

MAITLAND  
PRESBYTERIAN  
CHURCH LAND.

An Act to enable the Trustees of certain Church Lands at Maitland to appropriate the income derivable from the same for the benefit of the Presbyterian Congregations of Maitland East and Maitland West and to confer extended powers of leasing on the Trustees and for other purposes. [4th May, 1870.]

Preamble.

Rental of appropriation of five acres for Presbyterian Church purposes.

Rental of subdivisions of the said five acres.

Grant for a church.

WHEREAS on the twenty-second day of July one thousand eight hundred and thirty-three five acres of land situated in the county of Northumberland and parish of Maitland at Wallis Plains bounded on the north by the high road on the east by Blaxland's half-acre allotment on the south by Turner's land and on the west by a line to include the quantity where set apart and appropriated by the then Governor of the Colony as a site for a Church School and Burial-ground for the Scots Presbyterian community of Maitland And whereas the said land was subsequently divided into four separate parts and by the several deeds of grant hereinafter mentioned appropriated for the purposes of a Church Minister's dwelling-house glebe and school-house And whereas by deed poll or grant bearing date the twenty-third day of April one thousand eight hundred and forty-four given under the hand of His Excellency Sir George Gipps then Captain-General and Governor-in-Chief of the Colony of New South Wales and under the territorial seal (for the consideration therein mentioned) the said Governor did grant unto John Stuart Mein William Hugh Alexander M'Dougall David Dickson and Robert Keddie being respectively Trustees nominated and appointed under and by virtue of an Act of the Governor and Legislative Council of the said territory made and passed in the eighth year of the reign of His late Majesty King William the Fourth intituled "*An Act to regulate the temporal affairs of Presbyterian Churches and Chapels connected with the Church of Scotland in the Colony of New South Wales*" and to their heirs and assigns (subject to the trusts conditions reservations and provisos thereafter contained) all that piece or parcel of land in the said Colony containing by admeasurement two roods be the same more or less situated in the county of Northumberland and parish of Maitland at West Maitland commencing at the east extreme of the north boundary-line of the Presbyterian

*Maitland Presbyterian Church Land.*

Presbyterian School allotment and bounded on the south by that boundary-line bearing west one chain and seventy-five links on the west by a north line of two chains ninety links on the north by an east line of one chain and seventy-five links and on the east by two chains ninety links of the east boundary-line of the five acres of land originally appropriated to Presbyterian Church purposes and of which this forms a part bearing south to the eastern extreme of the north boundary-line of the school allotments as aforesaid (advertised as number twenty-eight in the Government Notice dated twenty-second January one thousand eight hundred and forty-four) to hold unto the said John Stuart Mein William Heugh Alexander M'Dougall David Dickson and Robert Keddie their heirs and assigns for ever upon trust for the erection thereon of a church under the superintendence of the Synod of Australia in connection with the Established Church of Scotland in conformity with the provisions of the said Act and of a certain other Act of the Governor and Legislative Council of the said territory made and passed in the seventh year of the reign of His said late Majesty King William the Fourth intituled "*An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales*" so far as the same may apply to the trusts of the said grant and for no other purpose whatsoever And whereas by deed of grant bearing date the twenty-third day of April one thousand eight hundred and forty-four given under the hand of His Excellency Sir George Gipps then Captain-General and Governor-in-Chief of the Colony of New South Wales and under the territorial seal (for the considerations therein mentioned) the said Governor did grant unto the said John Stuart Mein William Heugh Alexander M'Dougall David Dickson and Robert Keddie being respectively Trustees nominated and appointed under and by virtue of an Act of the Governor and Legislative Council of the said territory made and passed in the eighth year of the reign of His late Majesty King William the Fourth intituled "*An Act to regulate the temporal affairs of Presbyterian Churches and Chapels connected with the Church of Scotland in the Colony of New South Wales and to their heirs and assigns subject to the trusts conditions reservations and provisoes thereafter contained*" all that piece or parcel of land in the said territory containing by admeasurement two roods be the same more or less situated in the county of Northumberland and parish of Maitland at West Maitland commencing at the southern extreme of the west boundary-line of the five acres of land originally appropriated for Presbyterian Church purposes and of which this forms a part and bounded on the west by one chain fifty links of that boundary-line bearing north on the north by an east line of three chains fifty links on the east by a line dividing it from the Presbyterian School allotment bearing south one chain fifty links and on the south by three chains fifty links of the south boundary-line of the aforesaid five acres of land bearing west to the south extreme of the west boundary-line thereof as aforesaid advertised number thirty in the Government Notice dated twenty-second January one thousand eight hundred and forty-four to hold unto the said John Stuart Mein William Heugh Alexander M'Dougall David Dickson and Robert Keddie their heirs and assigns for ever upon trust for the appropriation thereof as the site of a dwelling-house garden and other appurtenances for the clergyman duly appointed to officiate in the church under the superintendence of the Synod of Australia in connection with the established Church of Scotland erected at West Maitland and known as

in conformity with the provisions of the said Act and of a certain other Act of the Governor and Legislative Council of the said territory made and passed in the seventh year of the reign of His said late Majesty

Grant for a Minister's dwelling.

