the said trustees or trustee for the time being of his said will should think fit. And upon trust as to all other his said real estate and the said residue of his personal estate (and also as to the said lands, hereditaments, and premises in Wollongong aforesaid after the death of his said wife) that they his said trustees or the survivor of them should in such manner and under such stipulations and upon such terms and conditions in all respects as they or he should in their or his uncontrolled discretion think fit sell, collect, or otherwise convert into money (according to the nature of the premises) all such part of the same premises as should not consist of money, and might buy in or rescind or vary any contract for sale or of any other description and resell without being liable for any loss, and might for the purposes aforesaid or any of them execute and do all such assurances and things as they or he should think fit. And should out of the moneys to be produced by such sale, collection, and conversion, and all other moneys arising from or forming part of his residuary estate pay his funeral any testamentary and trust expenses and debts and the legacies bequeathed by his said will or any codicil thereto and the legacy duty or any legacies bequeathed free of duty. And directed that the said Francis Woodward should thereout pay and retain to himself a sum equal to

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two pounds ten shillings sterling per centum on the total amount of his said real and personal estate, and the said William John Wiseman a sum equal to one pound sterling per centum on such total amount of his said real and personal estate, for their trouble as such executors as aforesaid, and should hold the residue of the said moneys upon trust for all his children or any his child who being sons or a son should attain the age of twenty-one years, or being daughters or a daughter should attain that age or marry, with power to invest the said trust moneys in real securities in the said Colony and vary the same at their or his discretion, and directed that if there should be no child of his living at his death, who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry, then the said trustees or the survivor of them should pay over the said moneys and the investments representing the same or so much thereof as should not have become vested or been applied under the trusts aforesaid to the New South Wales Wesleyan Church Sustentation and Extension Society to be held by that society in trust as to the sum of three thousand pounds part thereof to invest the same in the names of and in such manner as the trustees for the time being of the said society might deem fit, and to pay the interest or income thereof towards the support of a second minister in connection with the Wesleyan Methodist Church in the district of Wollongong in the said Colony, and as to the residue of the said moneys in trust for the said New South Wales Wesleyan Church Sustentation and Extension Society absolutely; and the said testator by his said will declared that the receipts of the said society or of the trustees for the time being thereof or any other officers or officer thereof to whom his said trustees or the survivor of them should in their or his uncontrolled discretion think fit to pay the same should be full and sufficient discharges therefor and they or he should not be responsible or accountable therefor or for the due and proper investment thereof nor be bound to inquire into the same: And the said testator by his said will further declared that it should be lawful for his said trustees or trustee to defer and postpone the sale, conversion, and collection of the whole or any part or parts of any of his said real and personal estate therein before by his said will devised and bequeathed in trust for sale respectively so long as to such trustees or trustee should in their or his uncontrolled discretion seem proper: And whereas the said testator died on or about the fourteenth day of May, one thousand eight hundred and eighty-three, leaving him surviving his said wife Esther Annie Lee Bright, but without leaving any child of his living at his death: And whereas probate of the said will was granted by the Supreme Court of New South Wales in its ecclesiastical jurisdiction to the said Francis Woodward and the said William John Wiseman, on the thirtieth day of August, in the year one thousand eight

hundred

hundred and eighty-three: And whereas the said Esther Annie Lee Bright, the said wife of the said testator, after the decease of the said testator, namely, on the thirtieth day of January, one thousand eight hundred and eighty-nine, was lawfully married to Frederick Thomas Potts then of Wollongong: And whereas by a decree made on the twenty-seventh day of September, one thousand eight hundred and ninety-five by the Supreme Court of New South Wales, in its equitable jurisdiction, the said Francis Woodward was removed from the office of trustee of the said will and William Robson, of Lewisham, was duly appointed to be a new trustee of the said will in the place of the said Francis Woodward: And whereas the correct name of the said society is the New South Wales Wesleyan Methodist Church Sustentation and Extension Society: And whereas the said society is a society under and subject to the direction, control, and government of the New South Wales Conference of the Australasian Wesleyan Methodist Church, and is managed by a committee appointed annually by the said conference: And whereas the said conference annually elects one of its members to be president thereof: And whereas the said president is by virtue of his office chairman of the said committee: And whereas some part of the real estate devised by the said testator consists of lands unimproved or only partly improved, and which are described in the Schedule hereto, and the income from such of these lands as produce any income, is inadequate according to the capital value of the said lands, and the value of the said lands would be greatly enhanced by granting either building or improving leases of the said lands: And whereas the said will contains no power to lease for more than five years, and no power to make roads, streets, or ways over or upon the said lands, but it would be beneficial to all parties interested under the said will that such powers should be conferred upon the trustees thereof: 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:—

Interpretation.

1. In this Act unless the context or subsequent matter otherwise indicates or requires—

"the said trustees" mean and include the said William John Wiseman and William Robson and the trustees or trustee howsoever appointed acting for the time being in the execution of the trusts of the said will of the said John Bright, deceased;

"the said lands" mean the lands described in the Schedule hereto;

"road, street, or way" mean and include any square, court, alley, lane, road, thoroughfare, or other passage or place within the said lands.

2.

