

PARNELL'S LEASING.

An Act to enable Sarah Eliza Matilda Parnell (formerly Sarah Eliza Matilda Clift) the wife of Charles Parnell of Edithville Miller's Forest in the Colony of New South Wales and after her decease during the minority of her children to enable the Trustees of the Will and Codicils of Samuel Clift deceased formerly of West Maitland to lease certain lands for building or other purposes and also all or any of the mines seams or strata of coal and other minerals within upon or under all or any of the said lands devised by the said Will and Codicils of the said Samuel Clift to the use of his daughter the said Sarah Eliza Matilda Parnell during her natural life and after her decease to her children share and share alike. [1st May, 1874.]

Preamble.

WHEREAS Samuel Clift late of West Maitland in the Colony of New South Wales landholder deceased duly made and executed his last will and testament in writing bearing date the thirteenth day of January one thousand eight hundred and fifty-four And whereas the said testator duly made and executed four several codicils to his said will And whereas by the second of the said codicils bearing date the ninth day of June one thousand eight hundred and sixty certain persons were appointed trustees and executors of the said will and codicils and by the fourth of the said codicils

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codicils bearing date the eighteenth day of July one thousand eight hundred and sixty-two the said testator devised among other things the several pieces of land more particularly described in the Schedule to this Act to the use of the said testator's daughter Sarah Eliza Matilda Parnell the wife of Charles Parnell during her natural life for her own benefit free from the debts and control of her present or any future husband and after her decease to her children lawfully begotten share and share alike and if only one child then to such one child And whereas the said testator died on the nineteenth day of July one thousand eight hundred and sixty-two without having revoked or altered his said will or codicils so far as related to the said devise of the said land and the appointment of the said trustees And whereas valuable mines of coal and other minerals and substances have been discovered within upon or under the said lands so devised as hereinbefore mentioned or some of them And whereas it is greatly for the benefit of all the parties interested in the said lands so devised that the said Sarah Eliza Matilda Parnell should be empowered to grant leases of the said lands for long terms of years but no power to grant such leases was contained in the said will or codicils 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 as follows:—

1. It shall be lawful for the said Sarah Eliza Matilda Parnell subject to any formalities and requirements of law which may apply to her as a married woman and after her decease where any of her children not of full age is in the actual possession of or entitled to the rents and profits of the lands devised by the said will and codicils and described in the schedule hereto for the trustees of the said will and codicils for the time being to grant leases of all or any of the said lands for building purposes or other purposes of improvement for terms 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 rent that can reasonably be obtained for the said lands without taking any fine premium or foregift for the granting thereof and so as there be contained in every such lease proper and reasonable covenants and agreements by every such lessee for the due payment of the rent reserved thereby and a power of re-entry for non-payment of such rent and so as the respective lessees duly execute a duplicate or counterpart of such lease.

Power to lease lands (excepting mines) for building and other purposes for ninety-nine years.

2. It shall be lawful for the said Sarah Eliza Matilda Parnell subject to any formalities and requirements of law which may apply to her as a married woman and after her decease where any of her children not of full age is in the actual possession of or entitled to the rents and profits of the lands devised by the said will and codicils and described in the schedule hereto for the trustees of the said will and codicils for the time being to grant leases by deed for any term of years not exceeding forty-two years to take effect in possession and not in reversion or by way of future interest of all and every or any of the mines quarries veins strata and seams of copper lead iron coal stone clay and all other minerals whatsoever unopened as well as opened in under or upon the said lands together with any part of the same which may be thought necessary or convenient to be held for buildings roads or ways or other purposes with such mines or quarries together with full liberty and authority to search for work win take use and dispose of all such ores and minerals as shall be found therein and to sink and make shafts pits levels drifts trenches air-gates way-gates and water-courses and to erect and use any smelting refining or other furnaces or mills fire steam or other engines and machinery workmen's and other houses buildings sheds or other conveniences and to use all other

Power to grant leases of mines &c. in upon or under devised lands for forty-two years.

