

BRYEN'S ESTATE
LEASING.

An Act to enable Stephen Josiah Bryen or his representatives to grant leases for any term not exceeding fifty years from the passing of this Act of certain portions of the real estate devised by the will of John Bryen formerly of Abercrombie-street in the city of Sydney and Colony of New South Wales and for other purposes in the said Act to be mentioned [31st October, 1884.]

Preamble.

WHEREAS John Bryen late of Sydney in the Colony of New South Wales brickmaker duly made and executed his last will and testament dated the eighteenth day of October in the year one thousand eight hundred and fifty-eight and thereby appointed Alfred Neale then of Parramatta-street Sydney corn-chandler now of Sydney aforesaid out of business Joseph Richard Clayton in the said will called Joseph J. Clayton then clerk to the City Corporation afterwards treasurer to the Municipal Council of Sydney and Thomas McGuire freeholder the executors and trustees of his said will and the said testator gave devised and bequeathed all his real and personal estate of every kind and description whatsoever and wheresoever situate and whether in possession reversion remainder or expectancy unto the said Trustees to hold the same with all and every the rights members and appurtenances unto the said Trustees their heirs executors administrators and assigns according to the nature and quality thereof as to such parts thereof respectively as should be vested in the said testator as a Trustee or mortgagee upon the trusts and subject to the equities of redemption the same respectively should be subject to at the time of his decease and as to all such parts of his said real and personal estate as should be vested in him beneficially to the uses upon the trusts and subject to the several powers provisoies and conditions hereinafter contained concerning the same and the said testator declared that all rents and proceeds of his real and leaschold estates and all the trust moneys stocks funds and securities aforesaid should form an aggregate fund to be held upon the trusts following namely upon trust in the first place out of the said rents and annual produce to pay to the wife of the said testator an allowance or annuity And to apply a sufficient portion of the residue of the said rents and annual produce towards the maintenance clothing support and education of his son the said Stephen Josiah Bryen until he should attain the age of twenty-five years and upon further trust to invest in the names of the Trustees of his said will the surplus which after satisfying the said annuity and providing for the maintenance clothing support and education of the said Stephen Josiah Bryen as aforesaid and of all expenses incident to the execution of the trusts thereby created should from time to time remain in their hands of the said rents and yearly produce in or upon such stocks funds or securities as were specified in the direction for investment thereinbefore contained with the same power of transposition as accompanied such directions and by similar investments to accumulate at compound interest the income of the said aggregate funds until the said Stephen Josiah Bryen should attain the age of twenty-five years and his assigns during his life

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life without as to his said real estate impeachment of waste and immediately after his death in trust for the first and every other son successively according to seniority of birth of the said Stephen Josiah Bryen and the heirs male of the body of each such son and failing such issue in trust for the daughters of his said son equally as tenants in common and the heirs of their respective bodies with trust limitations in the nature of cross remainders between such daughters and the heirs of their respective bodies as to both the original and accruing shares and failing such issue upon trust for the right heirs of testator for ever and the said testator by his said will directed that the Trustees or Trustee of the said will of the said testator were to grant leases of the said devised estates or any part thereof for a term or terms not exceeding seven years in possession at the best rent or rents to be incident to the immediate reversion without taking any fine or premium. And whereas the said wife of the said John Bryen the testator died in the lifetime of the said testator. And whereas the said testator died on or about the third day of June in the year one thousand eight hundred and seventy-seven leaving his son the said Stephen Josiah Bryen him surviving. And whereas the said Stephen Josiah Bryen had attained the age of twenty-five years in the lifetime of the said John Bryen. And whereas by deed poll or disclaimer dated the nineteenth day of June in the year one thousand eight hundred and seventy-seven the said Thomas McGuire absolutely disclaimed and renounced all the real and personal estate and effects whatsoever given devised or bequeathed by the said recited will and also the respective offices of Trustee and executor of the said will and all trusts powers and authorities by the said will expressed to be reposed in or given to them the said Alfred Neale Joseph Richard Clayton and Thomas McGuire their heirs executors administrators and assigns and all rights and privileges belonging or annexed to the same or in anywise relating thereto. And whereas probate of the said will was granted by the Supreme Court of New South Wales in its Ecclesiastical Jurisdiction to the said Alfred Neale and Joseph Richard Clayton on the fifth day of July in the year one thousand eight hundred and seventy-seven. And whereas some parts of the real estate devised by the said testator consists of lands unimproved or only partly improved parts whereof are described in the Schedule hereto and the income from such of these lands as produce any income is inadequate according to the capital value of the said lands. And whereas several of the said several pieces or parcels of land and hereditaments described in the Schedule hereto are of considerable area and the same are peculiarly adapted for building purposes and the same would become of considerably greater value than the same are now in the event of such leases being granted for terms of years and the income therefrom would be thereby largely increased and it would be for the benefit of the several persons interested under the said will of the said testator in the said several lands and hereditaments that leases thereof should be granted or made for longer terms than seven years. Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The following expressions and words in this Act shall have Interpretation. the meaning hereby assigned to them unless there be something either in the context or subject repugnant to such construction. The words "the said Trustees" shall mean the Trustees or Trustee howsoever appointed acting for the time being in the execution of the trusts of the said will of the said testator John Bryen. The expression "the said lands" used hereinafter shall mean the several pieces or parcels