2. It shall be lawful for the said trustees from time to time by deed to lease either the whole or any part of the said lands to any person or persons who shall covenant to improve the same by erecting or building on any part of the land thereby leased any house or houses, building or buildings, or by repairing, rebuilding, enlarging, or improving any house or houses, building or buildings which are now or may hereafter be standing on the lands thereby leased, or by otherwise expending in improvements such moneys as shall be deemed by the said trustees adequate to the interest to be parted with for any term of years not exceeding ninety-nine years, to take effect in possession or within one year from the date of the said deed so as there be reserved in every lease made under this power the best or most improved yearly rent that can be reasonably obtained, having regard to the nature of the covenants entered into by the lessee without any fine, premium, or foregift or other payment of a like nature for the making thereof, and so that there be contained in every such lease a condition for re-entry by the said trustees for nonpayment of rent or nonobservance or nonperformance of the covenants or any of them therein contained within a reasonable time to be therein specified; and so that the lessee do execute a counter part of such lease and do thereby covenant for payment of the rent thereby reserved, and to insure against fire any house or houses, building or buildings, erected or to be erected on the land thereby leased and be not by any express words therein made dispunishable for waste: Provided that in case any lease made or granted under this power shall be made on the surrender of a former lease or agreement for a lease the value of the lessees' interest under such surrendered lease or agreement may be taken into account in fixing the terms of the next lease, and no lease made under such circumstances shall by reason of such allowance be considered as made otherwise than at the best or most improved yearly rent within the meaning of this Act. Power to lease, &c.

3. The powers conferred by the said will on the said trustees for the granting of occupation leases may be exercised by the granting of leases for any term not exceeding twenty years. Occupation leases.

4. It shall be lawful for the said trustees from time to time to make or consent to alterations in the terms of any such lease by way of addition, explanation, or otherwise, and also wholly or partially to release from any such lease any person or persons bound thereby, and also to vary or depart from the terms of any such lease with the consent of the other party or parties thereto but so that every such lease be conformable to the provisions of the aforesaid powers. Power to vary leases.

5. The said trustees shall stand possessed of the rents and profits of any lands leased by them under the provisions of section two of this Act upon the same trusts as are by the said will of the said John Bright, deceased, declared of and concerning the rents and Application of rents and profits.

profits

profits of the lands which shall be so leased, or upon such of the said trusts as shall be subsisting: Provided always that it shall be lawful for the said trustees in the first place to pay and retain out of the rents and profits of the said lands, or any part thereof, which may be leased under the powers hereinbefore conferred, the costs of and incidental to the passing of this Act.

Power to lay out roads, streets, or ways.

6. The said trustees may appropriate, dedicate, lay out, or set apart any part of the said lands respectively as and for roads, streets or ways, sewers, drains, or other such places or easements for the use of the public, or for the use of any house or houses, building or buildings erected or to be erected upon any of the said lands, or the tenants or occupiers thereof without receiving any consideration therefor; and the said trustees may allow, authorise, or make generally any such arrangements and dispositions of any parts of the said lands, respectively, as the said trustees may deem expedient for the purpose of advancing the letting of the said lands or promoting any building operations or other improvements thereon.

Exercise of powers subject to approval.

7. The said trustees shall not exercise any power hereinbefore conferred upon them without having first obained the written approval and consent thereto of the President for the time being of the New South Wales Conference of the Australasian Wesleyan Methodist Church.

Short title.

8. This Act may be cited for all purposes as "Bright's Estate Leasing Act, 1899."

SCHEDULE.

All that piece of land situate in the town of Wollongong, in the Colony of New South Wales, containing half an acre or thereabouts, being allotment number one of section number four on a plan of the said township; bounded on the north by Market-street, commencing at the west side of the church land in Market-street; thence by a line west two chains or thereabouts to number two allotment; thence by a line south along allotment number two two chains and one half to number four allotment; thence by a line east two chains or thereabouts to the church land; thence by a line north two chains and a half to the commencing corner in Market-street.

Also all that piece or parcel of land situated in the town of Wollongong, in the district of Illawarra, in the Colony of New South Wales, containing half an acre or thereabouts, being allotment number two of section four on the plan of the said township; bounded on the south by allotments three and four, together two chains; on the west by Keira-street, two and a half chains; on the north by Market-street, two chains; and on the east by number one allotment two and a half chains.

And also all that parcel of land, being portion of allotment number three of section four on the plan of the said township, containing half an acre or thereabouts; bounded on the west by Keira-street, commencing at the south-west corner of allotment number two, being a line running south four chains; thence by a line running east one chain; thence by a line north four chains to number two allotment; thence by a line west one chain, to the point of commencement.

Also all that parcel of land, part of three hundred acres of land, situate in Crown-street, in Wollongong aforesaid, containing one acre and a half an acre, be the same more or less, being allotments numbered four, five, and six of section four: Commencing at the distance of one chain from the junction of Keira-street and Crown-street; and bounded

bounded on the south by Crown-street three chains; on the east by number seven allotment five chains; on the north by number one and part of number two allotments three chains; and on the west by number three allotment five chains, to the commencing point in Crown-street aforesaid.

Also all that parcel of land, being the northern half of allotment number seven of section number four on the plan of the township of Wollongong, containing one quarter of an acre or thereabouts; bounded on the north by a reserved open space known as "Church-square;" on the south by the southern portion of allotment seven; on the east by the allotment number eight; and on the west by allotment number six of said section number four.

Also all that piece or parcel of land situated in the town of Wollongong aforesaid, being the southern moiety of allotment number seven of section number four: Commencing at the south-east corner of the late John Osborne's property; and bounded on the west by such property, being a line bearing northerly two and a half chains to the northern moiety of said lot seven; on the north by said northern moiety of said lot seven, being a line bearing easterly one chain to land forming portion of allotment number eight of section number four; on the east by such land, being a line bearing southerly two and a half chains to Crown-street; and on the south by Crown-street, being a line bearing westerly one chain, to the point of commencement.