*Maitland Presbyterian Church Land.*

Grant of Glebe.

Majesty King William the Fourth intituled "*An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales*" so far as the same may apply to the trusts of this grant and for no other purpose whatsoever And whereas by deed of grant bearing date the twenty-third day of April one thousand eight hundred and forty-four given under the hand and seal of His Excellency Sir George Gipps then Captain-General and Governor-in-Chief of the Colony of New South Wales and under the territorial seal (for the considerations therein mentioned) the said Governor did grant unto the said John Stuart Mein William Heugh Alexander M'Dougall David Dickson and Robert Keddie being respectively Trustees nominated and appointed under and by virtue of an Act of the Governor and Legislative Council of the said territory made and passed in the eighth year of the reign of His late Majesty King William the Fourth intituled "*Act to regulate the temporal affairs of Presbyterian Churches and Chapels connected with the Church of Scotland in the Colony of New South Wales*" and to their heirs and assigns (subject to the trusts conditions reservations and provisoes thereafter contained) all that piece or parcel of land in the said territory containing by admeasurement three acres and two roods be the same more or less situated in the county of Northumberland and parish of Maitland at West Maitland commencing at the north extreme of the west boundary-line of the five acres of land originally appropriated for Presbyterian Church purposes and of which this forms a part and bounded on the west by eleven chains seventy-five links of that boundary-line bearing south on part of the south by the north boundary-line of the Presbyterian Parsonage allotment bearing east three chains fifty links on part of the east by a line dividing it from the Presbyterian School and Church allotment bearing north four chains thirty links on the residue of the south by the north boundary-line of the said Church allotment bearing east one chain seventy-five links on the residue of the east by ninety-five links of the east boundary-line of the aforesaid five acres of land bearing north to the high road and on the north by the high road north-westerly to north extreme of the west boundary-line of the five acres of land originally appropriated for Presbyterian Church purposes as aforesaid advertised as number thirty-one in the Government Notice dated twenty-second January one thousand eight hundred and forty-four to hold unto the said John Stuart Mein William Heugh Alexander M'Dougall David Dickson and Robert Keddie their heirs and assigns for ever upon trust for the appropriation thereof as the Glebe annexed to the Church of the Synod of Australia in connection with the Established Church of Scotland erected at West Maitland and known as

Grant for a school-house.

in conformity with the provisions of the said Act and of a certain other Act of the Governor and Legislative Council of the said territory made and passed in the seventh year of the reign of His said late Majesty King William the Fourth intituled "*An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales*" so far as the same may apply to the trusts of this grant and for no other purpose whatsoever And whereas by deed of grant bearing date the twenty-third day of April one thousand eight hundred and forty-four given under the hand of His Excellency Sir George Gipps then Captain-General and Governor-in-Chief of the Colony of New South Wales and under the territorial seal (for the consideration therein mentioned) the said Governor did grant unto the said John Stewart Mein William Heugh Alexander M'Dougall David Dickson and Robert Keddie their heirs and assigns (subject to the trusts conditions reservations and provisoes thereafter contained) all that piece or parcel of land in the said territory containing by admeasurement