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other lawful ways and means whatsoever not only for finding separating and cleansing any of the said minerals but for converting any of them into a manufactured condition and also to take and use sufficient ground room heap room and pit room for placing or manufacturing any of the said minerals and for laying the waste refuse or rubbish to be from time to time produced from the said mines and quarries and also with free and full liberty to use or to make and use all proper and convenient railways and other ways for the carriage of materials and articles to such mines or quarries and for the carriage and delivery of any of the said minerals with horses carts waggons and other carriages and generally upon such terms and with such stipulations as shall be reasonable usual or necessary for any of the purposes aforesaid so that in every such lease there be reserved and made payable the best and most improved yearly rent dues duties tolls or royalties that can be reasonably obtained for the same without taking any fine premium or foregift for the granting thereof and so as there be contained in every such lease proper and reasonable covenants and agreements by every such lessee for the due payment of such rent dues duties tolls or royalties thereby reserved and for the working and management of the said mines quarries and works and a power of re-entry for non-payment of such rents dues duties tolls or royalties and so as the respective lessees duly execute a duplicate or counterpart of such leases Provided always that of the gross income to be derived from such rents dues duties tolls or royalties there shall be set apart (upon the payment thereof from time to time to the Trustees of the said will and codicils) by such Trustees a sum equal to one-fourth of every such amount so paid to them during the lifetime of the said Sarah Eliza Matilda Parnell And the sums so to be set apart shall with all accumulations of interest be invested from time to time in Government securities for the benefit of the child or children of the said Sarah Eliza Matilda Parnell lawfully begotten with power to such Trustees to alter vary and transfer such securities for others of the like nature And the remaining three-fourths part of such sums so to be derived as aforesaid shall be payable to the said Sarah Eliza Matilda Parnell in the same way and subject to such conditions and restrictions as income under the said will and codicils And after the death of the said Sarah Eliza Matilda Parnell the proceeds of the sums so invested in Government securities shall be paid to such child or children as aforesaid share and share alike in like manner as is provided by the said will and codicils in respect of the proceeds or income derivable from any property devised to such child or children in remainder.

Short title.

3. This Act shall be styled the "Parnell's Leasing Act of 1874."

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SCHEDULE.

All that piece or parcel of land situate in the parish of Branxton and county of Northumberland and Colony of New South Wales Commencing at the north-west corner of the village of Greta which is the south-west corner of Wyndham's nine hundred and sixty acres and the south-east corner of Wyndham's six hundred and forty acres and bounded on the north by a line bearing west dividing it from Wyndham's six hundred and forty acres and part of the south boundary of the Church and School land one hundred and eighteen chains more or less to a fence bounding the eastern side of Dewsnap's Occupation Then by that fence to the northern side of the present Government high road from Singleton to Maitland Then on the south by that side of the said high road south-easterly towards Maitland to where it meets Holden's six acres purchase Then on the east by the western side of that purchase bearing north thirteen degrees east fifteen chains. Again on the south by the north boundary of Holden's six acres and the Government reserve bearing easterly eight chains sixty links to the west boundary of the village of Greta and on the east by that boundary bearing north fifty-eight chains to the commencing point the said measurements being more or less This description includes the five lots of six acres each purchased by the late Mr. Samuel Clift.

And all that piece or parcel of land situate in the parish of Branxton in the county of Northumberland and Colony of New South Wales being the land originally granted to J. T. Hughes two hundred and thirty-five acres and ten acres three roods of W. Harpur's two hundred acres Commencing at the south-east corner of Hughes' two hundred and thirty-five acres at its junction with the west boundary of the Oswald Estate which is Harpur's two thousand acres and the north-east corner of Harpur's five hundred and sixty acres and bounded on the south by the line dividing it from Harpur's five hundred and sixty acres bearing west and crossing the Great Northern Railway forty-five chains to a fence On the west by the east boundary of Flood's one hundred acres bearing north to Anvil Creek On the north by that creek downwards bounding Flood's one hundred acres and Baylis's fifty acres to the south boundary of the village of Greta as shewn in the Government chart Then on the north by the south boundary of the village of Greta to a gum-tree at the south-east corner of the village Then on the west by part of the east boundary of the village of Greta bearing north twenty-seven chains fifty links to the high road from Singleton to Maitland Then on the north by that high road bearing south-easterly to where it cuts the south boundary of Harpur's two hundred acres Then by that boundary east to its junction with the west boundary of Harpur's two thousand acres Oswald Estate And on the east by that boundary of the Oswald Estate bearing south to the commencing point This land includes ten acres and three roods of Harpur's two hundred acres on the south-west side of the said high road.

And all that piece or parcel of land in the Colony of New South Wales containing by admeasurement eight acres and eighteen perches be the same more or less situated in the county of Northumberland and parish of Branxton village of Greta suburban allotment number one of section number twenty-five Commencing on Anvil Creek at the west corner of allotment number two and bounded on the south-east by the north-west boundary-line of that allotment bearing north-east eighteen chains forty links to Clift-street On the north-east by five chains to the south-west side of Clift-street bearing north-west to Nelson-street On the north-west by fifteen chains of the south-east side of Nelson-street bearing south-west to Anvil Creek And on the south-west by Anvil Creek upwards to the west corner of allotment number two aforesaid Being the land sold as lot thirty-seven in pursuance of the proclamation of fourth February one thousand eight hundred and fifty-six.