Also all that piece or parcel of land situate in Crown-street, in the town of Wollongong aforesaid, being part of the southern moiety of allotment number seven of section number four: Commencing at the south-east corner of the late John Osborne's property; and bounded on the west by the said last-mentioned land, being a line bearing northerly one hundred and twenty feet to the north-east corner of the last-mentiond land; on the north by the other part of said lot seven, being a line bearing easterly eleven feet three inches to other land of the late John Bright; on the east by the land of the late John Bright, being a line bearing southerly one hundred and twenty feet to Crown-street; and on the south by Crown-street, being a line bearing westerly eleven feet three inches, to the commencing point.

Also all that parcel of land being the northern half of allotment number eight of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by said open reserved space; on the south by the southern portion of allotment eight; on the east by the allotment number nine of said section.

Also all that parcel of land, being the northern half of allotment number nine of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by said open reserved space; on the south by the southern portion of allotment nine; on the east by the allotment number ten; and on the west by the allotment lastly before described.

Also all that piece or parcel of land, being portions of allotments eight and nine of section number four on the plan of the said township of Wollongong: Commencing in Crown-street at a point distant eighty-eight feet west from the north-west corner of Church-street at its junction with Crown-street; and bounded on the south by Crown-street being a line bearing west one hundred and five feet to portion of lot seven of section four; on the west by part of the last-mentioned land, being a line bearing north one hundred and sixty-five feet; on the north by the remaining portions of the said allotments eight and nine of section four, being a line bearing east one hundred and five feet to the Presbyterian Church land; and on the east by the last-mentioned land, being a line bearing south one hundred and sixty-five feet, to the commencing point, be the said boundaries more or less.

Also all that parcel of land, being the northernmost half part of allotment number ten of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by the said open reserved space; on the south by the remainder of said allotment number ten; on the east by Church-street leading from Crown-street towards the Church-square (and which separates section three from section four); and on the west by part of the allotment number nine before described.

Sydney: William Applegate Gullick, Government Printer.—1899.

[6*d*.]

Legislative Council.

1899.

A BILL

To enable William John Wiseman and William Robson or other the trustees or trustee for the time being of the will of the late John Bright to grant building and improving leases of certain lands devised by the said will, and to make roads, streets, and ways over and upon the said lands; and for other purposes connected therewith.

(*As amended and agreed to in Select Committee.*)

WHEREAS John Bright, late of Wollongong, in the Colony of New South Wales, merchant, duly made and executed his last will and testament, dated the twenty-seventh day of February, one thousand eight hundred and eighty-three, and thereby appointed Francis Woodward, of Wollongong aforesaid, gentleman, and William John Wiseman, of the same place, coachbuilder, the trustees and executors of his said will, and (*inter alia*) gave, devised, and bequeathed all his real and all the residue of his personal estate whatsoever and wheresoever, Preamble.

NOTE.—The word to be *omitted* is *ruled through*; that to be *inserted* is printed in **black letter.**

wheresoever, of or to which he should at his death be seized, possessed, or entitled, or over which he should have a general power of appointment or disposition by will unto his said trustees, their heirs, executors, and administrators respectively, upon trust to permit his wife Esther Annie Lee Bright (in the said will called Esther Annie Lee), to hold, use, occupy, enjoy, or receive the rents, issues, and profits of all and singular the lands and hereditaments situate in Crown-street, Keira-street, Market-street, Church-square, and Church-street, in Wollongong aforesaid, together with the houses, dwellings, easements, and appurtenances thereunto belonging or appertaining, so long as she should continue his widow, and so that she should have the same rights thereto as a tenant without impeachment of waste. And from and immediately after the second marriage of his said wife upon trust to pay his said wife during her life an annuity or yearly rent charge of one hundred pounds sterling, to be charged upon and issuing out of the said hereditaments and premises at Wollongong aforesaid, to be payable quarterly and to be for her sole and separate use during any coverture; and so that she should not have power to alienate or anticipate the same and empowered his said wife to recover payment of her said annuity when in arrears by distress and entry upon and perception of the rents and profits of the said hereditaments charged therewith, and empowered the trustees or trustee for the time being of his said will to let all or any part or parts of the said hereditaments and premises at Wollongong aforesaid for any term not exceeding five years at any one time for such purposes under such conditions and in such manner as the said trustees or trustee for the time being of his said will should think fit. And upon trust as to all other his said real estate and the said residue of his personal estate (and also as to the said lands, hereditaments, and premises in Wollongong aforesaid after the death of his said wife) that they his said trustees or the survivor of them should in such manner and under such stipulations and upon such terms and conditions in all respects as they or he should in their or his uncontrolled discretion think fit sell, collect, or otherwise convert into money (according to the nature of the premises) all such part of the same premises as should not consist of money, and might buy in or rescind or vary any contract for sale or of any other description and resell without being liable for any loss, and might for the purposes aforesaid or any of them execute and do all such assurances and things as they or he should think fit. And should out of the moneys to be produced by such sale, collection, and conversion, and all other moneys arising from or forming part of his residuary estate pay his funeral any testamentary and trust expenses and debts and the legacies bequeathed by his said will or any codicil thereto and the legacy duty or any legacies bequeathed free of duty. And directed that the said Francis Woodward should thereout pay and retain to himself a sum equal to

