

An Act to charge the Bishopthorpe Estate with the payment of certain sums of money to the present Bishop of Sydney and his representatives. [18th May, 1874.]

BISHOPTHORPE
ESTATE CHARGE.

WHEREAS by a grant dated the ninth day of July one thousand ^{Preamble.} eight hundred and forty-six under the hand of Sir George Gipps the then Governor-in-Chief of the Colony of New South Wales and under the seal of the said Colony All that piece or parcel of land containing by admeasurement forty acres be the same more or less situate in the county of Cumberland within the said Colony parish of Petersham commencing at the Glebe Road at a point three chains fifty-five links south-easterly from the eastern corner of George John Rogers' property and bounded on the north-west by a line bearing south forty-seven degrees forty-five minutes west fourteen chains ninety links to land originally granted to Catherine King on the south-west by the land originally granted to Catherine King being a line bearing south forty-seven degrees fifteen minutes east to the Old Parramatta Road on the south-east by the Old and present Parramatta Roads on the east by a curved line extending from the Parramatta Road to the Glebe Road the said curved line being the segment of a circle having a radius of one hundred and six links from a central point which point bears south sixty-two degrees thirty-five minutes west two chains thirty-four links from the western corner of a building erected by James Pemell and south thirty-eight degrees forty-five minutes east five chains forty links from the southern corner of a building at the junction of Francis-street with the Glebe Road and on the north-east by the Glebe Road to the commencing point (advertised as number ninety-three in the Government notice dated first June one thousand eight hundred and forty-six) with all the rights and appurtenances whatever thereto belonging was granted unto the Bishop of Australia and his successors Bishops of Australia subject to the conditions reservations and provisoies in the said grant contained to hold the same unto the said Bishop of Australia and his successors Bishops of Australia for ever for the maintenance of the Bishop of Australia and his successors Bishops of Australia and for no other purpose whatsoever And whereas by an Act of the Legislative Council of the said Colony made and passed in the nineteenth year of the reign of Her Majesty Queen Victoria entitled "*An Act to enable the Bishop of Sydney and his successors to make leases of certain land granted by Her Majesty for the maintenance of the Bishop of Australia and his successors*" the said piece or parcel of land was vested in the Bishop of Sydney and his successors for the purpose and subject to the reservations in the said recited grant contained And whereas by an Act of the said Legislative Council made and passed in the twenty-second year of the reign of Her Majesty Queen Victoria entitled "*An Act to remove doubts respecting the vesting of certain lands situated within the Dioceses of Sydney and Newcastle respectively which were formerly vested in the Bishop of Australia*" it was among other things enacted that all lands tenements and hereditaments situate within the limits of the Bishopric of Sydney which on the twenty-fifth day of June in the year one thousand eight hundred and forty-seven were vested in the Bishop of Australia should be and be deemed and taken to have been from that date vested in the Bishop of Sydney

