

An Act to enable the Bishop of Sydney and his BISHOP'S LEASES.  
Successors to make Leases of certain Land  
granted by Her Majesty for the maintenance  
of the Bishop of Australia and his Successors.  
[21st November, 1855.]

**W**HEREAS by a deed of grant bearing date the ninth day of July Preamble.  
in the year of our Lord one thousand eight hundred and forty-  
six and made under the great seal of the Colony Her Majesty in order  
to provide for the maintenance of the Bishop of Australia and his  
successors

*Bishop's Leases.*

successors was pleased to grant unto the then Bishop of Australia and his successors a certain parcel of land containing by admeasurement forty acres more or less situated in the county of Cumberland and the parish of Petersham commencing at the Glebe Road at a point three chains fifty-five links south-easterly from the eastern corner of George John Rogers' property and bounded on the north-west by a line bearing south forty-seven degrees forty-five minutes west fourteen chains ninety links to land originally granted to Catherine King on the south-west by the land originally granted to Catherine King being a line bearing south forty-seven degrees fifteen minutes east to the old Parramatta Road on the south-east by the old and present Parramatta Roads on the east by a curved line extending from the Parramatta Road to the Glebe Road the said curved line being the segment of a circle having a radius of one hundred and six links from a central point which point bears south sixty-two degrees thirty-five minutes west two chains thirty four links from the western corner of a building erected by James Pemel and south thirty-eight degrees forty-five minutes east five chains forty-five links from the southern corner of a building at the junction of Francis-street with the Glebe Road and on the north-east by the Glebe Road to the commencing point (advertised as number ninety-three in the Government Notice dated first June one thousand eight hundred and forty-six) with all the rights and appurtenances whatsoever thereto belonging to hold the same unto the said Bishop of Australia and his successors Bishops of Australia for ever for the maintenance of the Bishop of Australia and his successors Bishops of Australia And whereas it is expedient that the said parcel of land should be now vested in the Bishop of Sydney and his successors for the purposes and subject to the reservations and conditions in the said grant contained And whereas in order to carry out the object of the said grant it is expedient that the said Bishop and his successors should be empowered to grant leases of the said land Be it therefore enacted by His Excellency the Governor of New South Wales by and with the advice and consent of the Legislative Council thereof as follows—

The Bishop of Sydney and his successors empowered to grant leases.

1. The said parcel of land in the said grant mentioned shall be and is hereby vested in the Bishop of Sydney and his successors for the purpose and subject to the reservations therein contained and it shall be lawful for the Bishop of Sydney and his successors the Bishops of Sydney for the time being from time to time after the passing of this Act by any deed to lease all or any part of the said land for building or other purposes for any term or number of years not exceeding ninety-nine years to take effect in possession and not in reversion or by way of future interest and subject to the reservations in the said grant and to the restrictions hereinafter mentioned.

Leases to be disposed of by public competition.

2. In every lease granted under the authority of this Act shall be reserved the best rent that can be obtained for the same such rent to be ascertained by submitting the proposed lease to public competition by auction at such time and in such manner and subject to such conditions as to the Bishop of Sydney for the time being may seem expedient and subject also to the powers restrictions and conditions in this Act mentioned Provided that it shall be lawful for the said Bishop in the conditions of sale prior to such auction to fix an upset rent below which such lease shall not be disposed of And provided also that after any such lease has been submitted to public competition as aforesaid without success it shall be lawful for the said Bishop to grant a lease thereof without again submitting the same to public competition but subject in other respects to the powers restrictions and conditions in this Act mentioned and at a rent not less than the upset rent so fixed as aforesaid.

*Bishop's Leases.*

3. In any lease to be granted under the authority of this Act it shall be lawful for the Bishop of Sydney for the time being granting any such lease as aforesaid if he shall think fit to reserve a small rent during the first ten years or any less portion of the term thereby created and to reserve an increased rent or increased rents to become payable after the expiration of such first ten years or less portion of the term created by such lease.

Power to reserve increased rent.

4. It shall be lawful for the Bishop of Sydney for the time being to appropriate any part of the said land not being at the time of such appropriation under lease for the site of any church parsonage house or school or for any purpose connected with religious worship or education or as and for a way or ways yard or yards garden or gardens to any house or building erected or to be erected on the said land or on any of the adjoining lands and also for any ways streets squares avenues passages sewers or otherwise for the general improvement of the estate and the accommodation of the lessees tenants and occupiers thereof in such manner as shall to such Bishop seem desirable and also by such lease to give such privileges and other easements as such Bishop shall deem reasonable or convenient.

Power to appropriate any portion of the land to public purposes or for the improvements of the estate.

5. It shall be lawful for the Bishop of Sydney for the time being to confirm any lease purporting to have been granted under the authority of this Act in any case in which for some technical error informality or irregularity in exercising the powers of this Act such lease shall be voidable or questionable or to accept an actual or virtual surrender of any lease which shall have been made and executed or which shall purport to have been made and executed by virtue of this Act and in any case where at the time when such surrender shall be accepted one-fourth part or more than one-fourth part of the term originally granted shall remain unexpired to make a new lease or several apportioned leases of the lands houses and buildings comprised in such surrendered lease without exposing the same to public competition for any time not exceeding the then residue of the term granted or intended to be granted by such surrendered lease and at a rent or apportioned rents equal in amount to or exceeding the former rent or rents.

Power to confirm leases and to accept surrenders thereof.

6. Any lease or confirmation granted or made or surrender accepted under this Act in consideration in whole or in part of any fine premium or foregift or anything in the nature thereof directly or indirectly paid or given shall be absolutely void to all intents and purposes whatsoever both in law and in equity.

Lease confirmation or surrender to be void if any fines premiums or foregift be paid.

7. It shall not be lawful for any Bishop of Sydney directly or indirectly by any contract deed judgment warrant of attorney or otherwise to charge or encumber or to borrow or raise any money by mortgage or otherwise upon the security of the said land or any part thereof or of any rent reserved by any lease made under the authority of this Act.

Mortgages or other incumbrances prohibited.

8. No Bishop of Sydney nor the private estate nor any representative of such Bishop shall be liable to his successors for or on account of any waste or dilapidations which shall occur in or about any of the premises demised under the authority of this Act or in or about any house or building thereon.

As to dilapidations.