two

two pounds ten shillings sterling per centum on the total amount of his said real and personal estate, and the said William John Wiseman a sum equal to one pound sterling per centum on such total amount of his said real and personal estate, for their trouble as such executors as aforesaid, and should hold the residue of the said moneys upon trust for all his children or any his child who being sons or a son should attain the age of twenty-one years, or being daughters or a daughter should attain that age or marry, with power to invest the said trust moneys in real securities in the said Colony and vary the same at their or his discretion, and directed that if there should be no child of his living at his death, who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry, then the said trustees or the survivor of them should pay over the said moneys and the investments representing the same or so much thereof as should not have become vested or been applied under the trusts aforesaid to the New South Wales Wesleyan Church Sustentation and Extension Society to be held by that society in trust as to the sum of three thousand pounds part thereof to invest the same in the names of and in such manner as the trustees for the time being of the said society might deem fit, and to pay the interest or income thereof towards the support of a second minister in connection with the Wesleyan Methodist Church in the district of Wollongong in the said Colony, and as to the residue of the said moneys in trust for the said New South Wales Wesleyan Church Sustentation and Extension Society absolutely; and the said testator by his said will declared that the receipts of the said society or of the trustees for the time being thereof or any other officers or officer thereof to whom his said trustees or the survivor of them should in their or his uncontrolled discretion think fit to pay the same should be full and sufficient discharges therefor and they or he should not be responsible or accountable therefor or for the due and proper investment thereof nor be bound to inquire into the same: And the said testator by his said will further declared that it should be lawful for his said trustees or trustee to defer and postpone the sale, conversion, and collection of the whole or any part or parts of any of his said real and personal estate therein before by his said will devised and bequeathed in trust for sale respectively so long as to such trustees or trustee should in their or his uncontrolled discretion seem proper: And whereas the said testator died on or about the fourteenth day of May, one thousand eight hundred and eighty-three, leaving him surviving his said wife Esther Annie Lee Bright, but without leaving any child of his living at his death: And whereas probate of the said will was granted by the Supreme Court of New South Wales in its ecclesiastical jurisdiction to the said Francis Woodward and the said William John Wiseman, on the thirtieth day of August, in the year one thousand eight hundred

hundred and eighty-three: And whereas the said Esther Annie Lee Bright, the said wife of the said testator, after the decease of the said testator, namely, on the thirtieth day of January, one thousand eight hundred and eighty-nine, was lawfully married to Frederick Thomas Potts then of Wollongong: And whereas by a decree made on the twenty-seventh day of September, one thousand eight hundred and ninety-five by the Supreme Court of New South Wales, in its equitable jurisdiction, the said Francis Woodward was removed from the office of trustee of the said will and William Robson, of Lewisham, was duly appointed to be a new trustee of the said will in the place of the said Francis Woodward: And whereas the correct name of the said society is the New South Wales Wesleyan Methodist Church Sustentation and Extension Society: And whereas the said society is a society under and subject to the direction, control, and government of the New South Wales Conference of the Australasian Wesleyan Methodist Church, and is managed by a committee appointed annually by the said conference: And whereas the said conference annually elects one of its members to be president thereof: And whereas the said president is by virtue of his office chairman of the said committee: And whereas some part of the real estate devised by the said testator consists of lands unimproved or only partly improved, and which are described in the Schedule hereto, and the income from such of these lands as produce any income, is inadequate according to the capital value of the said lands, and the value of the said lands would be greatly enhanced ~~either~~ by granting **either** building or improving leases of the said lands: And whereas the said will contains no power to lease for more than five years, and no power to make roads, streets, or ways over or upon the said lands, but it would be beneficial to all parties interested under the said will that such powers should be conferred upon the trustees thereof: 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:—

Interpretation.

1. In this Act unless the context or subsequent matter otherwise indicates or requires—

"the said trustees" mean and include the said William John Wiseman and William Robson and the trustees or trustee howsoever appointed acting for the time being in the execution of the trusts of the said will of the said John Bright, deceased;

"the said lands" mean the lands described in the Schedule hereto;

"road, street, or way" mean and include any square, court, alley, lane, road, thoroughfare, or other passage or place within the said lands.

2.

2. It shall be lawful for the said trustees from time to time by deed to lease either the whole or any part of the said lands to any person or persons who shall covenant to improve the same by erecting or building on any part of the land thereby leased any house or houses, building or buildings, or by repairing, rebuilding, enlarging, or improving any house or houses, building or buildings which are now or may hereafter be standing on the lands thereby leased, or by otherwise expending in improvements such moneys as shall be deemed by the said trustees adequate to the interest to be parted with for any term of years not exceeding ninety-nine years, to take effect in possession or within one year from the date of the said deed so as there be reserved in every lease made under this power the best or most improved yearly rent that can be reasonably obtained, having regard to the nature of the covenants entered into by the lessee without any fine, premium, or foregift or other payment of a like nature for the making thereof, and so that there be contained in every such lease a condition for re-entry by the said trustees for nonpayment of rent or nonobservance or nonperformance of the covenants or any of them therein contained within a reasonable time to be therein specified; and so that the lessee do execute a counter part of such lease and do thereby covenant for payment of the rent thereby reserved, and to insure against fire any house or houses, building or buildings, erected or to be erected on the land thereby leased and be not by any express words therein made dispunishable for waste: Provided that in case any lease made or granted under this power shall be made on the surrender of a former lease or agreement for a lease the value of the lessees' interest under such surrendered lease or agreement may be taken into account in fixing the terms of the next lease, and no lease made under such circumstances shall by reason of such allowance be considered as made otherwise than at the best or most improved yearly rent within the meaning of this Act. Power to lease, &c.

