

St. Lawrence Land Leasing.

11 1890
 AN ORDINANCE to authorise the leasing of certain land situated in the Parish of St. Lawrence and City of Sydney in the Colony of New South Wales and to provide for the application of the proceeds thereof.

(Assented to 17 November, 1890.)

WHEREAS by Deed Poll or Grant from the Crown bearing date the twenty-fifth day of June one thousand eight hundred and forty-six under the hand of His Excellency Sir George Gipps, Knight, Governor for the time being of the said Colony and under the seal of the said Colony Her Most Gracious Majesty Queen Victoria did grant unto the Right Reverend William Grant Broughton D.D., Bishop of Australia or the Bishop of Australia for the time being as sole Trustee and to his heirs and assigns subject to the trusts conditions reservations and provisos hereinafter contained. All that piece or parcel of land in the said Colony containing by admeasurement thirty and one quarter perches be the same more or less situated in the County of Cumberland and Parish of Saint Lawrence City of Sydney bounded on the South by land already appropriated to Christ Church being a line bearing West six degrees North one hundred and ninety-five links on the West by a line North six degrees East eighty-seven links on the North by a line East six degrees South two hundred and forty-three links to the Street and on the East by the said Street ninety-eight and a half links To hold unto the said Bishop of Australia or the Bishop of Australia for the time being his heirs and assigns for ever upon trust for the erection thereon of a School House in connection with the United Church of England and Ireland as by law established And whereas by a certain other Deed Poll or Grant from the Crown bearing date the fourteenth day of January one thousand eight hundred and forty-eight under the hand of His Excellency Sir Charles

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Augustus Fitzroy, Knight, and under the seal of the said Colony Her Most Gracious Majesty Queen Victoria did grant unto the Right Reverend William Grant Broughton the Lord Bishop of Sydney and his Successors Bishops of Sydney William Henry Kerr and Michael Metcalfe and to their heirs All that piece or parcel of land in the said Colony containing by admeasurement one rood and nineteen and a half perches be the same more or less situated in the County of Cumberland Parish of Saint Lawrence and City of Sydney Bounded on the East by Pitt Street South one chain fifty-one links on the South by the present site of Christ Church School bearing West six degrees North two chains forty-three links on the West by a line bearing North six degrees East one chain thirty-three and a half links and on the North by a line bearing East six degrees South three chains sixteen links to Pitt Street South being an additional Grant of land in the said Parish for the site of a School House and advertised as No. 107 in the Government notice dated thirteenth December, one thousand eight hundred and forty-seven. To hold unto the said the Right Reverend William Grant Broughton the Lord Bishop of Sydney and his Successors Bishops of Sydney William Henry Kerr and Michael Metcalfe and to their heirs for ever upon trust for the erection thereon of a School House in connection with the United Church of England and Ireland as by Law Established. And whereas by a certain other Deed Poll or Grant from the Crown bearing date the twenty-fifth day of January one thousand eight hundred and eighty-four under the hand of His Excellency Sir Augustus William Frederick Spencer Loftus, Knight Grand Cross of the Most Honorable Order of the Bath the Governor for the time being of the said Colony and under the Seal of the said Colony Her Most Gracious Majesty Queen Victoria did grant unto Michael Melcalfe William Thomas and Edwin Haviland and their heirs and assigns subject to