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parcels of land described in the Schedule hereto. And any land that the said testator was seised possessed of or entitled to which is not built upon or substantially improved and any land that may be acquired by virtue of the powers in this Act contained.

Power to lease &c.

2. It shall be lawful for the said Stephen Josiah Bryen during his life and after his death for the said executors or administrators of the said Stephen Josiah Bryen to execute grant or make leases for any term not exceeding fifty years from the passing of this Act of either the whole or any part or parts of the said lands to any person or persons associations companies or corporations such leases to contain such covenants declarations powers and provisions as the lessor or lessors for the time being granting or making such leases and also a covenant to improve the lands so leased by erecting and building thereon any house or houses building or buildings or to repair any houses or buildings which shall hereafter be standing thereon or by otherwise improving the lands so leased by the expenditure of such sums of money as shall by the said Stephen Josiah Bryen his executors administrators or assigns so granting or making any such lease be deemed adequate or reasonable for any term of years not exceeding fifty years from the date of the passing of this Act such lease or leases to take effect in possession and not in reversion or by way of future interest so as there be reserved in every such lease a yearly rent to be incident to the immediate reversion that can be reasonably obtained without taking anything in the nature of a fine or premium for the making thereof and so that there be contained in every such lease a condition of re-entry for non-payment of rent within a reasonable time to be therein specified or on non-observance or non-performance of covenants by the lessee and so that the lessee do execute a counterpart thereof and do thereby covenant for payment of the rent thereby reserved and be not by any express words therein made dispusable for waste.

Power to amend boundaries &c.

3. The said Stephen Josiah Bryen his executors or administrators may make exchanges of any of the said lands or any part thereof for other lands adjacent to any of the said lands for the purpose of altering the boundaries of any of the said lands or for forming laying out or making roads streets or ways adjacent to over or upon or for egress or regress from any of the said lands with power to the said Stephen Josiah Bryen his executors or administrators to give or accept any sum or sums of money for equality of exchange and thereupon all necessary acts assurances deeds matters or things may be done executed or made by the said Stephen Josiah Bryen his executors or administrators as shall be proper for effecting any such sale or exchange.

Power to dedicate lands for roads streets &c.

4. The said Stephen Josiah Bryen his executors or administrators may appropriate dedicate lay out or set apart any part of the said lands respectively as and for roads streets or ways sewers drains or other such places or easements for the use of the public or for the use of any messuages or other buildings to be erected upon any of the said lands or the tenants or occupiers thereof without receiving any consideration therefor and may allow authorize or make generally any such arrangements or dispositions of any parts of the said lands respectively as the said Stephen Josiah Bryen his executors or administrators may deem expedient for the purpose of letting the said lands or inducing or promoting any building or other improvements thereon.

Rents to whom payable.

5. The rents received from the said lands shall be payable to the said Stephen Josiah Bryen during his lifetime for his own use and benefit and after his death the rents payable under leases granted by the said Stephen Josiah Bryen shall during the currency of such leases be payable as may be provided by the will of the said Stephen Josiah Bryen and in the event of the said Stephen Josiah Bryen dying intestate

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intestate the rents payable from such leases shall be payable to the persons entitled to the estate of the said Stephen Josiah Bryen under the Statutes of Distributions and the rents of leases to be granted after the death of the said Stephen Josiah Bryen shall be payable to the persons entitled to the said lands under the said will of the said John Bryen

6. This Act shall be known and may be cited or referred to ~~short title~~ for all purposes as "Bryen's Estate Leasing Act of 1884."

THE SCHEDULE.

Land County of Cook Nepean River.

All that piece or parcel of land situate in the county of Cook on the Nepean River Commencing at the south-east corner of Thomas Hobley's forty acres grant bounded on the north by a line bearing west seventeen chains on the west by a line south thirty-two chains to a creek or deep gully on the south by that creek to its junction with the Nepean River and on the east by that river being the land advertised for sale as lot number three in the advertisement dated seventeenth September one thousand eight hundred and thirty-three.