3. It shall be lawful for the said trustees from time to time to make or consent to alterations in the terms of any such lease by way of addition, explanation, or otherwise, and also wholly or partially to release from any such lease any person or persons bound thereby, and also to vary or depart from the terms of any such lease with the consent of the other party or parties thereto but so that every such lease be conformable to the provisions of the aforesaid powers. Power to vary leases.

4. The said trustees shall stand possessed of the rents and profits of any lands leased by them under the provisions of section two of this Act upon the same trusts as are by the said will of the said John Bright, deceased, declared of and concerning the rents and profits of the lands which shall be so leased, or upon such of the said trusts as shall be subsisting: Provided always that it shall be lawful for the said trustees in the first place to pay and retain out of the Application of rents and profits.

rents

rents and profits of the said lands, or any part thereof, which may be leased under the powers hereinbefore conferred, the costs of and incidental to the passing of this Act.

Power to lay out roads, streets, or ways.

5. The said trustees may appropriate, dedicate, lay out, or set apart any part of the said lands respectively as and for roads, streets or ways, sewers, drains, or other such places or easements for the use of the public, or for the use of any house or houses, building or buildings erected or to be erected upon any of the said lands, or the tenants or occupiers thereof without receiving any consideration therefor; and the said trustees may allow, authorise, or make generally any such arrangements and dispositions of any parts of the said lands, respectively, as the said trustees may deem expedient for the purpose of advancing the letting of the said lands or promoting any building operations or other improvements thereon.

Exercise of powers subject to approval.

6. The said trustees shall not exercise any power hereinbefore conferred upon them without having first obained the written approval and consent thereto of the President for the time being of the New South Wales Conference of the Australasian Wesleyan Methodist Church.

Short title.

7. This Act may be cited for all purposes as "Bright's Estate Leasing Act, 1899."

SCHEDULE.

All that piece of land situate in the town of Wollongong, in the Colony of New South Wales, containing half an acre or thereabouts, being allotment number one of section number four on a plan of the said township; bounded on the north by Market-street, commencing at the west side of the church land in Market-street; thence by a line west two chains or thereabouts to number two allotment; thence by a line south along allotment number two two chains and one half to number four allotment; thence by a line east two chains or thereabouts to the church land; thence by a line north two chains and a half to the commencing corner in Market-street.

Also all that piece or parcel of land situated in the town of Wollongong, in the district of Illawarra, in the Colony of New South Wales, containing half an acre or thereabouts, being allotment number two of section four on the plan of the said township; bounded on the south by allotments three and four, together two chains; on the west by Keira-street, two and a half chains; on the north by Market-street, two chains; and on the east by number one allotment two and a half chains.

And also all that parcel of land, being portion of allotment number three of section four on the plan of the said township, containing half an acre or thereabouts; bounded on the west by Keira-street, commencing at the south-west corner of allotment number two, being a line running south four chains; thence by a line running east one chain; thence by a line north four chains to number two allotment; thence by a line west one chain, to the point of commencement.

Also all that parcel of land, part of three hundred acres of land, situate in Crown-street, in Wollongong aforesaid, containing one acre and a half an acre, be the same more or less, being allotments numbered four, five, and six of section four: Commencing at the distance of one chain from the junction of Keira-street and Crown-street; and bounded

bounded on the south by Crown-street three chains; on the east by number seven allotment five chains; on the north by number one and part of number two allotments three chains; and on the west by number three allotment five chains, to the commencing point in Crown-street aforesaid.

Also all that parcel of land, being the northern half of allotment number seven of section number four on the plan of the township of Wollongong, containing one quarter of an acre or thereabouts; bounded on the north by a reserved open space known as "Church-square;" on the south by the southern portion of allotment seven; on the east by the allotment number eight; and on the west by allotment number six of said section number four.

Also all that piece or parcel of land situated in the town of Wollongong aforesaid, being the southern moiety of allotment number seven of section number four: Commencing at the south-east corner of the late John Osborne's property; and bounded on the west by such property, being a line bearing northerly two and a half chains to the northern moiety of said lot seven; on the north by said northern moiety of said lot seven, being a line bearing easterly one chain to land forming portion of allotment number eight of section number four; on the east by such land, being a line bearing southerly two and a half chains to Crown-street; and on the south by Crown-street, being a line bearing westerly one chain, to the point of commencement.

Also all that piece or parcel of land situate in Crown-street, in the town of Wollongong aforesaid, being part of the southern moiety of allotment number seven of section number four: Commencing at the south-east corner of the late John Osborne's property; and bounded on the west by the said last-mentioned land, being a line bearing northerly one hundred and twenty feet to the north-east corner of the last-mentiond land; on the north by the other part of said lot seven, being a line bearing easterly eleven feet three inches to other land of the late John Bright; on the east by the land of the late John Bright, being a line bearing southerly one hundred and twenty feet to Crown-street; and on the south by Crown-street, being a line bearing westerly eleven feet three inches, to the commencing point.

Also all that parcel of land being the northern half of allotment number eight of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by said open reserved space; on the south by the southern portion of allotment eight; on the east by the allotment number nine of said section.

