
Christ Church St. Lawrence Land Leasing.

20

AN ORDINANCE to authorise the leasing of certain land situated in the Parish of St. Lawrence and City of Sydney in the State of New South Wales and to provide for the application of the proceeds thereof.

WHEREAS by a deed poll or grant from the Crown dated 9th May One thousand eight hundred and forty-two all that parcel of land containing two roods twenty-five perches more or less situate in the County of Cumberland Parish of St. Lawrence Town (now City) of Sydney was granted by Her late Majesty Queen Victoria unto the Lord Bishop of Australia afterwards Bishop of Sydney William Henry Kerr Prosper de Mestre John Betts and Michael Metcalfe therein described as being trustees respectively nominated and appointed by virtue of an act of the Governor and Legislative Council of the Territory passed in the eighth year of His late Majesty King William IV. intituled An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales their heirs and assigns for ever UPON TRUST (subject to the conditions and reservations contained in the said Crown grant) for the erection thereon of a church of the United Church of England and Ireland which said Church is in the State of New South Wales called the Church of England AND WHEREAS by a deed poll or grant from the Crown dated ninth May One thousand eight hundred and forty-two all that parcel of land containing one rood twenty-five and a half perches more or less situate in the County of Cumberland Parish of St. Lawrence Town (now City) of Sydney was granted by Her late Majesty Queen Victoria unto the said Lord Bishop of Australia William Kerr Prosper de Mestre and Michael Metcalfe therein described as being trustees respectively nominated and appointed by the said recited Act passed in the eighth year of His late Majesty King William the IV. their heirs and assigns for ever UPON TRUST (subject to the conditions and reservations in the said Crown grant contained) for the appropriation thereof as the site of a dwelling house garden and other appurtenances for the clergyman duly appointed to officiate in the said Church in conformity with the provisions of the said Act and of a certain other Act made and passed in the seventh year of the reign of His late Majesty King William IV. intituled An Act to promote the

Christ Church St. Lawrence Land Leasing.

building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in the State of New South Wales AND WHEREAS by a certain other Act passed in the sixteenth year of the reign of Her late Majesty Queen Victoria intituled An Act to enable the trustees of Christ Church and the Parsonage adjoining in the City of Sydney to dispose of and convey either by way of absolute sale or by exchange or to demise or lease the site of such Parsonage and to purchase or erect another parsonage in a more convenient situation in the said Parish and for other purposes therein mentioned assented to on the twenty-first day of December One thousand eight hundred and fifty-two after reciting in the preamble thereof amongst other things the two said Crown grants and that a Church of the United Church known as Christ Church and a dwelling house for the clergyman of the said Church has been erected the said Church in part on other land and in part on the site granted for the dwelling house and garden aforesaid and the said dwelling house garden aforesaid and the dwelling house or parsonage on the site granted for a Church and that such change of sites as aforesaid had been assented to by the Crown AND that the trustees named in the said grants with the exception of the said Bishop of Sydney William Henry Kerr and Michael Metcalfe had departed this life and the said William Henry Kerr (never having acted in the said trusts) had ceased to reside within the Colony of New South Wales AND that no new trustees having been appointed in the place of the trustees so dying and absent as aforesaid the right of nomination of new trustees had lapsed to the said Bishop AND that the Bishop had nominated Edmund Thomas Blackett Thomas Wooley and Michael Egan Murnin trustees of the said Church and Minister's dwelling house jointly with the said surviving and continuing trustees it was among other things enacted that the lands assured by the said two recited grants respectively as the same were then fenced in and occupied by the continuing trustees of the said Church and Parsonage with all buildings thereon should from and immediately after the passing of the Act now in recital and without the execution of any conveyance or other assurance thereof become vested in the said Edmund Thomas Blackett Thomas Woolley and Michael Egan Murnin jointly with the said Bishop of Sydney and Michael Metcalfe as the trustees thereof for the purpose of the two several acts thereinbefore therein referred to

Christ Church St. Lawrence Land Leasing.

AND WHEREAS on the date of the passing of the said lastly recited Act the land fenced in and occupied by the continuing trustees of the said Church included (*inter alia*) the land and hereditaments mentioned set out and described in the Schedule hereunder written AND WHEREAS all the original trustees of the said Church land are now dead and vacancies occurring in the said trust have from time to time been filled up by elections held under the provisions of the Acts of Parliament in force in that behalf and such Church lands became vested in William Saumarez Smith Archbishop of Sydney James Moors and Thomas James Foote as successors of the original trustees AND WHEREAS the said William Saumarez Smith James Moors and Thomas James Foote being Trustees of the said Church land by deed under their hands and seals bearing date the twenty-third day of August One thousand nine hundred and six transferred the said land to the corporate body known as "The Church of England Property Trust Diocese of Sydney" and such land is vested in the said corporate body AND WHEREAS it is expedient that certain parts or portions of the said Church land should be leased and the proceeds thereof applied in furtherance of the said Trust and for the purposes hereinafter provided. The Synod of the Diocese of Sydney in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales and of all powers vested in the said Synod by the "Church of England Trust Property Act 1917" or otherwise ordains directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said recited trusts in their entirety it has become inexpedient to carry out or observe such Trusts and it has become expedient to let the land described in the Schedule hereto for the purpose of obtaining income therefrom in furtherance or aid of the trusts attached to the same and for such other purposes as are hereinafter provided.

