

BISHOPSCOURT SALE
AND LEASING.

An Act to empower the Church of England Property Trust Diocese of Sydney to sell and lease portions of the Bishopscourt Estate and to provide for the application of the moneys to arise from such sales and leases. [30th July, 1886.]

Preamble.

WHEREAS by deed of grant from the Crown dated the eighth day of January one thousand eight hundred and sixty-six certain lands situated near Coogee in the parish of Alexandria in the county of Cumberland in the Colony of New South Wales and therein more particularly described were granted to the Bishop of Sydney and his successors for ever upon trust for the appropriation thereof as the site of an episcopal residence for the Bishop of Sydney and his successors the said lands to be enjoyed as the site for the episcopal residence and for gardens pleasure grounds and pasture lands in connection with the said episcopal residence of the Bishop of Sydney for the time being And whereas under the provision of the "Church of England Trust Property Incorporation Act of 1881" a corporate body of Trustees known as the Church of England Property Trust Diocese of Sydney has been duly appointed and the said lands have duly become vested in such corporate body of Trustees upon the trusts upon which the same were granted And whereas an episcopal residence for the Bishop of Sydney and his successors was in or about the year one thousand eight hundred and fifty-eight erected on the said lands at a cost of seven thousand two hundred pounds or thereabouts and is known as Bishopscourt And whereas the sum of two thousand pounds part of the said sum of seven thousand two hundred pounds was borrowed by the late Bishop of Sydney on his personal security and expended in the erection of such episcopal residence And whereas by an Act of the Legislature of New South Wales passed in the thirty-seventh year of the reign of Her present Majesty the Bishopsthorpe Estate was charged from the resignation or death of the Right Reverend Frederick Barker late Bishop of Sydney with the payment to the said Bishop or his representatives of two thousand five hundred pounds being the said sum of two thousand pounds together with interest thereon estimated at the sum of five hundred pounds And whereas the said late Bishop died on the sixth day of April one thousand eight hundred and eighty-two And whereas the Most Reverend Alfred Barry the present Bishop of Sydney has paid to the representatives of the said late Bishop out of the rents and profits of

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of the said Bishopsthorpe Estate the sum of one thousand five hundred pounds and the sum of one thousand pounds still remains due to such representatives And whereas the said rents and profits of the said Bishopsthorpe Estate contribute the principal fund for the maintenance and support of the Bishop of Sydney for the time being and the payments required to meet the said charge form a very heavy deduction from the income of the said Bishopsthorpe Estate And whereas it has been found necessary to make certain repairs and additions to the said episcopal residence at a cost of two thousand five hundred pounds and the expense of keeping the said residence in repair and properly maintaining fences and other improvements on said estate will always be very considerable and there are no funds in the hands of the said corporate body of Trustees available for such purpose And whereas portion of the lands being that portion more particularly described in the First Schedule to this Act is now separated from the lands on which the said episcopal residence is built by a public street known as Susan-street And whereas another portion of the lands being that portion particularly described in the Second Schedule to this Act is at a considerable distance from the lands on which the said episcopal residence is built and adjoins the waters of the Pacific Ocean having been originally appropriated as a site for a bathing-place in connection with the said episcopal residence And whereas other portions of the said lands being the lands particularly described in the Third Schedule to this Act are available as building sites without materially interfering with the use or enjoyment of the said episcopal residence And whereas it is expedient that the said lands described in the said First and Second Schedules should be sold and that the lands described in the said Third Schedule should be sold or let upon building leases for the purpose of providing funds to repay the said present Bishop of Sydney the sums which he has expended from the rents and profits of the said Bishopsthorpe Estate and to pay the residue now owing of the said debt of two thousand five hundred pounds to the representatives of the said late Bishop and to provide for the payment of such repairs and additions as aforesaid and for the future maintenance repair and improvement of the said episcopal residence and the adjoining lands And whereas the standing committee of the Synod of the Diocese of Sydney reported to such Synod in favour of the expediency of selling the said lands described in the said First and Second Schedules and of granting building leases of the said lands described in the said Third Schedule and by resolution passed on the twenty-seventh day of July one thousand eight hundred and eighty-five the said Synod adopted such report and requested such standing committee to take steps to carry the same into effect And whereas it may be found more advantageous to sell the said lands comprised in the Third Schedule instead of granting building leases of the same And whereas no valid sale or leases of the said lands can be made without the authority of Parliament 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. It shall be lawful for the Church of England Property Trust Diocese of Sydney hereinafter called the said trust and their successors to sell the lands mentioned in the First and Second Schedules to this Act either altogether or in parcels and either by public auction or private contract and upon such terms and conditions and stipulations as to title time and manner of payment and generally in such manner as to the said trust and their successors shall seem expedient with power to buy in at any sale and to rescind or vary any contract for sale

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sale and to re-sell without being responsible for any loss arising from such re-sale and to convey the said lands or any part or parts thereof when sold to the purchaser or purchasers thereof in fee-simple freed and discharged from the trusts of the said deed of grant of the eighth day of January one thousand eight hundred and sixty-six. Provided always that in every sale of the lands described in the said Second Schedule or any part thereof in every conveyance under or in virtue of such sale there shall be reserved to the said trust and their successors the right to construct maintain and use a bathing-place adjacent to the waters of the Pacific Ocean and a right-of-way from the said bathing-place either to Beach-street or to the reserve for public recreation adjoining a portion of the southern boundary of the said lands. Provided also that if credit be allowed to any purchaser for the payment of his purchase money the lands sold to him shall remain unconveyed or otherwise be rendered a security for the unpaid purchase money together with the interest thereon until the same shall have been paid.