Also all that parcel of land, being the northern half of allotment number nine of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by said open reserved space; on the south by the southern portion of allotment nine; on the east by the allotment number ten; and on the west by the allotment lastly before described.

Also all that piece or parcel of land, being portions of allotments eight and nine of section number four on the plan of the said township of Wollongong: Commencing in Crown-street at a point distant eighty-eight feet west from the north-west corner of Church-street at its junction with Crown-street; and bounded on the south by Crown-street being a line bearing west one hundred and five feet to portion of lot seven of section four; on the west by part of the last-mentioned land, being a line bearing north one hundred and sixty-five feet; on the north by the remaining portions of the said allotments eight and nine of section four, being a line bearing east one hundred and five feet to the Presbyterian Church land; and on the east by the last-mentioned land, being a line bearing south one hundred and sixty-five feet, to the commencing point, be the said boundaries more or less.

Also all that parcel of land, being the northernmost half part of allotment number ten of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by the said open reserved space; on the south by the remainder of said allotment number ten; on the east by Church-street leading from Crown-street towards the Church-square (and which separates section three from section four); and on the west by part of the allotment number nine before described.

Sydney: William Applegate Gullick, Government Printer.—1899.

[6*d*.]

1899.

A BILL

To enable William John Wiseman and William Robson or other the trustees or trustee for the time being of the will of the late John Bright to grant building and improving leases of certain lands devised by the said will, and to make roads, streets, and ways over and upon the said lands; and for other purposes connected therewith.

WHEREAS John Bright, late of Wollongong, in the Colony of New South Wales, merchant, duly made and executed his last will and testament, dated the twenty-seventh day of February, one thousand eight hundred and eighty-three, and thereby appointed Francis Woodward, of Wollongong aforesaid, gentleman, and William John Wiseman, of the same place, coachbuilder, the trustees and executors of his said will, and (*inter alia*) gave, devised, and bequeathed all his real and all the residue of his personal estate whatsoever and wheresoever, Preamble.

wheresoever, of or to which he should at his death be seized, possessed, or entitled, or over which he should have a general power of appointment or disposition by will unto his said trustees, their heirs, executors, and administrators respectively, upon trust to permit his wife Esther Annie Lee Bright (in the said will called Esther Annie Lee), to hold, use, occupy, enjoy, or receive the rents, issues, and profits of all and singular the lands and hereditaments situate in Crown-street, Keira-street, Market-street, Church-square, and Church-street, in Wollongong aforesaid, together with the houses, dwellings, easements, and appurtenances thereunto belonging or appertaining, so long as she should continue his widow, and so that she should have the same rights thereto as a tenant without impeachment of waste. And from and immediately after the second marriage of his said wife upon trust to pay his said wife during her life an annuity or yearly rent charge of one hundred pounds sterling, to be charged upon and issuing out of the said hereditaments and premises at Wollongong aforesaid, to be payable quarterly and to be for her sole and separate use during any coverture; and so that she should not have power to alienate or anticipate the same and empowered his said wife to recover payment of her said annuity when in arrears by distress and entry upon and perception of the rents and profits of the said hereditaments charged therewith, and empowered the trustees or trustee for the time being of his said will to let all or any part or parts of the said hereditaments and premises at Wollongong aforesaid for any term not exceeding five years at any one time for such purposes under such conditions and in such manner as the said trustees or trustee for the time being of his said will should think fit. And upon trust as to all other his said real estate and the said residue of his personal estate (and also as to the said lands, hereditaments, and premises in Wollongong aforesaid after the death of his said wife) that they his said trustees or the survivor of them should in such manner and under such stipulations and upon such terms and conditions in all respects as they or he should in their or his uncontrolled discretion think fit sell, collect, or otherwise convert into money (according to the nature of the premises) all such part of the same premises as should not consist of money, and might buy in or rescind or vary any contract for sale or of any other description and resell without being liable for any loss, and might for the purposes aforesaid or any of them execute and do all such assurances and things as they or he should think fit. And should out of the moneys to be produced by such sale, collection, and conversion, and all other moneys arising from or forming part of his residuary estate pay his funeral any testamentary and trust expenses and debts and the legacies bequeathed by his said will or any codicil thereto and the legacy duty or any legacies bequeathed free of duty. And directed that the said Francis Woodward should thereout pay and retain to himself a sum equal to

two

two pounds ten shillings sterling per centum on the total amount of his said real and personal estate, and the said William John Wiseman a sum equal to one pound sterling per centum on such total amount of his said real and personal estate, for their trouble as such executors as aforesaid, and should hold the residue of the said moneys upon trust for all his children or any his child who being sons or a son should attain the age of twenty-one years, or being daughters or a daughter should attain that age or marry, with power to invest the said trust moneys in real securities in the said Colony and vary the same at their or his discretion, and directed that if there should be no child of his living at his death, who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry, then the said trustees or the survivor of them should pay over the said moneys and the investments representing the same or so much thereof as should not have become vested or been applied under the trusts aforesaid to the New South Wales Wesleyan Church Sustentation and Extension Society to be held by that society in trust as to the sum of three thousand pounds part thereof to invest the same in the names of and in such manner as the trustees for the time being of the said society might deem fit, and to pay the interest or income thereof towards the support of a second minister in connection with the Wesleyan Methodist Church in the district of Wollongong in the said Colony, and as to the residue of the said moneys in trust for the said New South Wales Wesleyan Church Sustentation and Extension Society absolutely; and the said testator by his said will declared that the receipts of the said society or of the trustees for the time being thereof or any other officers or officer thereof to whom his said trustees or the survivor of them should in their or his uncontrolled discretion think fit to pay the same should be full and sufficient discharges therefor and they or he should not be responsible or accountable therefor or for the due and proper investment thereof nor be bound to inquire into the same: And the said testator by his said will further declared that it should be lawful for his said trustees or trustee to defer and postpone the sale, conversion, and collection of the whole or any part or parts of any of his said real and personal estate therein before by his said will devised and bequeathed in trust for sale respectively so long as to such trustees or trustee should in their or his uncontrolled discretion seem proper: And whereas the said testator died on or about the fourteenth day of May, one thousand eight hundred and eighty-three, leaving him surviving his said wife Esther Annie Lee Bright, but without leaving any child of his living at his death: And whereas probate of the said will was granted by the Supreme Court of New South Wales in its ecclesiastical jurisdiction to the said Francis Woodward and the said William John Wiseman, on the thirtieth day of August, in the year one thousand eight hundred