*Maitland Presbyterian Church Land.*

admeasurement two roods be the same more or less situated in the county of Northumberland and parish of Maitland at West Maitland commencing at the south extreme of the east boundary-line of the five acres of land originally appropriated to Presbyterian Church purposes and of which this forms a part and bounded on the east by two chains ninety links of that line bearing north on the north by a west line of one chain seventy-five links on the west by a south line of two chains ninety links and on the south by one chain seventy-five links of the south boundary-line of the aforesaid five acres of land bearing east to the south extreme of the east boundary-line thereof as aforesaid advertised as number twenty-nine in the Government Notice dated twenty-second January eighteen hundred and forty-four To hold unto the said John Stuart Mein William Heugh Alexander McDougall David Dickson and Robert Keddie their heirs and assigns for ever upon trust for the erection thereon of a school-house under the superintendence of the Synod of Australia in connection with the established Church of Scotland and for no other purpose whatsoever And whereas at the date of the said grants there existed in the said parish of Maitland but one Presbyterian congregation under the superintendence of the said Synod of Australia that is to say the congregation of the Church erected on a portion of the said five acres of land before the issuing of the said four deeds of grant and the lands described in the said several grants were held by the said Trustees therein respectively named on behalf of the Minister and congregation of the said Church And whereas under and by virtue of the Presbyterian Church Act of one thousand eight hundred and sixty-five the said Church and Clergyman's dwelling and the sites of the same and the said Glebe and School Lands are now held by the Trustees thereof on behalf of the said Minister and Congregation as a Minister and Congregation under the spiritual superintendence of and in connection with the General Assembly of the Presbyterian Church of New South Wales And whereas for some time past there have existed and are now in the said parish of Maitland two several Presbyterian Congregations under the superintendence of or in connection with the said General Assembly of the Presbyterian Church of New South Wales that is to say a Congregation assembling at a Church erected in Free Church-street in West Maitland aforesaid and a Congregation of a certain other Presbyterian Church erected in East Maitland And whereas the several parcels of land comprised in the said four grants or some portion thereof are now let on leases which will expire in the year one thousand eight hundred and seventy-two and after the expiration of the said leases the rents and profits derivable from the said lands may be largely increased And whereas it has become expedient to make provision for appropriating the said lands and the rents and profits now arising and at any time hereafter to arise from the same to the use of both the said Congregation and the Ministers thereof at East Maitland and West Maitland aforesaid respectively in manner hereinafter mentioned And whereas by the Act of Council eight William Four number seven power is given to the Trustees of any Church with the concurrence of the Presbytery to let the Glebe and other lands belonging to the said Church for any term not exceeding twenty-eight years And whereas it is expedient to give power to the Trustees of the said lands described in the said four grants hereinbefore mentioned on the expiration of the said existing leases of the said lands to let the same for any term not exceeding forty years in manner hereinafter mentioned And whereas the said several persons named and described in the said several grants as Trustees of the said lands have long since ceased to be Trustees thereof by death or resignation And whereas Andrew Lang John Morrison Saunders John Stewart James Douglas

*Maitland Presbyterian Church Land.*

and James Thomson are at present the acting Trustees under the said grants but it is uncertain whether all the provisions of the said Act eight William Four number seven in reference to the appointment of new Trustees upon the death or resignation of existing Trustees have been complied with in the nomination and appointment of the said Andrew Lang John Morrison Saunders John Stewart James Douglas and James Thomson or some or one of them so as to effectuate and complete their appointment in accordance with the provisions of the said Act And whereas it is desirable to confirm the title of the said last-mentioned persons as Trustees under the said grants and also to provide for the appointment of future Trustees in manner hereinafter mentioned 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 :—

Nomination of Trustees confirmed.

1. The said Andrew Lang John Morrison Saunders John Stewart James Douglas and James Thomson and each and every of them shall for all the purposes of the said Act eight William Four number seven and of this Act be deemed and taken to have been and be deemed and taken to be now the duly appointed Trustees under the said four grants of the said twenty-third day of April one thousand eight hundred and forty-four hereinbefore mentioned and set forth and shall hold the said lands for the purposes and under and subject to the provisions of the said Act and of this Act.

Provision for election of new Trustees by the congregations of East Maitland and West Maitland alternately.

2. When and so often as any of them the said Trustees or any Trustee nominated and selected as hereinafter mentioned shall die or shall resign or shall become disqualified under the provisions of the said Act eight William Four number seven a new Trustee of the said lands shall be nominated and selected by the said Churches at East Maitland and West Maitland aforesaid alternately in the manner provided by the said Act eight William Four number seven the first new Trustee who shall be nominated and selected to be so nominated and selected by the seat-holders of the said Church at West Maitland.

Trustees' power of leasing for any term not exceeding forty years.

3. It shall be lawful for the present and any future Trustees of the said lands comprised in the said four grants nominated and selected in pursuance of this Act from time to time after the expiration of the said existing leases of the said lands by deed to lease the same or any part thereof for any term or number of years not exceeding forty years from the time of making the said leases reserving in every such lease the best rent that can be obtained for the lands comprised in the said lease.

Trustees to pay £150 to Minister of East Maitland Church and £150 to Minister of West Maitland Church.

4. The present and all future Trustees of the said lands shall out of the annual rents issues and profits to be received by them in respect of the said lands in the first place pay to the Minister of the said Church at East Maitland aforesaid the sum of one hundred and fifty pounds or such part thereof as the amount of the said annual rents issues and profits shall allow and in the next place pay to the Minister of the said Church in Free Church-street West Maitland aforesaid the sum of one hundred and fifty pounds or so much thereof as the amount of the said rents issues and profits shall allow And the said Trustees shall apply the surplus of the said annual rents issues and profits after making such payments as aforesaid in equal shares for benefit of the said Churches at East Maitland and West Maitland aforesaid in or towards building enlarging or repairing the said Churches or the Minister's dwellings attached thereto or for religious or educational purposes with the approval and consent of the Presbytery of the District of Maitland.

Surplus of rent.

Title of Act.

5. This Act shall be styled and may be cited as the "Maitland Presbyterian Church Land Act."