

An Act to enable the Trustees of the Glebe
annexed to Christ Church Newcastle to
dispose of the Coal in the Glebe land. [17th
April, 1878.]

NEWCASTLE GLEBE
LEASING.
—

WHEREAS by a grant under the hand and seal of His Excellency Preamble.
Sir William Thomas Denison Knight then Governor General
of New South Wales and its dependencies bearing date the fifteenth
day of February in the year of our Lord one thousand eight hundred
and fifty-nine Her Majesty did grant unto the Right Reverend
William Tyrrell Lord Bishop of Newcastle the Reverend Charles
Pleydell Neale Wilton Alexander Walker Scott Simon Kemp and
George Tully being respectively Trustees nominated and appointed
under and by virtue of an Act of the Governor and Legislative
Council of the said Colony of New South Wales made and 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*" and to their heirs and assigns subject to the trusts
conditions reservations and provisos thereafter contained all that piece
or parcel of land in the said Colony containing by admeasurement thirty-
five acres be the same more or less situated in the county of Nor-
thumberland and parish of Newcastle at Mein's Hill commencing at
the eastern corner being a point on the west boundary-line of A. W.
Scott's four hundred and fifty-six acres distant eighty-five chains
north from the south-west corner of that land and bounded thence on
the

Newcastle Glebe Leasing.

the south-east by a line dividing it from James Mitchell's nine hundred and fifty acres bearing south sixty-five degrees west thirty-five chains on the south-west by a line dividing it from James Mitchell's nine hundred and fifty acres aforesaid bearing west sixty-five degrees north ten chains and on the north-west by a line dividing it from the aforesaid nine hundred and fifty acres bearing north sixty-five degrees east thirty-five chains and on the north-east by a line bearing east sixty-five degrees south ten chains to the point of commencement to hold unto the said Right Reverend William Tyrrell the Lord Bishop of Newcastle the Reverend Charles Pleydell Neale Wilton Alexander Walker Scott Simon Kemp and George Tully their heirs and assigns for ever upon trust for the appropriation thereof as the Glebe annexed to the Church of the United Church of England and Ireland erected at Newcastle and known as Christ Church in conformity with the provisions of the said Act and of a certain other Act of the Governor and Legislative Council of the said Colony made and passed in the seventh year of the reign of His said late Majesty King William the Fourth intituled "*An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales*" so far as the same might apply to the trusts of the said grant and for no other purpose whatsoever And whereas the Reverend Arthur Edward Selwyn Edward Parnell Henry Bayes Cotton Frederick Ash and Charles Frederick Stokes are the present Trustees of the said lands having been duly nominated and appointed in accordance with the provisions of the said Act eighth William the Fourth number five and the said land is now duly vested in them And whereas the said grant was issued in pursuance of a promise of a grant made in or about the year one thousand eight hundred and thirty-three And whereas by a proclamation under the hand and seal of His Excellency Sir Charles Augustus Fitzroy the then Governor of New South Wales published in the *Government Gazette* of the twenty-ninth day of January one thousand eight hundred and fifty all reservations of mines of coal contained in grants of land issued during the respective Reigns of their Majesties King George the Fourth King William the Fourth and Her present Majesty Queen Victoria were abandoned And whereas a reservation to the Crown of all coal mines was by inadvertence inserted in the said recited grant of the fifteenth day of February one thousand eight hundred and fifty-nine And whereas on the thirty-first day of July one thousand eight hundred and seventy-seven there was endorsed on the said grant under the hand and seal of His Excellency Sir Hercules Robinson the Governor of the said Colony a cancellation of the said reservation And whereas doubts have arisen whether such cancellation is valid And whereas there are certain veins strata and seams of coal in or under the said land which can now be advantageously disposed of but the Trustees are advised that they cannot lease or sell the said veins strata and seams of coal without the authority of the Legislature And whereas it is expedient that the said Trustees or other the Trustees for the time being of the said land should be empowered to lease the said veins strata and seams of coal and to apply the proceeds in the manner hereinafter provided 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:—

Reservation of coal
mines in grant of
1859 cancelled.

1. The reservation of coal and coal mines and the right to search for dig take and carry away the same contained in the said recited grant of the fifteenth day of February one thousand eight hundred and fifty-nine is hereby cancelled released and abandoned.

2.

Newcastle Glebe Leasing.

2. It shall be lawful for the said Reverend Arthur Edward Selwyn Edward Parnell Henry Bayes Cotton Frederick Ash and Charles Frederick Stokes or the persons being the Trustees of the said land for the time being from time to time to demise by way of lease by deed or deeds for any term of years not exceeding ninety-nine years to take effect in possession all or any of the veins strata and seams of coal in one or more block or blocks in under or upon the said land 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 veins strata and seams of coal and for getting and disposing of the said coal as to the person or persons for the time being exercising the power hereby given shall seem expedient so as there be reserved in every such lease the best rent or rents tolls duties royalties or reservations by the ton or otherwise that can be reasonably gotten and so as there be contained in every such lease a condition for re-entry for non-payment 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 of the rent or rents tolls duties royalties or reservations thereby reserved Provided that it shall be lawful for the said Trustees or the Trustees for the time being of the said land to accept the surrender from time to time of any such lease or leases on such terms as to them shall seem expedient.

Trustees empowered
to lease coal.

3. Provided always that it shall be lawful for the said Trustees or the Trustees for the time being of the said land if they shall think it expedient so to do to accept a sum in gross to be paid on the execution of the said lease or otherwise as shall be agreed upon in lieu of a rent royalty or tonnage for the said coal and the receipt of the said Trustees shall absolutely discharge the lessee or purchaser of the said coal from the rent royalty or purchase money as the case may be and shall exonerate him or them from seeing to the application of the same and from all liability as to the misapplication or non-application thereof.

Trustees may accept
a sum in gross in lieu
of royalty.

4. The said Trustees shall stand possessed of all moneys to be received by them in respect of the said coal whether as rent tolls duties or royalties or a sum paid in gross for the purchase money of the said coal upon trust to apply the same in accordance with the provisions of the Act eight William Fourth number five intituled "*An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales*" as if the said moneys were the rents issues and profits of the said Glebe land.

Appropriation of
moneys received.

5. This Act may be cited in any instrument document or proceeding as the "Newcastle Glebe Leasing Act of 1878."

Short title.