hundred and eighty-three: And whereas the said Esther Annie Lee Bright, the said wife of the said testator, after the decease of the said testator, namely, on the thirtieth day of January, one thousand eight hundred and eighty-nine, was lawfully married to Frederick Thomas Potts then of Wollongong: And whereas by a decree made on the twenty-seventh day of September, one thousand eight hundred and ninety-five by the Supreme Court of New South Wales, in its equitable jurisdiction, the said Francis Woodward was removed from the office of trustee of the said will and William Robson, of Lewisham, was duly appointed to be a new trustee of the said will in the place of the said Francis Woodward: And whereas the correct name of the said society is the New South Wales Wesleyan Methodist Church Sustentation and Extension Society: And whereas the said society is a society under and subject to the direction, control, and government of the New South Wales Conference of the Australasian Wesleyan Methodist Church, and is managed by a committee appointed annually by the said conference: And whereas the said conference annually elects one of its members to be president thereof: And whereas the said president is by virtue of his office chairman of the said committee: And whereas some part of the real estate devised by the said testator consists of lands unimproved or only partly improved, and which are described in the Schedule hereto, and the income from such of these lands as produce any income, is inadequate according to the capital value of the said lands, and the value of the said lands would be greatly enhanced either by granting, building, or improving leases of the said lands: And whereas the said will contains no power to lease for more than five years, and no power to make roads, streets, or ways over or upon the said lands, but it would be beneficial to all parties interested under the said will that such powers should be conferred upon the trustees thereof: 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:—

Interpretation.

1. In this Act unless the context or subsequent matter otherwise indicates or requires—

"the said trustees" mean and include the said William John Wiseman and William Robson and the trustees or trustee howsoever appointed acting for the time being in the execution of the trusts of the said will of the said John Bright, deceased;

"the said lands" mean the lands described in the Schedule hereto;

"road, street, or way" mean and include any square, court, alley, lane, road, thoroughfare, or other passage or place within the said lands.

2.

2. It shall be lawful for the said trustees from time to time by deed to lease either the whole or any part of the said lands to any person or persons who shall covenant to improve the same by erecting or building on any part of the land thereby leased any house or houses, building or buildings, or by repairing, rebuilding, enlarging, or improving any house or houses, building or buildings which are now or may hereafter be standing on the lands thereby leased, or by otherwise expending in improvements such moneys as shall be deemed by the said trustees adequate to the interest to be parted with for any term of years not exceeding ninety-nine years, to take effect in possession or within one year from the date of the said deed so as there be reserved in every lease made under this power the best or most improved yearly rent that can be reasonably obtained, having regard to the nature of the covenants entered into by the lessee without any fine, premium, or foregift or other payment of a like nature for the making thereof, and so that there be contained in every such lease a condition for re-entry by the said trustees for nonpayment of rent or nonobservance or nonperformance of the covenants or any of them therein contained within a reasonable time to be therein specified; and so that the lessee do execute a counter part of such lease and do thereby covenant for payment of the rent thereby reserved, and to insure against fire any house or houses, building or buildings, erected or to be erected on the land thereby leased and be not by any express words therein made dispunishable for waste: Provided that in case any lease made or granted under this power shall be made on the surrender of a former lease or agreement for a lease the value of the lessees' interest under such surrendered lease or agreement may be taken into account in fixing the terms of the next lease, and no lease made under such circumstances shall by reason of such allowance be considered as made otherwise than at the best or most improved yearly rent within the meaning of this Act. Power to lease, &c.

3. It shall be lawful for the said trustees from time to time to make or consent to alterations in the terms of any such lease by way of addition, explanation, or otherwise, and also wholly or partially to release from any such lease any person or persons bound thereby, and also to vary or depart from the terms of any such lease with the consent of the other party or parties thereto but so that every such lease be conformable to the provisions of the aforesaid powers. Power to vary leases.

4. The said trustees shall stand possessed of the rents and profits of any lands leased by them under the provisions of section two of this Act upon the same trusts as are by the said will of the said John Bright, deceased, declared of and concerning the rents and profits of the lands which shall be so leased, or upon such of the said trusts as shall be subsisting: Provided always that it shall be lawful for the said trustees in the first place to pay and retain out of the Application of rents and profits.

rents

rents and profits of the said lands, or any part thereof, which may be leased under the powers hereinbefore conferred, the costs of and incidental to the passing of this Act.

Power to lay out roads, streets, or ways.

