

*Seven Hills Land Leasing.*

31/1901

AN ORDINANCE to authorise the leasing of certain land situated at Toongabbie in the Parish of Prospect in the State of New South Wales, and to provide for the application of the proceeds thereof.

*(Assented to 23 September, 1901)*

WHEREAS by Indenture of conveyance bearing date the eleventh day of May, one thousand eight hundred and sixty-five, and made between William Macpherson of Sydney in the said State, Esquire, Archibald Hamilton Jacob and Robert Jacob both of Raymond Terrace in the said State, Esquires, of the one part and the Bishop of Sydney of the other part. It was witnessed that the said parties hereto of the one part did grant unto the said Bishop of Sydney of the other part and his Successors all that parcel of land situate at Toongabbie in the Parish of Prospect in the County of Cumberland, containing by admeasurement five acres one rood and thirty-five perches more or less, commencing on the Seven Hills road from Prospect to Baulkham Hills at the Northern corner of John Pike's land, and bounded on the North West by the said road bearing North Easterly nine hundred and ten links to Thomas Davis' fence, on the North East by that fence bearing South Easterly seven hundred and twenty links, on the South East by William Pearce's fence bearing South Westerly one thousand two hundred links to Pike's land aforesaid, and on the South West by Pike's fence three hundred and seventy links to the commencing point be the said several dimensions all a little more or less. To hold the same unto and to the use of the said Bishop of Sydney, his successors and assigns upon trust that the said Bishop of Sydney, his successors and assigns shall hold and enjoy the said parcel of land and hereditaments and the buildings erected thereon and permit the same to be held and enjoyed henceforth as a School-House for the education and training

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of the young in useful knowledge and in the precepts and practice of religion and morality according to the rules and formalities of the United Church of England and Ireland and as a residence for the master for the time being of the School conducted in the said School-House. And upon trust for the maintenance of the said School-House and residence, and for the provision out of the revenues belonging to or arising from the said School or out of the rents and profits of the said parcel of land and hereditaments in such manner as shall be lawfully appointed by the said Bishop of Sydney and his successors of all things necessary for the purpose of education as aforesaid and to for or upon no other use trust intent or purpose whatsoever. And whereas it has become inexpedient to carry out or observe the particular purpose or purposes to which the said trust premises are by the said trust devoted. And whereas it is expedient that the said land should be leased and the proceeds applied in furtherance of the said trust and for the other purposes hereinafter provided. The Synod of the Diocese of Sydney, in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the United Church of England and Ireland within the State of New South Wales and of all powers vested in the said Synod by "The Church of England Property Act of 1889," ordains declares directs and rules as follows.—

1. By reason of circumstances which have occurred since the creation of the said recited trusts, it has become inexpedient to carry out or observe the particular purpose to which the said land is by the said trust devoted. And it has become expedient to lease the said land for the purpose of obtaining income therefrom in furtherance or aid of the trust attached to the same and for the other purposes hereinafter provided.

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2. The whole or any portion of the said land may be demised from time to time and so often as may be necessary freed from the trusts aforesaid to any person or persons for any term or terms not exceeding fifteen years in any one lease, to take effect in possession so as there be reserved in every such lease or leases the best rent that can reasonably be obtained for the same, having regard to the nature of the covenants entered into by the Lessee or Lessees without any fine or foregift for the making thereof, 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 said Lessee or Lessees shall not use or permit to be used the said premises for Sunday trade in any form, and also a condition for re-entry by the Lessors for non-payment of rent by the Lessee or Lessees within a reasonable time to be therein specified, or a breach or non-performance of any of the covenants therein contained, and so as the Lessee or Lessees do execute a counterpart and do thereby covenant for payment of the rent thereby reserved.

3. The Minister and Churchwardens for the time being of the Church of St. Andrew, Seven Hills, are hereby appointed to receive from the Lessee or Lessees the rents payable under any such Lease or Leases and shall apply the same, after payment thereof of the expenses of and incidental to this ordinance and the said Lease or Leases and the execution of the said trust and all other necessary outgoings, for all or any of the purposes hereinafter mentioned, that is to say in or

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towards the maintenance and repair of the buildings erected on the said land, and in and towards the repairing, improving or making additions to such buildings, or the out-houses, fences, easements or appurtenances thereof, and shall apply all such moneys arising from the said lease or leases as shall not be required for the purposes aforesaid to such general purposes in connection with the said Parish as the said Minister and Churchwardens may determine.

4. This Ordinance shall be styled and cited as "The Saint Andrew's Church, Seven Hills, Land Leasing Ordinance of 1901."

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