

New South Wales.



ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

An Act to enable William Clift and Samuel Clift
Devises under the Will of Samuel Clift late
of West Maitland in the Colony of New South
Wales landholder deceased to grant Leases
of certain lands for Mining purposes. [25th
February, 1869.]

CLIFTS
COAL PROPERTIES
LEASING.

WHEREAS Samuel Clift late of West Maitland in the Colony of Preamble.
New South Wales landholder deceased duly made and published
his last will and testament in writing bearing date the thirteenth day
of January one thousand eight hundred and fifty-four And whereas
the said testator duly made and executed four several codicils to his
said will and by the fourth of the said codicils bearing date the
eighteenth day of July one thousand eight hundred and sixty-two
devised among other things the several pieces and parcels of land
described in the Schedules to this Act to Trustees therein named to
the use of the testator's sons William Clift and Samuel Clift respec-
tively as therein set forth that is to say the several pieces and parcels
of land described in the first Schedule hereto to the use of the said
William Clift for the term of his natural life and after his decease to
his children lawfully begotten share and share alike and if only one
child then to such child the several pieces and parcels of land described
in the second Schedule hereto to the use of the said Samuel Clift
during his natural life and after his decease to his children lawfully
begotten share and share alike and if only one child then to such one
child And whereas the said testator died on the nineteenth day of
July one thousand eight hundred and sixty-two without having
revoked or altered his said will or codicil so far as the same related to
the several devisees hereinbefore mentioned And whereas valuable
mines of coals and other minerals and substances have been dis-
covered

Clifts Coal Properties Leasing.

covered upon and under the said lands so devised as hereinbefore mentioned or some of them And whereas it will be greatly for the benefit of the said William Clift and Samuel Clift parties interested in the said lands so devised if the said William Clift and Samuel Clift respectively are empowered to grant leases of the said lands for mining purposes 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 lease lands
&c.

1. It shall be lawful for the said William Clift and Samuel Clift devisees under the will of the said Samuel Clift deceased respectively and for each of them that is to say the said William Clift with respect to the land or lands described in the first Schedule hereto and the said Samuel Clift with respect to the land or lands described in the second Schedule hereto to demise by way of lease by deed or deeds for any term of years not exceeding twenty-one years to take effect in possession all or any of the mines minerals coals quarries stones clay sand and substances in under or upon the said lands respectively either with or without any messuages buildings lands or hereditaments convenient to be held with the same respectively and either with or without the surface of the lands in or under which the same or any part thereof respectively shall be and whether the same shall or shall not have been hitherto opened or worked together with all such liberties licenses powers and privileges for searching for or working the said mines and for getting washing smelting burning rendering merchantable and disposing of minerals coals quarries stones clay sand and substances as to the person or persons for the time being exercising the power hereby given shall seem expedient so as there be reserved on every such lease the best rent or rents tolls duties royalties or reservations by the acre the ton or otherwise to be incident to the immediate reversion that can be reasonably gotten without taking anything in the nature of a fine or premium and so as there be contained in every such lease a condition for re-entry for non-payment or non-delivery within a reasonable time to be therein specified of the rents tolls duties royalties or reservations thereby reserved and so as the lessee or lessees do execute a counterpart of every such lease and do thereby covenant for the due payment or delivery of the rent or rents tolls duties royalties or reservations thereby reserved Provided always that the reservation of rents tolls duties or royalties the amount whereof shall vary with or according to the acreage worked or the minerals coals stones clay sand or substances gotten shall not be taken to be in the nature of a fine or premium though the effect of such reservation may eventually be disadvantageous to the remainder-man.

Short title.

2. This Act may be cited in any instrument document or proceeding as "Clifts Coal Properties Leasing Act."

Clifts Coal Properties Leasing.

FIRST SCHEDULE BEFORE REFERRED TO.

ALL that piece or parcel situate in the parish of Branxton and county of Northumberland in the Colony of New South Wales Commencing at the south-east corner of L. Duguid's one hundred acres on the west boundary of the village of Greta and bounded on the south by the south boundaries of that one hundred acres of Ferguson's two hundred and seventy acres and L. Duguid's two hundred and sixty acres which line is also the north boundary of the Reverend W. Purves's one hundred and twenty-five acres and F. H. Smith's two hundred and fifty acres On the west by a line dividing it from lots 40 41 42a two rod road and 43 as shewn in the Government chart bearing north to the north-east corner of lot 43 Again on the south by a line bearing west which is the north boundary of lot 43 and the south boundary of another one hundred acres of L. Duguid's Again on the west by a line dividing part of the last-named one hundred acres from part of lot 37 bearing north to the north-east corner of lot 37 Again on the south by a line bearing west being the north boundary of lots 37 36 and 35 and part of the south boundary of L. Duguid's five hundred and sixty acres to the north-west corner of lot 35 and the north-east corner of lot 22 Again on the east by a line bearing south between lot 35 and lots 21 and 22 Again on the south by a reserved road bearing west twenty-six chains to the Cessnock Road then by that road bearing north seventeen degrees thirty minutes east sixteen chains fifty links to the north-east corner of Mitchell's one hundred and fourteen acres Again on the south by the north boundary of Mitchell's one hundred and fourteen acres bearing west seventy-seven chains to the east boundary of Thorp's one thousand and seventy-six acres Again on the west by part of that boundary bearing north to the south-west corner of W. Bowen's one hundred acres On the north by the south boundary of Bowen's one hundred acres bearing east to the south-east corner of that one hundred acres then by part of the east boundary of the same to the Great Northern Railway Then on the north by the Great Northern Railway easterly towards Maitland till it meets a fence in L. Duguid's two hundred and sixty acres then by that fence northerly to the Maitland and Singleton Road Again on the north by that road to where it joins the north-east corner of the first-named one hundred acres of L. Duguid And on the east by the east boundary of that one hundred acres dividing it from the village of Greta bearing south to the commencing point the said land being delineated and shewn in the plan thereof and coloured red.

SECOND SCHEDULE BEFORE REFERRED TO.

ALL that piece or parcel of land situate in the parish of Branxton and county of Northumberland in the Colony of New South Wales Commencing at a point in the east boundary of William Bowen's one hundred acres at its junction with the Great Northern Railway and bounded on the north by the south boundary of E. Cahill's eighty acres bearing east to Scott's three hundred and twenty acres On the west by the east boundary of Cahill's eighty acres bearing north to the Maitland and Singleton Road Again on the north by that road easterly towards Maitland to where it meets a fence named in the above land of William Clift on Duguid's two hundred and sixty acres Then on the east by that fence southerly to the Great Northern Railway And on the south by the Great Northern Railway westerly through Bowen's one hundred and seven acres to the commencing point the said land being delineated and shewn in the plan of said land and coloured green.