5. The said trustees may appropriate, dedicate, lay out, or set apart any part of the said lands respectively as and for roads, streets or ways, sewers, drains, or other such places or easements for the use of the public, or for the use of any house or houses, building or buildings erected or to be erected upon any of the said lands, or the tenants or occupiers thereof without receiving any consideration therefor; and the said trustees may allow, authorise, or make generally any such arrangements and dispositions of any parts of the said lands, respectively, as the said trustees may deem expedient for the purpose of advancing the letting of the said lands or promoting any building operations or other improvements thereon.

Exercise of powers subject to approval.

6. The said trustees shall not exercise any power hereinbefore conferred upon them without having first obained the written approval and consent thereto of the President for the time being of the New South Wales Conference of the Australasian Wesleyan Methodist Church.

Short title.

7. This Act may be cited for all purposes as "Bright's Estate Leasing Act, 1899."

SCHEDULE.

All that piece of land situate in the town of Wollongong, in the Colony of New South Wales, containing half an acre or thereabouts, being allotment number one of section number four on a plan of the said township; bounded on the north by Market-street, commencing at the west side of the church land in Market-street; thence by a line west two chains or thereabouts to number two allotment; thence by a line south along allotment number two two chains and one half to number four allotment; thence by a line east two chains or thereabouts to the church land; thence by a line north two chains and a half to the commencing corner in Market-street.

Also all that piece or parcel of land situated in the town of Wollongong, in the district of Illawarra, in the Colony of New South Wales, containing half an acre or thereabouts, being allotment number two of section four on the plan of the said township; bounded on the south by allotments three and four, together two chains; on the west by Keira-street, two and a half chains; on the north by Market-street, two chains; and on the east by number one allotment two and a half chains.

And also all that parcel of land, being portion of allotment number three of section four on the plan of the said township, containing half an acre or thereabouts; bounded on the west by Keira-street, commencing at the south-west corner of allotment number two, being a line running south four chains; thence by a line running east one chain; thence by a line north four chains to number two allotment; thence by a line west one chain, to the point of commencement.

Also all that parcel of land, part of three hundred acres of land, situate in Crown-street, in Wollongong aforesaid, containing one acre and a half an acre, be the same more or less, being allotments numbered four, five, and six of section four: Commencing at the distance of one chain from the junction of Keira-street and Crown-street; and bounded

bounded on the south by Crown-street three chains; on the east by number seven allotment five chains; on the north by number one and part of number two allotments three chains; and on the west by number three allotment five chains, to the commencing point in Crown-street aforesaid.

Also all that parcel of land, being the northern half of allotment number seven of section number four on the plan of the township of Wollongong, containing one quarter of an acre or thereabouts; bounded on the north by a reserved open space known as "Church-square;" on the south by the southern portion of allotment seven; on the east by the allotment number eight; and on the west by allotment number six of said section number four.

Also all that piece or parcel of land situated in the town of Wollongong aforesaid, being the southern moiety of allotment number seven of section number four: Commencing at the south-east corner of the late John Osborne's property; and bounded on the west by such property, being a line bearing northerly two and a half chains to the northern moiety of said lot seven; on the north by said northern moiety of said lot seven, being a line bearing easterly one chain to land forming portion of allotment number eight of section number four; on the east by such land, being a line bearing southerly two and a half chains to Crown-street; and on the south by Crown-street, being a line bearing westerly one chain, to the point of commencement.

Also all that piece or parcel of land situate in Crown-street, in the town of Wollongong aforesaid, being part of the southern moiety of allotment number seven of section number four: Commencing at the south-east corner of the late John Osborne's property; and bounded on the west by the said last-mentioned land, being a line bearing northerly one hundred and twenty feet to the north-east corner of the last-mentiond land; on the north by the other part of said lot seven, being a line bearing easterly eleven feet three inches to other land of the late John Bright; on the east by the land of the late John Bright, being a line bearing southerly one hundred and twenty feet to Crown-street; and on the south by Crown-street, being a line bearing westerly eleven feet three inches, to the commencing point.

Also all that parcel of land being the northern half of allotment number eight of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by said open reserved space; on the south by the southern portion of allotment eight; on the east by the allotment number nine of said section.

Also all that parcel of land, being the northern half of allotment number nine of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by said open reserved space; on the south by the southern portion of allotment nine; on the east by the allotment number ten; and on the west by the allotment lastly before described.

Also all that piece or parcel of land, being portions of allotments eight and nine of section number four on the plan of the said township of Wollongong: Commencing in Crown-street at a point distant eighty-eight feet west from the north-west corner of Church-street at its junction with Crown-street; and bounded on the south by Crown-street being a line bearing west one hundred and five feet to portion of lot seven of section four; on the west by part of the last-mentioned land, being a line bearing north one hundred and sixty-five feet; on the north by the remaining portions of the said allotments eight and nine of section four, being a line bearing east one hundred and five feet to the Presbyterian Church land; and on the east by the last-mentioned land, being a line bearing south one hundred and sixty-five feet, to the commencing point, be the said boundaries more or less.

Also all that parcel of land, being the northernmost half part of allotment number ten of said section number four, containing one quarter of an acre or thereabouts; bounded on the north by the said open reserved space; on the south by the remainder of said allotment number ten; on the east by Church-street leading from Crown-street towards the Church-square (and which separates section three from section four); and on the west by part of the allotment number nine before described.

Sydney: William Applegate Gullick, Government Printer.—1899.