

AN ORDINANCE to authorise the leasing of certain land situate at Paddington in the State of New South Wales and to provide for the application of the rents and profits arising therefrom.

WHEREAS by Grant from the Crown dated the first day of June One thousand eight hundred and seventy-two Registered Volume 273 Folio 56 certain land therein particularly described was granted unto William Godfrey McCarthy Frederick Oatley Prosper Nicholas Trebeck Thomas Matthews and Richard Westaway their heirs and assigns for ever UPON TRUST for the appropriation thereof as a site of a dwelling house garden and other appurtenances for the Clergyman duly appointed to officiate in the Church of the United Church of England and Ireland in New South Wales erected at Upper Paddington in conformity with the provisions of "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" and of a certain other Act of the Governor and Legislative Council of New South Wales made and passed in the seventh year of the reign of His Majesty King William IV. 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 a further grant from the Crown bearing date the first day of June One thousand eight hundred and seventy-two Registered Volume 273 Folio 57 certain lands therein referred to were granted unto William Godfrey McCarthy Frederick Oatley Prosper Nicholas Trebeck Thomas Matthews and Richard Westaway their heirs and assigns for ever UPON TRUST for the erection thereon of a Church of the United Church of England and Ireland as by law established in conformity with the provisions of "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" and of a certain other Act of the Governor and Legislative Council in New South Wales made and passed in the seventh year of the reign of his said Majesty

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King William IV. 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 the lands described in the said recited Crown Grants have become vested in the Church of England Property Trust Diocese of Sydney (hereinafter referred to as the Trustees) AND WHEREAS the land described in the Schedule hereto comprises part of the lands granted by the said recited Crown Grants AND WHEREAS it has become inexpedient to carry out or observe the particular purpose or purposes to which the land described in the Schedule hereto is by the said Trusts devoted. AND WHEREAS it is expedient that the said land should be leased and that the rents and profits derivable from any lease or leases thereof should be applied in furtherance of the said Trusts and for such other purposes as are hereinafter provided THE SYNOD of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitution 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 of the Church of England Trust Property Act 1917 ordains declares rules directs and appoints 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 terms not exceeding fifty 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 same being progressive or otherwise having

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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 Church Wardens of the Church of England now known as Saint Matthias Paddington 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 anywise 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 Grants 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 £5 per centum thereof.
- (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 Grants.

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- (c) In or towards the repayment of any moneys borrowed or for the time being owing in respect of the erection or acquisition by other means of a Rectory for the use of the said Parish and for or towards the payment of any interest from time to time owing or payable upon any moneys so borrowed or owing as aforesaid and
- (d) 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 Grants under the conditions therein contained.
5. The "St. Matthias Paddington Leasing Ordinance 1917" is hereby repealed.
6. This Ordinance may be styled "St. Matthias Paddington Land Leasing Ordinance 1920."

SCHEDULE TO ST. MATTHIAS ORDINANCE, PADDINGTON.

All that piece or parcel of land situate in the Municipality of Paddington Parish of Alexandria County of Cumberland State of New South Wales be the hereinafter mentioned dimensions all a little more or less and being part of St. Matthias Church lands. Commencing at a point on the South-western side of Oxford Street 127 degrees 56 minutes 181 feet 2 inches from the South-eastern side of Ulster Street and bounded thence on the North-east by Oxford Street bearing 127 degrees 56 minutes 71 feet $0\frac{1}{2}$ inches and 118 degrees 49 minutes 8 feet $2\frac{1}{2}$ inches on the East by lines being partly irregular fences bearing 188 degrees 43 minutes 114 feet $8\frac{1}{2}$ inches and 178 degrees 50 minutes 3 feet $2\frac{1}{2}$ inches or the South-east by the North-western side of

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Park Road being a curved line the chord of which bears 247 degrees 27 minutes 83 feet 4 $\frac{1}{2}$ inches on the South-west by a line bearing 326 degrees 41 minutes 108 feet and on the North North-west and West by lines bearing 81 degrees 8 minutes 33 feet 11 inches 73 degrees 43 minutes 12 feet 63 degrees 41 minutes 17 feet 5 inches 52 degrees 13 minutes 10 feet 38 degrees 47 minutes 15 feet and 8 degrees 43 minutes 75 feet to the point of commencement.

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 this twenty-first day of April, 1921.

W. A. CHARLTON | *Secretaries*
W. R. BEAVER | *of the Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

27th April, 1921.