

An Act to enable Elizabeth Bell and Richard Holdsworth or other the Trustees or Trustee for the time being of the will of the late Henry Bell to make leases of certain hereditaments devised by the said will. [30th July, 1886.]

BELL'S ESTATE.

WHEREAS Henry Bell late of Rose Hall Darlinghurst Sydney Preamble. duly made his will dated the first day of February one thousand eight hundred and eighty-one and thereby after certain specific devises and bequests gave all the rest residue and remainder of his estate and effects real and personal unto his Trustees thereinafter named being his wife the abovenamed Elizabeth Bell and Richard Holdsworth their heirs executors administrators and assigns according to the nature and tenure thereof As to all that his property situate in Pitt-street Sydney known as Bell's Chambers upon trust to manage and receive the rents and profits thereof during the life of his said wife and to pay thereout the sum of four hundred pounds annually as therein mentioned to his daughter Florence Jeanette Kitching the wife of Charles William Ross Kitching a Lieutenant in the Royal Marine Light Infantry next when and in case his daughter Annie Augusta Bell should marry to pay annually to her in a similar way a similar sum of four hundred pounds and to pay the residue of the rents and income of the said property (including until the marriage of the said Annie Augusta Bell such last-mentioned yearly sum of four hundred pounds) to his said wife during her life and after her death

death then upon trust to pay the whole of the rents and income arising from the said property known as Bell's Chambers and divide the same equally between his said two daughters Florence Jeanette Kitching and Annie Augusta Bell during their respective lives and upon the death of each of them then as to one moiety of the said property to hold the same upon trust for the child if only one or children if more than one of the daughter of the testator so dying absolutely if more than one as tenants in common but in case the daughter of the said testator so dying should die without leaving issue her surviving then to hold the entirety of the said property upon trust for the survivor of his said two daughters for life and after her death for her child or children absolutely in the same manner as hereinbefore provided as to a moiety thereof and in case both his said daughters should die without leaving issue them respectively surviving then his said property known as Bell's Chambers should fall into and become part of the residue of his said residuary real and personal estate And as to his freehold property at or near Darling Harbour Sydney aforesaid known as Ryan's (Dixon-street) containing about one acre and three quarters—as Zollner's Galvanized Iron Works containing about two rods and eight perches—also a building known as Darling Brewery let on lease to Mr. Toohey—also stores recently burned and known as Larkin's Produce Stores situated in Harbour-street—also a block of land in Factory-street opposite Zollner's Stores—also a block of land at the corner of Factory and Dixon Streets and let on lease to Mr. Dunk as a timber-yard—and all other houses land or premises situated near the properties just enumerated upon trust for the testator's said wife for life and after her death upon similar trusts in favour of his two sons Charles Sydney Bell and Francis Lendon Bell respectively and their respective children with similar trusts over in case of either dying without leaving issue surviving as were in the will now in recital before expressed or declared in favour of or respecting the testator's two daughters Florence Jeanette Kitching and Annie Augusta Bell respecting his said property known as Bell's Chambers And as to all the rest and residue of his said residuary real and personal estate the said testator directed his Trustees to hold the same upon certain trusts in his said will mentioned And the said testator empowered the said Trustees to let and demise all or any part of his residuary real estate for such term or terms not exceeding in the case of improved property fourteen years and in the case of vacant land ninety-nine years upon such terms and conditions as they might think fit such leases to be leases in possession and not in reversion And whereas the said testator died on the twenty-fifth day of February one thousand eight hundred and eighty-one and his said will was shortly after his death duly proved by his executors the said Elizabeth Bell and Richard Holdsworth before the Supreme Court of this Colony in its ecclesiastical jurisdiction And whereas doubts have been entertained whether the power of leasing contained in the said will extends to the properties devised in the manner hereinbefore recited for the benefit of the said testator's two daughters and their respective issue and his two sons and their respective issue and it is expedient and all adult parties beneficially interested are desirous that the Trustees of the said will should have such powers of leasing and dealing with the said properties as are hereafter contained 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:—

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for the time being of the will of the said Henry Bell with the consent in writing of the respective tenants for life during their respective lives and afterwards at the discretion of the Trustees to demise all or any portion of the hereditaments described in the Schedules A and B hereto for any term of years not exceeding seven years to take effect in possession or within six calendar months from the date of the lease so as there be reserved the best yearly rent or rents that can reasonably be gotten without taking anything in the nature of a fine or premium and so as there be contained in every such lease a condition of re-entry for non-payment within a reasonable time to be therein specified of the rent or rents thereby reserved and so as the lessee or lessees do execute a counterpart thereof and do thereby covenant for the due payment of the rent or rents thereby reserved.