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the trusts conditions reservations and provisos therein-after contained All that piece or parcel of land in the said Colony containing by admeasurement thirty-six perches be the same more or less situated in the County of Cumberland and Parish of St. Lawrence city of Sydney commencing at the intersection of the Southern side of Gipps Street with the North Western side of Pitt Street and bounded thence on the North by Gipps Street bearing Westerly three chains forty eight links to a lane on the West by that lane bearing Southerly sixty-eight links on the South by a line bearing Easterly three chains fourteen links to Pitt Street aforesaid and on the South East by that Street bearing North Easterly seventy three links to the point of commencement. To hold unto the said Michael Metcalfe William Thomas and Edwin Haviland their heirs and assigns for ever upon trust for the erection thereon of a School House to be used as a Grammar School in the Parish of St. Lawrence in connection with the United Church of England and Ireland as by law established. And whereas School Houses have been erected upon the land described in the hereinbefore firstly and secondly recited Crown grants in pursuance of the trust therein contained. And whereas the Most Reverend William Grant Broughton is deceased and the land described in the firstly hereinbefore recited Grant is vested in the successor of the said William Grant Broughton And whereas the said William Henry Kerr is deceased and the land described in the secondly hereinbefore recited Grant is vested in the successor of the said William Grant Broughton and the said Michael Metcalfe And whereas the said Michael Metcalfe and William Thomas being a majority of the Trustees of the land described in the thirdly hereinbefore recited Grant by deed under their hand and seal bearing date the thirteenth day of April one thousand eight hundred and eighty-five transferred the said land to the Corporate

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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 lands contained in the said Grants should be leased and the proceeds thereof 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 Colony of New South Wales and of all powers vested in the said Synod by the "Sydney Bishopric and Church Property Act of 1887" and 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 as to the lands described in the Schedule hereto the particular purpose or purposes to which the said lands are by the said trusts devoted. And it has become expedient to let the said lands on building leases for the purpose of obtaining income therefrom in furtherance or aid of the trusts attached to the same and for the other purposes hereinafter provided.

2. The whole or portions of the land described in the Schedule hereto may be demised freed from the trusts aforesaid to any person or persons for any term not exceeding thirty years to take effect in possession upon building lease so as there be reserved in every such lease the best rent that can reasonably be obtained for the same having regard to the nature of the covenants entered into by the Lessee without any fine or foregift for the making thereof and so as there be contained in every such lease a covenant that every Lessee of any part or parts of the said land shall not

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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 purposes 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 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 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 Lessees do execute a counterpart and do thereby covenant for payment of the rent thereby reserved.

3. The Corporate Trustees appointed for the Diocese of Sydney by or under the "Church of England Trust Property Incorporation Act of 1881" are hereby appointed to receive from the Lessee or Lessees the rents payable under any such lease or leases as aforesaid 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) for all or any of the purposes hereinafter mentioned that is to say in or towards the maintenance and keeping on foot the Church of England Schools in the Parish of St. Lawrence (Christ Church Sydney such Schools being carried on in the School Houses and Dwellings erected on the land described in the hereinbefore recited Grants and in and towards the payment of the salaries of the Teachers employed in such Schools and in and towards the repairing improving or making additions to such School Houses or the out-houses fences easements or appurtenances thereto and shall pay all such moneys arising from the said lease or leases as aforesaid as shall not be required for the purposes aforesaid into the hands of the Minister and Churchwardens for the time being of the said Parish of St.

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Lawrence to be used by them for 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 Christ Church St. Lawrence Land Leasing Ordinance of 1890."

SCHEDULE.

All that piece or parcel of land being portion of the grants for Christ Church Schools dated twenty fifth June one thousand eight hundred and forty six, fourteenth January one thousand eight hundred and forty-eight and twenty-fifth January one thousand eight hundred and eighty-four (vol. 698 Folio 184) Commencing at the South West corner of the land described in the said three Grants and bounded thence on the West by the Western boundary of the land described in the said three grants being the Eastern side of a lane and running Northerly one hundred and ninety feet five inches to Gipps Street thence on the North by the Southern side of Gipps Street bearing Easterly two hundred and twenty nine feet eight inches to Pitt Street thence on the South East by Pitt Street bearing South Westerly fifty feet two inches thence on the South West by a line running North Westerly and at right angles to Pitt Street thirty feet thence on part of the South by a line running Westerly parallel to and thirty feet distant from Gipps Street one hundred and seventy nine feet one inch thence on the East by a line bearing Southerly parallel to and twenty five feet distant from a lane one hundred and sixty feet one inch to the Southern boundary of the land described in the said three Grants and bounded thence on part of the South by part of that boundary line running Westerly twenty five feet to the point of commencement.