

Legislative Council.

1899.

A BILL

To enable the trustees of Church property for the diocese of Newcastle to lease certain lands granted by the Crown as a site for an episcopal residence for the Bishop of Newcastle, and to provide for the application of the income thereof.

WHEREAS by a deed of grant from the Crown bearing date the Preamble. twenty-second day of October, one thousand eight hundred and fifty-five, the lands described in the Schedule hereto were granted unto the Lord Bishop of Newcastle and his successors upon trust for
5 the erection thereon of an episcopal residence for the Lord Bishop of Newcastle and his successors, Bishops of Newcastle, and of such
buildings (if any) for educational purposes as he or they might think fit to cause to be erected thereon, and on condition that the said Lord
Bishop of Newcastle and his successors should not use the said land or
c 112— any

any part thereof for any other purpose than in accordance with the said trusts : And whereas there have been erected on portion of the said lands buildings which are used as a school for boys and residence for masters and boys, and are called the Newcastle Grammar School and also a building which is called the Pro-Cathedral, and is being used during the erection and completion of the Newcastle Cathedral for Divine service according to the rites of the Church of England, but may, after the erection and completion of the Newcastle Cathedral, be used for educational purposes in religious matters, and also a wooden building which is used as a Sunday-school, but the remaining portion of the said lands is not built upon : And whereas the said Lord Bishop of Newcastle and his successors, Bishops of Newcastle, have used as an episcopal residence certain lands and buildings purchased at Morpeth in the diocese of Newcastle : And whereas by reason of the class of buildings which have been erected in the neighbourhood of the said lands it has become undesirable to use the same as a site for an episcopal residence and a more suitable site for that purpose can be obtained elsewhere in the city of Newcastle : And whereas in pursuance of the provisions of the Church of England Trust Property Incorporation Act, 1881, certain trustees have been duly appointed and constituted a body politic and corporate by the name of the Trustees of Church Property for the diocese of Newcastle : And whereas the said lands are suitable for residential building purposes and the value thereof would be considerably increased by the granting of leases for terms of years and an income would be derived therefrom : 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 :—

Power to grant
leases.

1. It shall be lawful for the trustees of Church property for the diocese of Newcastle, by and with the consent of the Bishop of Newcastle for the time being, or of his commissary thereunto by him lawfully authorised in writing, to lease from time to time either the whole or any part of the lands and hereditaments described in the Schedule hereto to any person, association, company, or corporation ; and every such lease may be for any term of years not to exceed ninety-nine years and shall be made for such rents and payments and shall contain such covenants, declarations, powers, and provisions as the trustees of Church property for the diocese of Newcastle with the consent aforesaid shall approve, and may also contain a covenant by the lessee to improve the lands so leased by erecting and building thereon any house or houses, building or buildings, or to otherwise improve the lands so leased by the expenditure of such sums of money as shall by the trustees of Church property for the diocese of Newcastle with the consent aforesaid be deemed adequate or reasonable, and

and it shall also be lawful for the said trustees with the like consent to accept a surrender of any lease so granted : Provided that if at any time there shall be no Bishop of Newcastle or such Bishop shall be incapacitated from acting any consent required by this or either of the
5 two sections next following may be given by the diocesan council of the said diocese, certified under the hand of their secretary, and no lessee or intending lessee shall be called upon to inquire whether the said diocesan council has been lawfully constituted or whether any person so certifying as their secretary is lawfully entitled to act as
10 such.

2. The trustees of Church property for the diocese of Newcastle with the consent aforesaid may appropriate, dedicate, lay out, or set
15 apart any part of the lands described in the said Schedule as and for roads, streets, lanes, or ways, sewers, drains, or other such places or easements for the use of the public, or for the use of the occupiers of any of the said lands, without receiving any consideration therefor, and may allow, authorise, or make generally any such arrangements or dispositions of any part of the said lands as may be deemed
20 expedient for the purpose of letting the said lands, or inducing or promoting the erection of any buildings or other improvements thereon.

Power to set apart
land for roads, &c.

3. It shall be lawful for the trustees of Church property for the diocese of Newcastle, with the consent aforesaid, to lease all or any of
25 the mines, ores, minerals, coals, quarries, stone, clay, sand, and substances, in, under, or upon the said lands and hereditaments for any term of years, with all such liberties, licenses, powers, and privileges for searching for and working the same, and disposing of the products, as may be deemed reasonable, upon such terms and for such rents, royalties, premiums, and payments, as they may think fit.

Power to lease
minerals.

30 4. The rents, income, and payments from the said lands shall be received by the trustees of Church property for the diocese of Newcastle, and after payment thereof of all necessary expenses in connection therewith, shall be held by them upon trust for the purpose of providing by lease or purchase and any other expenditure that may
35 be required, and of maintaining and supporting an episcopal residence for the Bishop of Newcastle and his successors, and upon further trust if the Bishop of Newcastle shall so direct to apply any money so directed towards the erection, purchase, and maintenance of such buildings for educational purposes as the said Bishop may think fit, or
40 towards the Cathedral revenue of Christ Church Cathedral, Newcastle : Provided that the said trustees shall only lease, purchase, or provide any such episcopal residence as aforesaid with the consent and by the direction of the Bishop of Newcastle : Provided also, that all expenditure upon the maintenance and support of such residence shall

Application of
proceeds.

be

be made with the consent of the said Bishop, or of the persons named in section one of this Act, in the event of a vacancy of the see or of the incapacity of the said Bishop.

5. This Act may be cited as the "Newcastle Episcopal Residence Leasing Act of 1899." Short title.

THE SCHEDULE.

All that allotment or parcel of land containing by admeasurement two acres two roods and thirty-two perches, be the same more or less situated in the City of Newcastle, parish of Newcastle, and county of Northumberland, commencing on the south side of Church-street at its intersection with Newcomen-street; and bounded on the east by the western side of Newcomen-street southerly three chains; on the south by the northern boundaries of allotments numbers two hundred and eighty-four, two hundred and eighty-five, two hundred and eighty-six, two hundred and eighty-seven, two hundred and eighty-eight, two hundred and eighty-nine, two hundred and ninety, two hundred and ninety-one, and two hundred and ninety-two, being a line westerly at right angles to Newcomen-street nine chains to Wolf-street; on the west by the eastern side of Wolf-street northerly three chains to Church-street; and on the north by the southern side of Church-street easterly nine chains to its intersection with Newcomen-street aforesaid,—
advertised as number one in the Government notice dated the thirteenth day of March,
one thousand eight hundred and fifty-five.