2. It shall also be lawful for the said Elizabeth Bell and Richard Holdsworth and the survivor of them or other the Trustees or Trustee for the time being of the will of the said Henry Bell with such consent or at such discretion as aforesaid to demise all or any part of the hereditaments and premises described in Schedule B except portions numbers three and five to any person or persons who shall improve the same by erecting or building thereon any new house erection or building or by rebuilding repairing enlarging or improving any house erection or building then standing thereon or by making any other substantial improvements or repairs or shall covenant or agree to do so within two years from the date of such lease together with such liberties licenses powers easements and privileges for or in aid of any of the purposes aforesaid (including if so thought fit liberty to appropriate any part or parts of the said hereditaments for lanes or passages sewers or drains or other works of accommodation or convenience either to be dedicated to the public or not) and subject to such exceptions reservations restrictions covenants and conditions as to the said Elizabeth Bell and Richard Holdsworth or the survivor of them or other the Trustees or Trustee for the time being shall seem expedient having regard to the nature and object of the demise so as such demise be not for a term exceeding thirty-three years and so as there be reserved on every such demise as incident to the immediate reversion the best yearly rent or rents either uniform or not that can reasonably be gotten without taking anything in the nature of a fine or premium and so as there be contained in every such lease a condition of re-entry for non-payment within a reasonable time to be therein specified of the rent or rents thereby reserved and so as the lessee or lessees do execute a counterpart thereof and do thereby covenant for the due payment of the rent or rents thereby reserved and for insurance and repairs.

3. In case any demise shall be made under either of the powers conferred by this Act on the surrender of a former lease or agreement for a lease the value of the lessees interest under such surrendered lease or agreement may be taken into account in fixing the terms of the new lease and no lease made under such circumstances shall by reason of such allowance be considered as made otherwise than at the best rent within the meaning of this Act.

4. This Act may be cited for all purposes as "Bell's Estate Act short title.
1886."

SCHEDULE A.

BELL'S CHAMBERS PROPERTY.

All that parcel of land situate in the city of Sydney parish of Saint James in the county of Cumberland and Colony of New South Wales being lots one two three and part of lot four as shown on the plan annexed to a certain indenture dated the sixth day of June one thousand eight hundred and sixty-one and registered No. 449 book 73 bounded on the east by Pitt-street Commencing at a point on the west side thereof being the north-eastern corner of Laycock's property (then in the occupation of Messrs. Mort and Co.) and bearing north three degrees thirty minutes west seventy-one feet three inches on the north by a line bearing westerly sixty-six feet dividing it from other portion of lot four to a lane on the west by that lane bearing southerly sixty-five feet three inches to the northern boundary of Laycock's property aforesaid and on the south by that boundary bearing easterly to the point of commencement.

Also all that parcel of land situate as aforesaid being portion of lot number four as shown on the plan annexed to a certain indenture dated the thirtieth day of May one thousand eight hundred and sixty-one and registered No. 487 book 73 bounded on the east by Pitt-street Commencing at a point on the west side thereof distant seventy-one feet three inches northerly from the north-eastern corner of Laycock's property (then in the occupation of Mort and Co.) and bearing north three degrees thirty minutes west six feet nine inches to Terry-place on the north by Terry-place westerly sixty-six feet to its junction with a lane on the west by the said lane (twenty feet wide) bearing southerly six feet nine inches and on the south by a line bearing easterly dividing it from other portion of lot number four to the point of commencement.

SCHEDULE B.

DARLING HARBOUR PROPERTY.

