
*Toongabbie-Seven Hills-Girraween Sale and Lease
Ordinance 1954.*

No. 13, 1954

AN ORDINANCE to vest certain land situated at Seven Hills Shire of Blacktown Parish of Prospect County of Cumberland in the Church of England Property Trust Diocese of Sydney to authorise the sale of part of the same and the leasing of the balance thereof and other land so situated and to provide for the application of the proceeds and rents and profits thereof.

WHEREAS by indenture of Conveyance dated 11th May 1865 Registered No. 221 Book 93 made between William Macpherson Archibald Hamilton Jacob and Robert Jacob of the one part and the Bishop of Sydney of the other part the said William Macpherson Archibald Hamilton Jacob and Robert Jacob did grant bargain sell alien release and confirm unto the said Bishop of Sydney all that parcel of land containing 5 acres 1 rood 35 perches more or less more fully described in the First Schedule hereto 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 herceforth as a school house for the education and training 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 the said land is now vacant and no buildings remain thereon AND WHEREAS by Indenture of Conveyance dated 30th August 1879 Registered No. 370 Book 194 made between Philip Augustus Pearce of the one part and the Bishop of Sydney of the other part all that piece or parcel

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Ordinance and of the said sale and transfer of the land in pursuance thereof be applied by the Corporate Trustee as follows:—

Firstly in the reimbursement to Leslie William Sheridan for the repairs and renovations made by him to the building erected on the land described in the Third Schedule, not exceeding the sum of Six Hundred Pounds (£600).

Secondly, to the Churchwardens of St. Andrew's Church in the said Provisional District to be applied by them in and towards the repairs and renovations of such Church and/or Hall.

Thirdly any balance for the benefit of the said Provisional District for such purposes as Standing Committee may by resolution determine.

7. The land described in the Third Schedule hereto with exception of a strip 12 feet wide at the eastern end of St. Andrew's Church together with the buildings and appurtenances or any portion or portions thereof may at any time hereafter and from time to time be demised or leased freed from the trusts aforesaid affecting the same upon building or occupation leases or for such other suitable purpose or purposes as the Corporate Trustee may determine provided that the term of any such lease or leases shall not exceed Forty years calculated from the date of commencement of the first lease given in pursuance hereof at such rent or rents fixed varying or progressive and upon such terms covenants and conditions as the Corporate Trustee may approve but 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 without taking any fine or premium for the making thereof 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 use the premises for a private residence only and shall not use or cause or permit to be used the demised premises or 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 spirituous liquors or any noxious or offensive trade or purpose whatsoever nor use or permit to be used the demised premises for Sunday trade in any form and every such lease shall contain a condition against assignment or subletting without leave also for re-entry by the lessor for non-

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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 contained or implied.

8. The rents profits and income payable under or derivable from any such lease or leases as aforesaid shall be paid or applied as follows:—

- (a) Firstly in liquidation of the amount paid to the said Leslie William Sheridan Provided that when the said sum shall have been accumulated it shall be applied for the benefit of the Provisional District of Seven Hills-Toongabbie-Girraween for such purposes as Standing Committee may be resolution determine.
- (b) Secondly to the Churchwardens of St. Andrew's Church in the said Provisional District for such general Church purposes as they may from time to time determine.

9. This Ordinance may be cited as "Toongabbie-Seven Hills-Girraween Sale and Lease Ordinance 1954."

FIRST SCHEDULE.

All that piece or parcel of land situate at Toongabbie in the Parish of Prospect in the County of Cumberland containing by ad-measurement 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 Pikes 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 Pikes land aforesaid and on the south west by Pikes fence three hundred and seventy links to the commencing point be the said several dimensions all a little more or less.

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SECOND SCHEDULE.

FIRST PART.

All that piece or parcel of land containing by admeasurement one acre more or less situated at Toongabbie in the Parish of Prospect County of Cumberland and Colony of New South Wales being part of Thirty acres originally granted to Francis Holligan by Crown Grant dated the twelfth day of November One thousand seven hundred and ninety nine commencing on the east side of the Seven Hills Road at a point distant southerly eleven chains and twelve links from the intersection of the Old Hawkesbury Road with the aforesaid Seven Hills Road bounded on the north east by a line south easterly bearing south forty seven degrees fifty minutes east two chains seventy three links on the south eastward by a line south westerly bearing south forty two degrees ten minutes west three chains ninety eight links on the south west by a line north westerly bearing north forty seven degrees fifty minutes west two chains fifty two and a half links and on the westward by the Seven Hills Road north easterly to the point of commencement being first a line bearing north forty two degrees ten minutes east three chains twenty two links again by a line north north easterly seventy six links terminating at the aforesaid point of commencement (and having a road frontage of three chains ninety eight links in the last two lines equal to two hundred and sixty two feet and sixty eight one hundredths of a foot).

SECOND PART.

All that piece or parcel of land situate in the County of Cumberland and Parish of Prospect at Seven Hills in the said Colony commencing on the south eastern boundary of the Church of England Church Land at a point distant twenty feet south westerly from the intersection of that boundary with the north western boundary of the public school land and bounded thence on the north west by part of the south eastern boundary of the said Church land being a line bearing south westerly seventy nine feet to the said Phillip Augustus Pearce's land on the south west by part of the said Phillip Augustus Pearce's land being a line bearing south easterly one hundred and five feet ten inches to other land of the said Phillip Augustus Pearce on the south east by part of the last mentioned land of the said Philip Augustus

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Pearce being a line bearing north easterly sixty feet four inches to other land of the said Phillip Augustus Pearce being a point bearing south westerly distant twenty feet from the easternmost corner of the said public school land and on the north east by the last mentioned land of the said Phillip Augustus Pearce being a line bearing north westerly one hundred and five feet ten inches to the point of commencement and be the said several dimensions a little more or less.

THIRD PART.

All that piece or parcel of land situated in the Shire of Blacktown Parish of Prospect County of Cumberland containing 1 rood 24 $\frac{1}{4}$ perches being the whole of the land comprised in Certificate of Title dated 16th September 1938 Registered Volume 4971 Folio 1.

THIRD SCHEDULE.

All that piece or parcel of land situated in the Shire of Blacktown Parish of Prospect County of Cumberland being Lot C shown on Miscellaneous Plans of Sub-division (O.S.) No. 9430 and (R.P.) No. 82393.

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

W. G. HILLIARD, Bishop,
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the second day of June, 1954.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,
Archbishop of Sydney.

2/6/1954