

## APPENDIX No. 56. ) |

ORDINANCE. DENHAM COURT AND ROSSMORE  
LAND LEASE.*(As Passed.)*

AN ORDINANCE to authorise the leasing of certain land situate in the District of Minto in the State of New South Wales and to provide for the application of the rents income and profits thereof.

WHEREAS by virtue of an Indenture of Release bearing date the fourteenth day of November One thousand eight hundred and forty-four made between Thomas Valentine Blomfield and Christiana Jane Blomfield of the first part Richard Blomfield of the second part and the Lord Bishop of Australia of the third part and Registered Number 34 Book 10 all those the lands described in the Schedule hereto were (inter alia) assured unto the Bishop of Australia and his successors UPON TRUST to permit and suffer to be erected and built upon the said piece of land and hereditaments a Church or Chapel and Minister's Dwelling of the United Church of England and Ireland with the appurtenances thereto belonging and also permit and suffer the same or a part thereof to be used as a burial ground of the said United Church of England and Ireland and do and shall stand possessed of the said piece or parcel of land Church or Chapel Minister's Dwelling and Burial Ground UPON the trusts and to and for the ends intents and purposes and with under and subject to the powers provisoes declarations and agreements mentioned expressed and declared in and by a certain Act of the Governor and Legislative Council of the said Colony made and passed in the seventh year of the reign of His 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 And of another Act of the Governor and Legislative Council made and passed in the eighth year of the reign of His said late Majesty King William the Fourth intituled "An Act to regulate the Temporal Affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" and in and by any other Act of the Governor and Legislative Council of the said Colony now or hereafter to be made which doth or shall or may in any

manner affect or regulate the Temporal Affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales or for such other purposes as the said Bishop of Australia or his successors shall from time to time determine AND WHEREAS there has been erected upon part of the land described in the Schedule hereto a building which has been used as a Minister's Dwelling in the Mission District of Denham Court and Rossmore AND WHEREAS the said land and the building erected thereon are no longer suited by reason of their inconvenient situation for the purpose of a Minister's Dwelling in the said Mission District and are not required for the purpose of the other trusts by the said recited Indenture declared AND WHEREAS it accordingly appears that by reason of circumstances subsequent to the creation of the said recited trusts it is expedient to let the property described in the said Schedule The Synod of the Diocese of Sydney in pursuance of the power in that behalf conferred upon it by the Church of England Trust Property Act 1917 and of all other powers enabling it in that behalf directs ordains declares and rules as follows:

1. By reason of circumstances subsequent to the creation of the said recited trusts it has become inexpedient to carry out or observe such trusts so far as they relate to the land described in the Schedule hereto.

2. The land described in the Schedule hereto together with the buildings erected thereon may at any time hereafter and from time to time be demised or leased either in one lot or in parcels freed from the trusts affecting the same upon building or occupation lease or leases or for other such suitable purpose or purposes as the Archbishop of Sydney (hereinafter called the Trustee) may determine WITH power for the said Trustee to lay out and dedicate roads or lanes upon and through the said land or any part thereof PROVIDED that the term of any lease shall not exceed five years at any one time at such rent or rents fixed varying or progressive and upon and subject to such terms covenants and conditions as the said Trustee may direct or approve but so as there be reserved in every such lease or leases the best rent which can reasonably be obtained for the same having regard to the nature of the covenants entered into by the lessee and so as there be contained in every such lease or leases a covenant on the part of every lessee his executors administrators and assigns that he and they shall not use or cause and permit to be used the demised premises on any part or parts thereof for the purpose of carrying on the trade or business of a publican distiller brewer wine ale or beer seller or seller of spirituous liquors or any noxious or offensive

trade or business whatsoever AND also that every and any such lessee his executors administrators or assigns shall not use or cause or permit to be used the demised premises for Sunday trade in any form and every such lease shall contain 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 upon the breach or non-performance of any of the covenants therein contained and so as the lessee or lessees do execute a counterpart thereof and do thereby covenant for payment of the rent thereby reserved PROVIDED further that the said Trustee shall not exercise the power of leasing hereby conferred until he shall first be satisfied that another suitable residence for the Minister in charge of the said Mission District has been procured.

3. The rent and income payable under or derivable from any such lease or leases or use of the said land as aforesaid shall be paid to the said Trustee who shall pay thereout the expenses of and incidental to -

- (a) This Ordinance
- (b) Any lease or leases of the said land or portions thereof.
- (c) The formation of any road or lane which may be laid out or dedicated on or through the said land.
- (d) Any necessary outgoings in respect of the said land or the buildings thereon including rates and taxes upon the said land and insurance of the said buildings erected thereon, and
- (e) Any balance of such rent and income shall be applied in or towards the payment of the rent of any other residence which may with the concurrence of the Trustee for the time being be used as the Minister's dwelling in the said Mission District or in the event of another Minister's dwelling for the said Mission District being purchased or erected then the balance of such rents may be applied towards the payment of any purchase money payable in respect of such purchase or towards the cost of such erection or of any moneys borrowed for the purpose of making such purchase or for such erection or of the interest from time to time payable in respect thereof.
- (f) Subject as hereinbefore provided the said rent and income shall be applied for the general purposes of the said Mission District in such manner as the Minister for the time being in charge thereof and a majority of the Parish Council shall from time to time determine.

4. This Ordinance shall be styled and cited as the "Denham Court and Rossmore Land Leasing Ordinance of 1918."

## THE SCHEDULE REFERRED TO.

All that parcel of land containing by admeasurement ten acres more or less situated in the District of Minto in the Colony of New South Wales aforesaid bounded on the East by a line North twelve chains on the North-west by a line West fifteen degrees South fourteen chains on the South-west by a line South twenty-eight degrees East seven chains fifty-three links and on the South by the road leading from Liverpool to Leppington being a line East nine chains and twelve links to the commencing point excepting and reserving thereout that portion of the said land comprising an area of about one acre as now fenced situate at the North-east corner thereof which is at present used as the site of a Church and Burial Ground.

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

E. W. MOLESWORTH,

*Chairman of Committees.*

We certify that this Ordinance was passed on 9th October, 1918.

E. CLAYDON | *Secretaries of*  
W. R. BEAVER | *the Synod.*

I assent to this Ordinance,

JOHN CHARLES SYDNEY.

15th October, 1918.