
St. Stephen's, Newtown, Land Leasing.

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

WHEREAS by Indenture of Conveyance bearing date the Twenty-fourth day of September One thousand eight hundred and sixty-six made between David Annesley of the first part Christopher Rolleston of the second part and Christopher Rolleston William Henry Eldred and William Crane of the third part and registered No. 287 Book 100 All those the lands described in the first part of the Schedule hereto were conveyed and assured to the said Christopher Rolleston William Henry Eldred and William Crane and their heirs UPON TRUST for and to permit the same to be used for the purposes of a Church of England Infant School and to erect a School House thereon for the purpose and keep the same School House in repair AND WHEREAS by Indenture of Conveyance bearing date the Thirteenth day of February one thousand eight hundred and seventy-two made between Mary Jane Nutting of the first part the Reverend Robert Taylor of the second part Christopher Rolleston Stephen Campbell Brown and William Crane of the third part Registered Number 714 Book 129 ALL THOSE the lands particularly described in the second part of the Schedule hereto were conveyed and assured unto the said Christopher Rolleston Stephen Campbell Brown and William Crane and their heirs UPON TRUST for and to permit the same to be used for the purposes of or in connection with a Church of England Infant School and if necessary to erect a School House or other building in connection therewith thereon and keep the same in repair AND WHEREAS Richard Barzillai Trindall Harold Earham and Henry Jacob Caton (hereinafter referred to as the Trustees) are the present Trustees of the lands hereinbefore referred to as appears by the Certificate of the Archb.ishop of Sydney dated the Tenth day of June One thousand nine hundred and twenty-one 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

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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 it has become inexpedient to observe the said recited trusts in their entirety and it has become expedient to let the land described in the Schedules 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 for the purpose of building occupation or other purpose or purposes 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 regard to the nature of the covenants entered into by the lessee or lessees and so that every such lease shall contain 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 place 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

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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 said Trustees shall deem proper.

3. The rents profits and income payable in respect of 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 passing 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 from time to time payable in respect of any of the land set out in the Schedule hereto.
- (b) By payment thereof of the cost of repairs to or the maintenance of any buildings now or hereafter erected on the said lands.
- (c) By payment thereof to the Diocesan Board of Education or if such Board shall cease to exist to any other Board or Committee for the time being entrusted by Synod with the work of Diocesan Education of a sum equal to ten pounds per centum of the gross rents received from the said lands.
- (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 general purposes of the said Parish in such manner as the Rector and a majority of the Churchwardens for the time being of the said Parish may direct.

4. This Ordinance may be styled "St. Stephen's Newtown Land Leasing Ordinance 1921."

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THE SCHEDULE HEREINBEFORE REFERRED TO.

(FIRST PART.)

All that piece or parcel of land situate and being at Camperdown near Sydney being portion of the land called or known as Bligh Terrace Newtown in the Parish of Petersham County of Cumberland and State of New South Wales being Lots three hundred and twenty-nine and three hundred and thirty on the plan thereof containing by admeasurement fifteen perches more or less commencing four hundred and twenty feet from the intersection of the West side of Missenden Road with the North side of Campbell Street and bounded on the East by the Missenden Road bearing North thirty degrees West sixty feet to Lot three hundred and twenty-eight on the North by Lot three hundred and twenty-eight bearing West thirty degrees South seventy feet to the South-east corner of Lot three hundred and eleven on the West by a line bearing South thirty degrees East sixty feet to the South-east corner of Lot Three hundred and thirteen and on the South by Lot three hundred and thirty-one bearing East thirty degrees North seventy degrees to the commencing point on the Missenden Road be the above measurement a little more or less.

(SECOND PART.)

All that parcel of land (part of Bligh's Terrace) situated lying and being in the County of Cumberland in the State of New South Wales being Lot three hundred and twelve containing six and a half perches more or less bounded on the South-west by the North-east side of Susan Street commencing at the North-west corner of Lot three hundred and thirteen and bearing North-westerly twenty-seven feet six inches on the North-West by a line bearing North-easterly sixty-six feet on the North-east by a line bearing South-easterly twenty-eight feet dividing it from portions of Lots three hundred and twenty-nine and three hundred and thirty and on the South-east by a line bearing South-westerly sixty-six feet dividing it from Lot three hundred and thirteen to the point of commencement. And also all that other parcel of land situate as aforesaid being Lot three hundred and thirteen containing six and a half perches more or less bounded on the South-west

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by the North-east side of Susan Street commencing at the North-west corner of Lot three hundred and fourteen and bearing North-westerly twenty seven feet six inches on the North-west by a line bearing North-easterly sixty-six feet dividing it from Lot three hundred and twelve on the North-east by a line bearing South-easterly twenty-eight feet dividing it from part of Lot three hundred and thirty and in the South-east by a line bearing South-westerly sixty-six feet dividing it from Lot three hundred and fourteen to the point of commencement.

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

E. W. MOLESWORTH,
Chairman.

We certify that this Ordinance was passed this twenty-third day of November, 1921.

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

I assent to this Ordinance,

JOHN CHARLES SYDNEY.

12th December, 1921.