

Albert Dangar's Leasing.

ALBERT DANGAR'S
LEASING.

An Act to enable Albert Augustus Dangar and his assigns during his life and certain other persons after his decease to grant building and mining leases of certain lands situate near Newcastle in the Colony of New South Wales. [12th February, 1873.]

Preamble.

WHEREAS Henry Dangar late of Sydney in the Colony of New South Wales Esquire deceased duly made and published his last Will and Testament in writing bearing date the twenty-seventh day of February one thousand eight hundred and fifty-two whereby after devising certain lands in England to his (the said testator's) father and mother for their lives and for the life of the survivor of them the said testator devised all his real estate to certain Trustees therein named and their heirs upon certain trusts for his wife Grace Dangar for and during the term of her natural life (provided she should remain unmarried) for the maintenance of herself and his sons and daughters And immediately after the decease or second marriage of his said wife then as to and concerning his (the said testator's) lands and hereditaments and undivided or other parts or shares of lands or hereditaments in or within five miles of the town of Newcastle to the use of his son Albert Augustus Dangar and his assigns for his life without impeachment of waste and from and after his decease to the use of the three first-born children of his said son and their heirs as tenants in common And if his said son should have but two children then to such two children and their heirs as tenants in common And if he should have but one child then to such one child and his heirs in fee and in default of issue of his (the said testator's) said son to the use of his (the said testator's) own right heirs And by his said will the said testator empowered the person or persons respectively for the time-being entitled to a life estate in his (the said testator's) real or leasehold estate or any part thereof or in case any such person or persons respectively should be under the age of twenty-one years then the Trustees or Trustee for the time-being of that his will to lease the real or leasehold estate of such person or persons respectively or any part thereof for any term of years in possession not exceeding seven years at a rack rent and subject to a power of re-entry in case the rent should be in arrear for twenty-one days And whereas the said testator died on the second day of March one thousand eight hundred and sixty-one without having altered or revoked his said will so far as the same related to the said devise to the said Albert Augustus Dangar and his children and to the said recited power of leasing And whereas the said Grace Dangar widow of the said Henry Dangar died on the sixteenth day of August one thousand eight hundred and sixty-nine And whereas the pieces or parcels of land and hereditaments particularly mentioned and described in the Schedule hereto are and comprise a portion of the said testator's lands and hereditaments in or within five miles of the said town of Newcastle so as aforesaid devised to the said Albert Augustus Dangar and his children or child And whereas the said pieces or parcels of land and hereditaments are at present of little value by reason of the limited scope afforded by the
before

Albert Dangar's Leasing.

before mentioned power of leasing And whereas the said pieces or parcels of land and hereditaments are peculiarly adapted for and would become of considerably greater value than they are at present if building and mining leases of the same could be granted and it would be for the benefit of all parties interested in the said pieces or parcels of land and hereditaments that there should be a power of granting such building and mining leases accordingly 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 said Albert Augustus Dangar and his assigns during his life or other the person or persons respectively for the time-being entitled to a life or greater estate in the said pieces or parcels of land and hereditaments mentioned in the said Schedule hereto and during the minority of any such person for the Trustee or Trustees for the time-being of the said will of the said Henry Dangar to lease either the whole or any part of the said pieces or parcels of land and hereditaments to any person or persons who shall covenant to improve the same by erecting and building thereon any house or houses building or buildings and to repair and rebuild any houses or buildings which shall hereafter be standing thereon or by otherwise expending in improvement such moneys as shall be deemed adequate to the interest to be parted with for any term of years not exceeding ninety-nine years to take effect in possession and not in reversion or by way of future interest so as there be reserved in every such lease the best 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 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 dispunishable for waste.

Power to grant
building leases.

2. It shall be lawful for the said Albert Augustus Dangar and his assigns during his life or other the person or persons respectively for the time-being entitled to a life or greater estate in the said pieces or parcels of land and hereditaments mentioned in the said Schedule hereto and during the minority of any such person for the Trustee or Trustees for the time-being of the said will of the said Henry Dangar deceased to lease all or any of the mines ores minerals coals quarries stone clay sand and substances in under or upon the said pieces or parcels of land and hereditaments or any part thereof either with or without any messuages buildings lands or hereditaments convenient to be held with the same respectively and either with or without the surface of the lands in or under which the same or any part thereof respectively shall be and whether such surface shall or shall not have been already leased under this Act and whether the same have or have not been previously opened or worked for any term of years not exceeding sixty years to take effect in possession and not in reversion or by way of future interest together with all such liberties licenses powers and privileges for searching for and working the said mines and for getting washing smelting burning rendering merchantable and disposing of the said ores minerals coals quarries stone clay sand and substances 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 acre the ton or otherwise to be incident to the immediate reversion

Power to grant
mining leases.

Albert Dangar's Leasing.

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 or non-delivery within a reasonable time to be therein specified of the rent or rents tolls duties royalties or reservations thereby reserved or for 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 the due payment or delivery of the rent or rents tolls duties royalties or reservations thereby reserved and be not by any express words therein made dispunishable for waste Provided always that the reservation of rents tolls duties or royalties the amount of which shall vary with or according to the acreage worked or the ores minerals coals stone clay sand or substances gotten shall not be taken to be in the nature of a fine or premium though the effect of such reservation may eventually be disadvantageous to the remainder man.