And all that piece or parcel of land in the Colony of New South Wales containing by admeasurement four acres one rood ten perches be the same more or less situated in the county of Northumberland and parish of Branxton village of Greta suburban allotment number two of section number twenty-three Commencing on Anvil Creek at the south corner of allotment number one and bounded on the north-west by the south-east boundary-line of that allotment bearing north-east five chains eighty-five links to Clift-street On the north-east by five chains of the south-west side of Clift-street bearing south-east to Nelson-street On the south-east by fourteen chains sixty links of the north-west side of Nelson-street bearing south-west to Anvil Creek and on the west by the Anvil Creek downwards to the south corner of allotment number one aforesaid Being the land sold as lot thirty-five in pursuance of the proclamation of the fifth March one thousand eight hundred and fifty-six.

And all that piece or parcel of land in the Colony of New South Wales containing by admeasurement seven acres one rood and eighteen perches be the same more or less situated in the county of Northumberland and parish of Branxton village of Greta suburban allotment number four of section number twenty-five Commencing on Anvil Creek at the south corner of allotment number three and bounded on the north-west by the south-east boundary-line of that allotment bearing north-east fifteen chains forty-two links to Clift-street On the north-east by five chains of the south-west side of Clift-street bearing south-east to Florence-street On the south-east by fourteen chains eight links

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links of the north-west side of Florence-street bearing south-west to Anvil Creek on the south-west by Anvil Creek downwards to the south corner of allotment number three aforesaid Being the land sold as lot forty in pursuance of the proclamation of fourth February one thousand eight hundred and fifty-six.

And all that piece or parcel of land in the Colony of New South Wales containing by admeasurement eight acres be the same more or less situated in the county of Northumberland and parish of Branxton village of Greta suburban allotment number three of section number twenty-five Commencing on Anvil Creek at the south corner of allotment number two and bounded on the north-west by the south-east boundary-line of that allotment bearing north-east seventeen chains forty links to Clift-street On the north-east by five chains of the south-west side of Clift-street bearing south-east On the south-east by the north-west boundary-line of allotment number four bearing south-west fifteen chains forty-two links to Anvil Creek And on the south by Anvil Creek downwards to the south corner of allotment number two aforesaid Being the land sold as lot thirty-nine in pursuance of proclamation of fourth February one thousand eight hundred and fifty-six.

And all that piece or parcel of land in the Colony of New South Wales containing by admeasurement nine acres and twenty perches be the same more or less situated in the county of Northumberland and parish of Branxton village of Greta suburban allotment number two of section number twenty-five Commencing on Anvil Creek at the south corner of allotment number one and bounded on the north-west by the south-east boundary-line of that allotment bearing north-east eighteen chains forty links to Clift-street On the north-east by five chains of the south-west side of Clift-street bearing south-east On the south-east by the north-west boundary-line of allotment number three bearing south-west seventeen chains forty links to Anvil Creek And on the south-west by Anvil Creek downwards to the south corner of allotment number one aforesaid Being the land sold as lot thirty-eight in pursuance of the proclamation of the fourth February one thousand eight hundred and fifty-six.

And also all that piece or parcel of land in the Colony of New South Wales containing by admeasurement three acres three roods thirty perches be the same more or less situated in the county of Northumberland and parish of Branxton village of Greta suburban allotment number one of section number twenty-three Commencing on Anvil Creek at the west corner of allotment number two and bounded on the south-east by the north-west boundary-line of that allotment bearing north-east five chains eighty-five links to Clift-street on the north-east by five chains of the south-west side of Clift-street bearing north-west to Hunter-street on the north-west by nine chains forty links of the south-east side of Hunter-street bearing south-west to Anvil Creek And on the south by Anvil Creek upwards to the west corner of allotment number two aforesaid being the land sold as lot thirty-four in pursuance of the proclamation of the fifth March one thousand eight hundred and fifty-six.

All that piece or parcel of land in the Colony of New South Wales containing by admeasurement three hundred and eighteen acres be the same more or less situated in the county of Northumberland and parish of Maitland Commencing at the western extreme of the south boundary-line of Miss Merritt's three hundred and twenty acres grant (marriage portion) and bounded on the north by that boundary-line bearing east eighty chains on the east by a south line of forty chains on the south by a west line of eighty chains and on the west by forty chains of the east boundary-line of Maughan's farm bearing north to the western extreme of the south boundary-line of Miss Merritt's grant aforesaid. Note: The parish road which passes through this land comprising two acres is not included in the area thereof being the land sold as lot sixteen in pursuance of the advertisement of eighteenth September one thousand eight hundred and thirty-nine.

All that piece or parcel of land in the Colony of New South Wales containing by admeasurement sixty acres be the same more or less situated in the county of Northumberland and parish of Maitland at the Four-mile Creek near Maitland Commencing at the west extremity of the south boundary-line of J. Stewart's sixty-seven acres and bounded on the north by that line bearing east twenty-five chains on the east by a line bearing south twenty-four chains on the south by a line bearing west twenty-five chains and on the west by a line bearing north twenty-four chains to the south-west corner of Stewart's sixty-seven acres aforesaid being the land sold as lot twelve in pursuance of the proclamation of twenty-third July one thousand eight hundred and fifty-three.