2. The whole or any portion or portions of the land described in the Schedule hereto may be demised from time to time for the purposes of building occupation or other purpose or purposes from time to time approved by the Trustees freed from the trusts aforesaid to any person or persons for any term or

Christ Church St. Lawrence Land Leasing.

terms not exceeding thirty years in any one lease to take effect in possession within twelve months from the date thereof so as there be reserved in every such lease or leases the best rent that can reasonably be obtained for the time being progressive or otherwise having regard to the nature of the covenants entered into by the lessee or lessees and so as there be contained in every such lease or leases a covenant that every lessee or lessees of any part or parts of the said land shall not use or permit to be used the premises erected or placed on any part of the land mentioned or described in any such lease or leases for the purpose of carrying on the trade or business of a publican distiller brewer wine ale or beer seller or any dangerous noxious or offensive trade or business whatsoever. And also that every such lessee or lessees shall not use or permit to be used the said premises or any part thereof for Sunday trade in any form And also a condition for re-entry by the lessor on non-payment of rent by the lessee or lessees within a reasonable time to be therein specified or on the breach or non-performance of any of the covenants therein contained and so as the lessee or lessees do execute a counterpart of such lease or leases and do thereby covenant for payment of the rent thereby reserved but so that any such lease or leases shall otherwise be subject to such covenants provisions conditions and agreements as the Rector and a majority of the Churchwardens of the Church of England now known as Christ Church St. Lawrence Sydney for the time being holding office with the consent of the Trustees shall deem proper.

3. The rents profits and income payable in respect of any such lease or leases shall be paid to the said Trustees and shall be applied by them in the first place in or towards the costs of and incidental to the obtaining of this Ordinance or in any wise relating to the leasing of the said property and subject thereto shall be applied as follows that is to say:--

- (a) By payment thereof in the first place of all rates and taxes payable in respect of any of the lands comprised in the said recited Crown grant in so far as such rates and taxes may be payable by the said Trustees and in the second place by the payment therefrom to the Home Mission Society annually of a sum equal to Five pounds per centum of the net rents.

Christ Church St. Lawrence Land Leasing.

- (b) By payment thereof of the cost of the maintenance repair and upkeep from time to time of any building erected on the lands or any part of the lands comprised in the said recited Crown grant, and
- (c) Any balance of the said rents not required for any of the purposes aforesaid shall be applied by the said trustees for or towards the support or maintenance of a living agent or living agents working in the said Parish with the concurrence of the Rector and a majority of the Churchwardens for the time being.

4. No lease shall be granted under this Ordinance until the Trustees are satisfied that the same may be granted without avoidance of the said Crown grant under the conditions therein contained.

5. This Ordinance may be styled "The Christ Church St. Lawrence Land Leasing Ordinance of 1923."

THE SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situated in the City of Sydney in the Parish of St. Lawrence County of Cumberland and State of New South Wales be the hereinafter mentioned several dimensions a little more or less containing by admeasurement five perches more or less situated on the Northern side of Christ Church St. Lawrence Sydney and forming part of land vested in the Trustees of Christ Church by Act No. 16 Victoria 21 December One thousand eight hundred and fifty-two. Commencing on the Eastern building line of George Street at a point distant 96 feet 5 $\frac{1}{2}$ inches and bearing 15 degrees 49 minutes 50 seconds from the North-western corner on George Street of 5 64/100th perches of land conveyed by the Minister for Public Works to the Christ Church Rectory Trustees and bounded thence on the West by part of the said Eastern building line of George Street bearing 15 degrees 49 minutes 50 seconds for 18 feet 1 inch thence on the North by a line forming part of the Southern boundary of Lot 6 Section 1 of the New Government Subdivision and passing along the Southern face of wall of building adjoining premises No. 812 George Street bearing

Christ Church St. Lawrence Land Leasing.

106 degrees 18 minutes 45 seconds for 75 feet 4 inches thence on the East by a line parallel to the aforesaid Eastern building line of George Street bearing 195 degrees 49 minutes 50 seconds for 18 feet 1 inch and thence on the South by a line parallel to and distant 18 feet 1 inch Southerly from the before described Northern boundary bearing 286 degrees 18 minutes 45 seconds for 75 feet 4 inches to the point of commencement.

I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

A. J. GOULD,
Chairman of Committee.

We certify that this Ordinance was passed this fifteenth day of October, 1923.

F. A. BLAND } *Secretaries*
E. CLAYDON } *of the Synod.*

I assent to this Ordinance.

. JOHN CHARLES SYDNEY.

23rd October, 1923.