Short title.

3. This Act shall be known and may be referred to for all purposes as "Albert Dangar's Leasing Act of 1873."

SCHEDULE.

All that piece or parcel of land in the Colony of New South Wales containing by admeasurement twenty-four acres be the same more or less situated in the county of Northumberland and parish of Newcastle near Newcastle at Throsby's Creek suburban allotment number seventeen Commencing at the south-east corner of suburban allotment number fourteen and bounded on the north by part of the southern boundary-line of that allotment bearing west eighteen chains fifty links on the west by part of the eastern boundary-line of suburban allotment number sixteen bearing south twelve chains on the south by the northern boundary-lines of suburban allotments numbers eighteen and nineteen bearing east twenty-three chains fifty links and on the east by Throsby's Creek north-westerly to the commencing point reserving an occupation road through the land herein described for public use the area of which has been deducted from the total area of said land being the land sold as lot six in pursuance of the proclamation of twenty-sixth August one thousand eight hundred and fifty and which said parcel of land was originally granted to the testator Henry Dangar by deed-poll or grant from the Crown bearing date the first day of November one thousand eight hundred and fifty-one Also all that piece or parcel of land in the said Colony containing by admeasurement twenty-three acres be the same more or less situated in the county of Northumberland and parish of Newcastle near Newcastle at Throsby's Creek suburban allotment number sixteen Commencing at the south-west corner of suburban allotment number fourteen and bounded on the north by part of the southern boundary-line of that allotment bearing east ten chains on the east by the western boundary-lines of suburban allotments numbers seventeen and eighteen bearing south twenty-seven chains on the south by the Maitland and Newcastle road north-westerly and on the west by part of the eastern boundary-line of suburban allotment number fifteen bearing north nineteen chains twenty-five links to the commencing point being the land sold as lot five in pursuance of the proclamation of twenty-sixth August one thousand eight hundred and fifty and which said parcel of land was originally granted to the testator Henry Dangar by deed-poll or grant from the Crown bearing date the first day of November one thousand eight hundred and fifty-one Also all that piece or parcel of land in the said Colony containing by admeasurement twenty-two acres be the same more or less situated in the county of Northumberland and parish of Newcastle near Newcastle at Throsby's Creek suburban allotment number fifteen Commencing at the south-east corner of suburban allotment number twelve and bounded on the north by the southern boundary-line of that allotment bearing west thirteen chains on the west by a road dividing it in part from W. M. Clarke's twenty acres bearing south ten chains thirty links on the south by the Maitland and Newcastle Road south-easterly and on the east by the western boundary-line of suburban allotment number sixteen and by part of the western boundary of suburban allotment number fourteen bearing north twenty-four chains twenty-five links to the commencing point being the land sold as lot nine in pursuance of the proclamation of seventh October one thousand eight hundred and fifty-three and which said parcel of land was originally granted to the testator Henry Dangar by deed-poll or grant from the Crown bearing date the eleventh day of May one thousand eight hundred and fifty-four Also all that piece or parcel of land in the said Colony containing by admeasurement thirty acres one rood and nineteen perches

Albert Dangar's Leasing.