Lands fronting Parramatta Road Fitzroy-street and Wilson-street Camperdown Road and Missenden Road Camperdown.

All that piece or parcel of land situate and being at Camperdown in the parish of Petersham in the territory of New South Wales Commencing at the angle formed by the Parramatta Road and bounded on the west by the Camperdown Road being a line bearing south thirty degrees east one hundred and two feet to the north-west corner of lot twenty on the south by part of lot twenty being a line bearing east thirty degrees north fifty feet to the north-west corner of lot eighteen on the east by lot eighteen being a line bearing north thirty degrees west ninety-seven feet to the Parramatta Road and on the north by the Parramatta Road being a line bearing westerly fifty feet to the point of commencement.

All that other piece or parcel of land situate lying and being at Camperdown aforesaid in the said parish and territory Commencing at the angle formed by Missenden Road and the Parramatta Road and bounded on the north by the Parramatta Road being a line bearing west twenty-four degrees thirty-five minutes south forty-five feet on the west by lots four and thirty-five being a line bearing south thirty degrees east one hundred and forty-five feet to Dowling-street on the south by Dowling-street being a line bearing east thirty degrees north one hundred and two feet six inches to the Missenden Road and on the east by the Missenden Road being a line bearing west thirty-nine degrees north one hundred and fifty-one feet eight inches to the point of commencement.

Land fronting Parramatta Road Burwood.

All that other piece or parcel of land situate lying and being in the district of Liberty Plains in the county of Cumberland in the territory aforesaid being part of the estate called "Burwood" and formerly the property of the late Thomas Rowley being lot two as set forth in a plan exhibited at a sale by auction of portions of the said Burwood estate on the sixth day of July one thousand eight hundred and forty bounded on the north by the Parramatta Road being a line bearing east fifty feet one inch on the east by a line south eight degrees west one hundred and fifty feet dividing it from lot one purchased at the said sale by Mr. Hughes on the south by a line bearing west fifty feet dividing it from lot ten purchased at the said sale by one John George Redman and now the property of the said William Turton's fifty feet and on the west by a line bearing north to the Parramatta Road aforesaid one hundred and fifty feet.

Land at Surry Hills.

All that piece or parcel of land situate lying and being on the south side of the Surry Hills near Sydney aforesaid Commencing three hundred and thirty-two feet or thereabouts west of the south-east boundary of Joseph Andrew's fifteen and one-half acres purchase and bounded on the south by a Government Road one chain wide by a line bearing west one hundred and eighty feet on the west by a line bearing north one hundred and eight feet on the north by a line bearing east one hundred and eighty feet and on the east by a line bearing south one hundred and eight feet to the point of commencement.

Land at Burwood.

All that piece or parcel of land situate lying and being at Burwood aforesaid in the territory aforesaid bounded on the south by a reserved road twenty-four feet wide communicating with Powell's Creek two hundred feet on the east by a line south eight degrees west one hundred and fifty feet on the north by lots one two three and four

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in the hereinbefore mentioned plan of the land by which the same land was sold by auction being a line west two degrees ten minutes north two hundred feet and on the west by lot number seven on the said plan one hundred and forty-seven feet six inches.

All that other piece or parcel of land situate lying and being in the parish of Petersham aforesaid in the territory aforesaid being part of the Camperdown Estate Commencing at the south-west corner of lot thirty-three on a plan thereof and bounded on the west by Fitzroy-street being a line bearing southerly twenty feet on the south by lots thirty-five thirty-six thirty-seven and thirty-eight on the said plan being a line bearing easterly eighty feet on the east by a line bearing northerly twenty feet and on the north by lot thirty-three being a line bearing westerly eighty feet to the point of commencement being lot number thirty-four on a plan of the said land.

All that other piece or parcel of land situate lying and being at Camperdown aforesaid in the parish of Petersham aforesaid in the said territory Commencing at the angle formed by Fitzroy-street and Wilson-street and bounded on the west by Fitzroy-street being a line bearing northerly seventy-three feet on the north by part of said lot thirty-four being a line bearing easterly twenty-feet on the east by lot thirty-six being a line bearing southerly seventy-five feet and on the south by Wilson-street being a line bearing westerly twenty feet to the point of commencement being lot number thirty-five on the said plan.

All that other piece or parcel of land situate lying and being at Camperdown aforesaid in the said parish of Petersham in the said territory Commencing at the south-east corner of said lot number thirty-five aforesaid and bounded on the south by Wilson-street being a line bearing easterly twenty feet on the east by lot thirty-seven being a line bearing northerly seventy-four feet six inches on the north by part of said lot thirty-five being a line bearing southerly to Wilson-street seventy-five feet being lot number thirty-six on the said last-mentioned plan.