1. All that piece or parcel of land situate in the said city of Sydney Commencing at the north-east corner on the west side of Dickson-street at the south-west corner of allotment number four according to the plan of subdivision of Dickson's grant and bounded on the north by the south boundary of that allotment bearing west one degree north sixty-five links and by a further prolongation of the same bearing westerly seven chains forty-seven links on the west by the waters of Darling Harbour bearing south eleven degrees east ninety-five links thence south forty-three degrees east one chain thirty-three links thence east four degrees south two chains seventy-five links and lastly south sixty links to the intersection of a line which is a prolongation westerly of the south boundary of allotment number one on the south by the aforesaid prolongation of and by the south boundary of allotment number one in an easterly direction to Dickson-street and on the east by the west side of Dickson-street bearing north eighteen degrees forty minutes east two chains seventy-three links to the point of commencement.

2. Also all that parcel of land situate in the parish of Saint Andrew in the said city of Sydney containing by admeasurement thirty-three perches and quarter of a perch being portion of a grant to John Dickson Commencing at the intersection of the east side of Harbour-street with the south side of a reserved lane twelve feet wide and bounded on the west by the east side of Harbour-street bearing south four degrees three minutes east sixty-two feet ten inches to the north-west corner of allotment A 10 of the property of David Dickson on the south by the south side of the south wall of the stores erected on allotment B 10 of the property of James Dickson bearing easterly eighty-two feet eight inches to the north-west corner of the mill erected on allotment A 10 of the property of David Dickson again on the east by a line bearing northerly one foot one and a half inches to the centre of the said wall of the stores erected on allotment B 10 of the property of James Dickson again on the south by the centre of the said wall bearing easterly thirty-five feet four inches to the west side of Winterup and Oliver's purchase on the east by the west side of Winterup and Oliver's purchase bearing northerly sixty-four feet to the north-west corner thereof again on the south by the north boundary of Winterup and Oliver's purchase bearing easterly twenty-six feet nine inches to the west side of Dickson-street East again on the east by the west side of Dickson-street East bearing north fifteen degrees sixteen minutes west forty-three feet to the south-east corner of allotment A 11 of the property of David Dickson on the north by a fence bearing westerly twenty-five feet ten inches to the north-east corner of the stores at present the property of James Dickson again on the north by the north side of the wall of the said stores bearing westerly twenty-five feet to the north-west corner thereof again on the west by the west side of the wall of the said stores bearing southerly twenty-eight feet six inches to the south-east extremity of a reserved lane twelve feet wide and again on the north by the south side of the said reserved lane bearing west seven degrees fifty-eight minutes south seventy-five feet nine inches to the point of commencement be the said several dimensions a little more or less.

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3. Also all that parcel of land situate in the parish of Saint Andrew in the said city of Sydney containing by admeasurement two rods and seven and a half perches being a portion of the late John Dickson's grant of fifteen acres three rods and four perches dated eighth March one thousand eight hundred and thirty-one Commencing at the intersection of the west side of Harbour-street with the north side of Factory-street and bounded on the east by the west side of Harbour-street bearing north four degrees three minutes west one hundred and eighty-eight feet to the intersection thereof with the south side of Pier-street on the north by the south side of Pier-street bearing west one degree nine minutes south one hundred and twenty-two feet ten inches to the north-west corner of the Soap Factory lately occupied by William Allen on the west by the west side of the said factory abutting on the waters of Darling Harbour bearing southerly one hundred and eighty-seven feet nine inches to the south-west corner thereof and on the south by the south side of said factory and part of the north side of Factory-street bearing east two degrees two minutes north one hundred and thirty-two feet to the point of commencement be the said several dimensions a little more or less.

4. Also all that parcel of land situate in the parish of Saint Andrew in the said city of Sydney containing by admeasurement twenty and a quarter perches being allotments one two and three of section B 5 Commencing at the intersection of the west side of Dickson-street with the south side of Factory-street bounded on the east by the west side of Dickson-street bearing south-easterly sixty-five feet to the north-east corner of allotment number four sold to G. Gardner on the south by the north boundary-line of allotment number four bearing westerly seventy-four feet six inches to the east side of a reserved lane twelve feet wide on the west by the east side of the said reserve lane bearing north-westerly eighty-three feet four inches to the intersection thereof with the south side of Factory-street on the north by the south side of Factory-street bearing easterly seventy-seven feet six inches to the point of commencement be the said several dimensions a little more or less.