be the same more or less situated in the county of Northumberland and parish or Newcastle at Platt's Channel near Newcastle allotment number forty-seven bounded on the east by a road fifty links wide dividing it from allotment number forty-six being a line bearing south thirty chains fifteen links on the south by a road one chain wide being a line bearing west ten chains on the west by allotment number forty-eight being a line bearing north thirty chains eighty links to the waters of the River Hunter and on the north by those waters downwards to its north-east corner at the road fifty links wide aforesaid being the land sold as lot four in pursuance of the proclamation of thirteenth December one thousand eight hundred and fifty and which said parcel of land was originally granted to the testator Henry Dangar by deed-poll or grant from the Crown bearing date the first day of November one thousand eight hundred and fifty-one Also all that piece or parcel of land in the said Colony containing by admeasurement thirty-one acres two roods and eight perches be the same more or less situated in the county of Northumberland and parish of Newcastle at Platt's Channel near Newcastle allotment number forty-eight bounded on the east by allotment number forty-seven being a line bearing south thirty chains eighty links on the south by a road one chain wide being a line bearing west ten chains on the west by allotment number forty-nine being a line bearing north thirty-three chains to the waters of the River Hunter and on the north by those waters downwards to the north-west corner of allotment number forty-seven being the land sold as lot five in pursuance of the proclamation of thirteenth December one thousand eight hundred and fifty and which said parcel of land was originally granted to the testator Henry Dangar by deed-poll or grant from the Crown bearing date the first day of November one thousand eight hundred and fifty-one Also all that piece or parcel of land in the said Colony containing by admeasurement thirty-three acres and twenty-eight perches be the same more or less situated in the county of Northumberland and parish of Newcastle at Platt's Channel near Newcastle allotment number forty-nine bounded on the east by allotment number forty-eight being a line bearing south thirty-three chains on the south by a road one chain wide being a line bearing west ten chains on the west by allotment number fifty being a line bearing north thirty-four chains fifteen links to the waters of the River Hunter and on the north by those waters downwards to the north-west corner of allotment number forty-eight being the land sold as lot six in pursuance of the proclamation of thirteenth December one thousand eight hundred and fifty and which said parcel of land was originally granted to the testator Henry Dangar by deed-poll or grant from the Crown bearing date the first day of November one thousand eight hundred and fifty-one Also all that piece or parcel of land in the said Colony containing by admeasurement twenty acres be the same more or less situated in the county of Northumberland and parish of Newcastle near Newcastle allotment number sixty-two Commencing at the north-east corner of allotment number sixty-one on the south side of a road one chain wide and bounded on the north by that road bearing east ten chains on the east by a line bearing south twenty chains to another road one chain wide on the south by the north side of that road bearing west ten chains and on the west by a line bearing north twenty chains to the north-east corner of allotment number sixty-one aforesaid being the land sold as lot seventeen in pursuance of the proclamation of fifteenth June one thousand eight hundred and fifty-two and which said parcel of land was originally granted to the testator Henry Dangar by deed-poll or grant from the Crown bearing date the twelfth day of October one thousand eight hundred and fifty-two Also all that piece or parcel of land in the said Colony containing by admeasurement forty-three acres and one rood be the same more or less situated in the county of Northumberland and parish of Newcastle near Newcastle allotment number sixty-six Commencing at the south-east corner of number sixty-five allotment at an oak-tree on the north side of the high road leading from Maitland to Newcastle and bounded on the west by a line bearing north thirty-nine chains to a road one chain wide on the north by a line bearing east ten chains being the south side of another road one chain wide on the east by a line bearing south forty-seven chains fifty links to an oak-tree on the north side of the high road aforesaid and on the south by that road north-westerly to the oak-tree first aforesaid being the land sold as lot twenty-one in pursuance of the proclamation of fifteenth June one thousand eight hundred and fifty-two and which said parcel of land was originally granted to the testator Henry Dangar by deed-poll or grant from the Crown bearing date the twelfth day of October one thousand eight hundred and fifty-two Also all that piece or parcel of land in the said Colony containing by admeasurement fifty acres one rood and twenty-four perches be the same more or less situated in the county of Northumberland and parish of Newcastle near Newcastle allotment number seventy-five Commencing at the south-west corner of allotment number seventy-one and bounded on the west by a line bearing south eighteen chains being the east boundary of a road fifty links wide on the south by a line bearing east twenty-eight chains to the west boundary of the Australian Agricultural Company's two thousand acres on the east by a line bearing north eighteen chains along that boundary to the south-east corner of allotment number seventy-three and on the north by the south boundary of allotments numbers seventy-three seventy-two and seventy-one bearing west to the south-west corner of allotment number seventy-one aforesaid being the land sold as lot eleven in pursuance of the proclamation of fourth January one thousand eight hundred and fifty-three and which said parcel of land was originally granted to the testator Henry Dangar by deed-poll or grant from the Crown bearing date the first day of June one thousand

Petersham Church Grant.

eight hundred and fifty-three Also all that piece or parcel of land in the said Colony containing by admeasurement thirty-three acres two roods and sixteen perches be the same more or less situated in the county of Northumberland and parish of Newcastle near Newcastle allotment number seventy-eight Commencing at the south-west corner of allotment number seventy-five and bounded on the west by a line bearing south twelve chains being the east side of a road fifty links wide on the south by a line bearing east twenty-eight chains to the west boundary of the Australian Agricultural Company's two thousand acres on the east by a line bearing north twelve chains being part of that boundary to the south-east corner of allotment number seventy-five and on the north by the south boundary of that allotment bearing west twenty-eight chains to the south-west corner thereof being the land sold as lot fourteen in pursuance of the proclamation of fourth January one thousand eight hundred and fifty-three and which said parcel of land was originally granted to the testator Henry Dangar by deed-poll or grant from the Crown bearing date the first day of June one thousand eight hundred and fifty-three And also all that piece or parcel of land in the said Colony containing by admeasurement thirty-nine acres and thirty-two perches be the same more or less situated in the county of Northumberland and parish of Newcastle near Newcastle allotment number eighty Commencing at the south-west corner of allotment number seventy-eight and bounded on the west by a line bearing south fourteen chains (being the east side of a road fifty links wide) on the south by a line bearing east twenty-eight chains to the west boundary of the Australian Agricultural Company's two thousand acres on the east by a line bearing north fourteen chains (being part of that boundary) to the south-east corner of allotment number seventy-eight and on the north by the south boundary of that allotment bearing west twenty-eight chains to the south-west corner thereof being the land sold as lot sixteen in pursuance of the proclamation of fourth January one thousand eight hundred and fifty-three and which said parcel of land was originally granted to the testator Henry Dangar by deed-poll or grant from the Crown bearing date the first day of June one thousand eight hundred and fifty-three.