Land Macdonaldtown near Sydney bounded by Flora Coulson and Macdonald Streets.

All that piece or parcel of land containing two acres one rood ten perches or thereabouts situate lying and being at Maedonaldtown near Sydney in the county of Cumberland in the Colony of New South Wales Commencing at the angle formed by Flora-street and Coulson-street and bounded on the south by Coulson-street being a line bearing easterly four chains and eighty-five links on the east by lot fifteen bearing northerly four chains and seventy-eight links on the north by lots sixteen and twenty-three being a line bearing westerly to Flora-street four chains and eighty-five links and on the west by Flora-street being a line bearing southerly to the angle aforesaid the point of commencement four chains seventy-eight links be the same several dimensions respectively a little more or less and which piece or parcel of land comprises allotments number seventeen and twenty-two of Maedonaldtown aforesaid.

All that piece or parcel of land situate lying and being at Newtown in the district of Bulanaming in the county of Cumberland in the said Colony being lots nineteen twenty and twenty-one of a sale by auction held by Mr. Thomas Stubbs on the thirteenth day of July in one thousand eight hundred and forty-six containing by admeasurement four acres and six perches or thereabouts Commencing at the angle formed by Campbell-street and Macdonald-street and bounded on the south by Macdonald-street being a line bearing easterly six chains thirty links on the east by lot eighteen being a line bearing northerly six chains forty links on the north by a line of fence bearing westerly to the north-east corner of lot thirty-eight and on the west by lot thirty-eight and Campbell-street being a line bearing southerly six chains seventy-five links to the point of commencement be the same dimensions respectively a little more or less.

Land fronting Levey-street Chippendale and Abercrombie-street.

All those allotments or parcels of land situate lying and being in the Chippendale Estate aforesaid being lots two three and four of section one of the said estate bounded on the south by lot number one bearing west fifteen degrees thirty-five minutes south seventy feet on the west by lots numbers five and six bearing north ten degrees five minutes west one hundred and five feet on the north by Levey-street east thirteen degrees thirty-five minutes north seventy feet on the east by Abercrombie-place bearing south ten degrees east one hundred and five feet to the commencing point.

And also all those allotments numbers one two three and four of section two of the said estate bounded on the north by the property of R. Cooper Esquire bearing east thirteen degrees thirty-five minutes north seventy feet on the east by Abercrombie-place bearing south ten degrees five minutes east one hundred and forty-six feet on the south by Levey-street bearing west fifteen degrees thirty-five minutes south seventy feet on the west by lots numbers five six and seven bearing north ten degrees five minutes west one hundred and forty-eight feet six inches to the commencing point.

Land Macdonaldtown Newtown fronting south side of Macdonald-street.

All that piece or parcel of land at Maedonaldtown Newtown parish of Petersham county of Cumberland in the Colony of New South Wales being lots two and three of section D of White's subdivision of Maedonaldtown estate containing one acre one rood and thirty-six perches more or less bounded on the north by the south side of Maedonald-street Commencing at the north-east corner of lot one distant one chain seventy-five links

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links easterly from its junction with Hora-street and bearing easterly three chains forty links on the east by a line bearing southerly four chains thirty-six links dividing it from lot four on the south by the site of an old fence being a line of post-holes bearing westerly three chains forty links dividing it from Bryant's land and on the west by a line bearing northerly four chains forty-four links dividing it from the said lot number one to the commencing point.

Forest-street Forest Lodge Glebe.

All that piece of land situated at Forest Lodge Glebe in the parish of Petersham and county of Cumberland containing fourteen and a half perches or thereabouts Commencing on the north-eastern side of Forest-street at the western corner of M. M. Smith's twenty-nine perches and bounded on the south-east by the north-western boundary of that land bearing north-easterly one hundred and twenty feet to block A2 on the north-east by part of the south-western boundary of that block bearing north-westerly thirty-three feet on the north-west by the south-eastern boundary of land of George Wells and John Taylor and a continued line bearing south-westerly one hundred and twenty feet to Forest-street aforesaid and on the south-west by that street bearing south-easterly thirty-three feet to the point of commencement as shown on the plan herein and therein edged red being part of block B2 of the Forest Lodge Estate and also part of twenty acres delineated in the public map of the said parish deposited in the office of the Surveyor-General originally granted to Catherine King by Crown grant dated the fourteenth day of March one thousand seven hundred and ninety-five.

Other unimproved lands.

And other lands of which the said John Bryen was seised possessed of or entitled to which are not built upon or substantially improved.