5. Also all that piece or parcel of land situate in the parish of Saint Andrew in the said city of Sydney containing by admeasurement one rod eight and three quarter perches Commencing at a point on the west side of Dickson-street East one hundred and twenty-two feet north of the intersection thereof with the north side of Goulburn-street West and bounded on the east by the west side of Dickson-street East bearing north fifteen degrees sixteen minutes west one hundred and seven feet to the south-east corner of a portion of said block A 11 sold to William Short on the north by the south boundary-line of Short's purchase bearing westerly ninety-four feet three inches to Dickson-street West on the north-west by Dickson-street West bearing south eighteen degrees twelve minutes west twenty feet eight inches to the intersection of the south-east side of Dickson-street West with the east side of Harbour-street on the west by the east side of Harbour-street bearing south four degrees three minutes east one hundred and six feet four inches to the intersection thereof with the north side of a reserved lane twelve feet wide on part of the south by the north side of the said reserved lane bearing east seven degrees east fifty-eight minutes north seventy-four feet four inches to the stone wall of Isaac's store on part of the east by the said stores bearing northerly sixteen feet six inches to the north-west corner thereof again on the south by the north side of the said stores bearing easterly twenty-five feet to the north-east corner thereof and from thence by a fence bearing easterly twenty-five feet ten inches to the point of commencement be the said several dimensions a little more or less.

6. Also all that piece of land situate at the head of Darling Harbour in the said city of Sydney and parish of Saint Andrew containing fourteen perches or thereabouts being allotments one two and three of section four delineated in the public map of the said Colony deposited in the office of the Surveyor-General as originally granted to William Frederick Cape by two several Crown Grants respectively dated the thirtieth day of March one thousand eight hundred and seventy-one and registered Vol. cxviii folios 48 and 49.

Saving and excepting out of the said Darling Harbour property—

All that piece or parcel of land situate in the said parish of Saint Andrew and city of Sydney Commencing at the intersection of the west side of Harbour-street with the north side of Pier-street and bounded on the east by the west side of Harbour-street bearing north two degrees fifty minutes east one hundred and eight feet on the north by a line bearing west one degree nine minutes south eighty-five feet on the west by a line bearing south two degrees five minutes west one hundred and nine feet six inches to the intersection of the north side of Pier-street on the south by the north side of Pier-street bearing east one degree nine minutes north eighty-five feet to the point of commencement containing by admeasurement thirty-three and a half perches.

Also all that piece or parcel of land situate as aforesaid Commencing at a point on the western boundary of Dickson-street West being the south-eastern corner of allotment number one of the subdivision of the Dickson Estate and bounded thence by the said boundary of Dickson-street bearing north-easterly eighty-two feet eight inches thence by a line bearing south-westerly ninety-four feet to the southern boundary of the aforesaid allotment thence by that boundary of allotment bearing easterly twenty-three feet six inches to the point of commencement containing by admeasurement three and a half perches and numbered eight on plan being portions of allotments numbers one and two of the subdivision of the aforesaid estate.

Also

Bishops-court Sale and Leasing.

Also all that piece or parcel of land situate as aforesaid being portion of a grant of fifteen acres three roods four perches to John Dickson Commencing at the junction of the south-eastern boundary of Dickson-street West with the eastern boundary of Harbour-street and bounded thence by the said boundary of Dickson-street West bearing north-easterly twenty feet eight inches thence by the boundary-line dividing the property of William Short from land belonging to the Trustees of the late Henry Bell bearing north-easterly twenty-five feet nine inches thence by a line parallel to the south-eastern boundary of Dickson-street West bearing south-westerly eighty-five feet thence by the eastern boundary of Harbour-street bearing northerly fifty-eight feet to the point of commencement containing four and a half perches numbered eight on plan All of which said excepted parcels of land having been conveyed to the Commissioner for Railways.