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Sydney and his successors by whatever name he should be called or known either solely or jointly with the other persons associated with the said Bishop of Australia as the case might be and should be held by such Bishop and his successors either solely or jointly with such other persons upon and for the like trusts and purposes as the same were held by the said Bishop of Australia. And whereas the said lands comprised in the said grant of the ninth day of July one thousand eight hundred and forty-six are within the limits of the Bishopric of Sydney and are known as the Bishoptorpe Estate. And whereas Her Majesty Queen Victoria did by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland bearing date the nineteenth day of October one thousand eight hundred and fifty-four in the eighteenth year of the reign of Her said Majesty nominate Frederic Barker Doctor in Divinity to be Bishop of the Diocese of Sydney. And whereas an Episcopal residence for the Bishop of Sydney and his successors has been erected at Bishopscourt near Sydney in the said Colony at a cost of seven thousand two hundred pounds or thereabout. And whereas for the purpose of such residence a sum of one thousand seven hundred pounds was granted by the Legislature of the said Colony and a sum of one thousand five hundred pounds was subscribed by the friends of the late Bishop of Sydney and a sum of two thousand pounds was given by the present Bishop of Sydney. And whereas a further sum of two thousand pounds was found to be necessary to complete the said residence. And whereas the said Bishop thereupon borrowed the sum of two thousand pounds upon his personal security and expended the same in completing the said episcopal residence and has ever since paid interest thereon at the rate of seven pounds per centum per annum. And whereas frequent communications have taken place between the said Bishop and the Government in reference to the said debt of two thousand pounds and interest thereon so incurred as aforesaid. And whereas by a minute dated the second day of December one thousand eight hundred and seventy Sir Charles Cowper the then Colonial Secretary stated that the proper course for securing the said Bishop and giving full effect to the arrangement mentioned in the said letter of the Bishop of the eighteenth day of March one thousand eight hundred and fifty-seven and sanctioned by the said letter of the Under Secretary of the third day of April one thousand eight hundred and fifty-seven would be to apply to Parliament for a Bill to charge the Bishoptorpe revenue in the hands of the successor of the present Bishop with the payment of five hundred pounds a year for five years from the time such successor becomes entitled to a stipend from the Bishoptorpe rents. And whereas at the second Synod of the diocese of Sydney duly convened and held under the provisions of the Act made and passed in the thirtieth year of the reign of Her Majesty Queen Victoria entitled "*An Act to enable the Members of the United Church of England and Ireland in New South Wales to manage the property of the said Church*" the standing committee of the said Synod considered and reported upon the said Bishop's claim to be relieved from liability for the said sum of two thousand pounds and as to the best mode of dealing with the said claim having regard to the circumstances of the case and the interests of the church in the diocese. And whereas at the third session of the said Synod the following resolution was unanimously carried "That this Synod having taken "into consideration the Report of the Standing Committee relating "to the claim of the Bishop to be released from his liability to repay "a sum of two thousand pounds borrowed for the completion of the "Episcopal residence at Bishopscourt desires to record its opinion that "the Bishop having expended two thousand pounds of his own money "in

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“ in the erection of the said residence and for fourteen years paid the interest on the further sum of two thousand pounds borrowed for its completion it is just and equitable that the repayment of the money so borrowed together with five hundred pounds for interest should be secured to the Bishop or his personal representatives by a charge upon the rental of the Bishoptorpe Estate of five hundred pounds per annum for five years from the resignation or death of the Bishop to be paid by his Successors And it directs the Standing Committee to take such steps as may be thought necessary by application to Parliament and otherwise to give legal validity to such charge that such repayment may be eventually secured” And whereas the rental of the said lands and premises is now about two thousand pounds per annum And whereas it is just and expedient that the said debt of two thousand pounds together with five hundred pounds in respect of interest thereon should be secured to the present Bishop of Sydney or his personal representatives by a charge upon the rental of the said lands of five hundred pounds per annum for five years from the resignation or death of the present Bishop to be paid by his successors 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:—

1. When and so soon as the Right Reverend Frederic Barker shall resign the Bishopric of the See of Sydney or shall die the lands and hereditaments comprised in the said recited grant of the ninth day of July one thousand eight hundred and forty-six and all messuages and buildings erected thereon shall subject to existing leases stand and be charged with the payment to the Right Reverend Frederic Barker if living or to his legal personal representatives if dead of the clear yearly sum or rent-charge of five hundred pounds during each year for a period of five years the first payment thereof to be made twelve calendar months after the day of such resignation or death And the successor or successors of the present Bishop of Sydney shall stand seized of the said lands and premises subject to the charge and powers hereby created and declared.

Bishoptorpe Estate charged with the payment to the present Bishop of Sydney of five hundred pounds a year for five years.

2. If any part of the said rent-charge shall at any time be unpaid for twenty-one days after any of the times hereby appointed for the payment thereof then and so often (although there shall not have been any legal demand made thereof) the Right Reverend Frederic Barker if living or his legal personal representatives if dead may enter into and upon and hold the said lands and premises subject to all then existing leases and take the rents and profits thereof until he or they shall thereby or otherwise be paid and satisfied the said rent charge and the arrears thereof due at the time of such entry or afterwards to become due during his or their being in possession of the same lands and premises together with all costs and expenses occasioned by the non-payment thereof and such possession when taken shall be without impeachment of waste And every receipt of the Right Reverend Frederic Barker or his legal personal representatives shall be as effectual a discharge for all rent thereby acknowledged to have been received as if such rent had been paid under the reservation or covenant in that behalf contained in the lease of the tenant so paying rent And the Right Reverend Frederic Barker if living or his legal personal representatives if dead shall during the time of his or their being in possession of the same lands and premises have the same powers of distress and sale for the recovery of rent in arrear as the immediate landlord would otherwise have had.