

No. IV.

An Act to amend an Act passed in the eighth year of the reign of His late Majesty King William the Fourth intituled "An Act to regulate the Temporal Affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales." [15th December, 1857.]

CHURCH OF ENGLAND
TEMPORALITIES.

WHEREAS by the Act of Council passed in the eighth year of His late Majesty King William the Fourth intituled "An Act to regulate the Temporal Affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" it is amongst other things enacted that whenever and as often as it shall happen that the glebe land belonging to any Church or Chapel under the said Act not being in possession or occupation of any Clergyman licensed to officiate in such Church or Chapel or with the consent of the Clergyman being in such possession or occupation may be improved by building upon the same or otherwise so as to admit a greater yearly profit being derived therefrom than the sum of one hundred and fifty pounds and security be given for payment to the Clergyman who shall next be licensed to officiate in such Church or Chapel and also to the present officiating Clergyman if any so consenting as aforesaid of the said sum of one hundred and fifty pounds annually it shall and may be lawful for the Trustees of such Church or Chapel with the further consent in writing of the Bishop of the Diocese to enter into and upon the said glebe land and to let the same upon leases for any term not exceeding twenty-eight years reserving the rents issues and profits thereof to the said Trustees for the time being who shall and may receive and apply the said rents issues and profits upon trust in the first place to pay to the officiating Minister of the said Church or Chapel the full sum of one hundred and fifty pounds yearly as and for an allowance for the said glebe and in the next place with the consent of the Bishop to apply the same or any part thereof in or towards building or enlarging the Church or Chapel of the parish or place to which such glebe land is annexed or a residence for the Clergyman of the same if it be necessary and afterwards in or towards building or enlarging a Church or Chapel of the United Church of England and Ireland in any other place in the same township or district and in the payment of a stipend of one hundred pounds yearly to the officiating Minister for the time being of the last-mentioned Church or Chapel and as often as the rents issues and profits of any such glebe land so let by the Trustees will admit thereof upon trust with the consent of the Bishop in manner aforesaid to apply the same in or towards the building of other such Churches or Chapels and houses of residence for Clergymen and endowing the officiating Ministers thereof respectively to the extent of one hundred pounds yearly as aforesaid And whereas it is expedient to amend the said Act by extending the period for which such leases as aforesaid may be made to any term not exceeding ninety-nine years Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Church of England Temporalities.

Trustees empowered to lease for any term not exceeding 99 years.

Power to reserve increased rent.

Power to confirm leases and to accept surrenders.

Fines premiums or foregifts not to be taken.

Mortgages and other incumbrances prohibited.

Trustees to account to the Bishop of the Diocese.

1. It shall be lawful for the Trustees of Churches and Chapels nominated and elected in pursuance of the said recited Act with the consent in writing of the Bishop of the Diocese and subject to the provisions of this and the said recited Act from time to time by any deed to lease for any term or number of years not exceeding ninety-nine years from the time of making the same such glebe lands as by the said recited Act they are authorized to let upon leases for any term not exceeding twenty-eight years reserving in every such lease the best rent that can be obtained for the same.

2. In any lease to be granted under the authority of this Act it shall be lawful for the Trustees granting any such lease as aforesaid with the consent of the Bishop of the Diocese if they shall think fit to reserve a small rent during the first ten years or any less portion of the term thereby created and to reserve an increased rent or increased rents to become payable after the expiration of such first ten years or less portion of the term created by such lease.

3. It shall be lawful for the Trustees for the time being to confirm any lease purporting to have been granted under the authority of this Act in any case in which for some technical error informality or irregularity in exercising the powers of this Act such lease shall be voidable or questionable or to accept an actual or virtual surrender of any lease which shall have been made and executed or which shall purport to have been made and executed by virtue of this Act and in any case where at the time when such surrender shall be accepted one-fourth part or more than one-fourth part of the term originally granted shall remain unexpired to make a new lease or several apportioned leases of the lands houses and buildings comprised in such surrendered lease for any time not exceeding the then residue of the term granted or intended to be granted by such surrendered lease and at a rent or apportioned rents equal in amount to or exceeding the former rent or rents.

4. Any lease or confirmation granted or made or surrender accepted under this Act in consideration in whole or in part of any fine premium or foregift or anything in the nature thereof directly or indirectly paid or given shall be absolutely void to all intents and purposes whatsoever both in law and in equity.

5. It shall not be lawful for any Trustees directly or indirectly by any contract deed judgment warrant of attorney or otherwise to charge or incumber or to borrow or raise any money by mortgage or otherwise upon the security of the said land or any part thereof or of any rent reserved by any lease made under the authority of this Act.

6. The Trustees of the said Churches and Chapels shall once in every year furnish to the Bishop of the Diocese a true account of all rents received or receivable by them for or in respect of the glebe lands leased under the authority of this Act and of the appropriation of the same.