Lands sold on credit
not to be conveyed.
Power to lease.

2. It shall be lawful for the said trust and their successors by deed to lease all or any part or parts of the lands described in the Third Schedule to this Act to any person or persons who shall covenant to improve the same by erecting and building thereon any new house or houses of such value and subject to such conditions as in the opinion of the said trust or their successors shall be expedient for any term not exceeding ninety-nine years to take effect in possession and not in reversion so as there be reserved in every such lease the best yearly rent that can be reasonably obtained having regard to the nature of the covenants to be performed on the part of the lessee without taking anything in the nature of a fine premium or foregift and so as there be contained in any said lease a condition of re-entry for non-payment within a reasonable time to be therein specified of the rent thereby reserved and for non-performance of the covenants therein contained and so as the lessee do execute a counterpart of such lease.

Trusts of proceeds
and rents.

3. The said trust and their successors shall stand possessed of the proceeds of such sales as aforesaid and of the rents and profits arising from any lands leased under the power herein contained upon trust in the first place to pay the costs and expenses of this Act and in the next place to pay the costs and expenses of such sales and leases and subject to such payments upon trust thereout to pay the said debt of two thousand five hundred pounds and all the expenses which have been incurred in making repairs and additions to the said episcopal residence and shall stand possessed of the surplus if any upon trust to expend the same in the maintenance repair and improvement of the said episcopal residence and the lands adjacent thereto and occupied therewith in such manner as the Synod of the Diocese of Sydney shall from time to time determine and direct.

Power of sale to extend to lands in the Third Schedule with the consent of the Synod.

4. The power of sale hereby conferred shall with the consent and sanction of the Synod of the Diocese of Sydney first had and obtained but not otherwise extend as well to the lands particularly described in the said Third Schedule as to those described in the said First and Second Schedules and a certificate under the hand of the Bishop of Sydney for the time being that a resolution consenting to and sanctioning such extension of the said power has been duly passed by the said Synod shall be sufficient evidence of such consent and sanction.

Short title.

5. This Act may be cited as the "Bishopscourt Sale and Leasing Act 1886."

SCHEDULES.

THE FIRST SCHEDULE.

All that portion of land situate in the county of Cumberland parish of Alexandria near Coogee containing one acre one rood twenty-three perches more or less formerly attached to the episcopal residence appropriation but now dissevered by the continuation of Susan-street into Power-street Commencing at the south-east corner of M'Leerie's four acres and bounded on the north by the south boundary-line of that land bearing west about four chains forty-five links to Susan-street bounded south-westerly by that street about six chains ninety-two links thence on its eastern boundary by land in the occupation of the late Frederick Barker Bishop of Sydney about four chains eighty-five links to the point of commencement.

THE SECOND SCHEDULE.

All that piece or parcel of land in the Colony of New South Wales containing by admeasurement four acres one rood and five perches be the same more or less situated in the county of Cumberland parish of Alexandria near Coogee Commencing on the eastern side of Beach-street at the south-western corner of J. Stewart's two acres and bounded thence on the west by Beach-street bearing south two chains and sixty-seven links on the south by a line bearing east fourteen chains and thirty-four links to the sea coast on the north-east by the sea coast north-westerly along the Pacific Ocean to the south-east corner of L. Gordon's one acre three roods and ten perches on the north by part of the southern boundary-line of that land bearing west one chain and fifty links again on the west by the eastern boundary-line of J. Stewart's two acres aforesaid bearing south two chains and sixty-seven links and again on the north by the southern boundary-line of that two acres bearing west seven chains and fifty links to the south-west corner thereof aforesaid.

THE THIRD SCHEDULE.

All that piece or parcel of ground being a portion of the episcopal residence appropriation situate in the county of Cumberland parish of Alexandria near Coogee containing by admeasurement twenty-two acres three roods more or less Commencing at a point distant eight chains from the intersection of Susan-street and Carrington Road (formerly Power-street) and bounded thence by a line at right angles to the latter street a distance of 5 chains from thence by a line southerly five chains equidistant from and running parallel with the eastern side of Carrington Road a distance of about eleven chains thence by a line easterly also five chains equidistant from and parallel with the north boundary of Allison-street a distance of about eighteen chains thence by a line northerly about six chains thence by a line at right angles five chains deep to Brook-street and thence along the frontage of the property facing Brook and Allison Streets and Carrington Road aforesaid to the point of commencement.
