

Bishopthorpe Land Leasing.

711895
 AN ORDINANCE to authorise the leasing of certain land situated at the Glebe in the Parish of Peter-sham County of Cumberland and Colony of New South Wales and to provide for the application of the proceeds thereof.

(Assented to 2 October, 1895.)

WHEREAS by Deed of Appropriation under the hand and seal of Alfred by Divine Permission Lord Bishop of Sydney bearing date the seventh day of May in the year of our Lord one thousand eight hundred and eighty-nine the said Lord Bishop of Sydney did in exercise of the power given to him by the Act of the Governor and Legislative Council of the said Colony passed in the nineteenth year of the reign of Her Majesty Queen Victoria intituled "An Act to enable the Bishop of Sydney and his Successors to make leases of certain lands granted by Her Majesty for the maintenance of the Bishop of Australia and his successors" appropriate the land described in the first Schedule hereto as and for a site of a School for the education of youth according to the principles of the Church now known as and designated the Church of England in connection with the Church of St. John at Bishopthorpe subject in all respects to the management and control of the licensed Minister for the time being duly authorised to officiate in the Church known as St. John's Church Bishopthorpe And whereas it is expedient that certain parts or portions of the said land so appropriated as aforesaid described in the second Schedule hereto 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

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good government of the United Church of England and Ireland (now known as and designated the Church of England) within the Colony 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 trust it has become inexpedient to carry out or observe as to the land described in the second Schedule hereto the particular purpose or purposes to which the said land is by the said trust devoted. And it has become expedient to let the said land 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 portion of the land described in the second Schedule hereto may be demised freed from the trust aforesaid to any person or persons for any term not exceeding thirty years to take effect in possession upon building lease and at such rent or rents and upon such terms and conditions as the Bishop of Sydney or his Commissary for the time being or in case the See be vacant the Administrator of the Diocese may deem expedient 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 fore-gift 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 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 what-

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soever And also that every such 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 any of the purposes hereinafter mentioned that is to say in the first place in and towards the improving or making additions to the Church of England Schools in the Parish of Saint John's Bishophthorpe or the out-houses fences easements or appurtenances thereto such schools being carried on in the School Houses and dwellings erected or to be erected on the land described in the hereinbefore recited Deed of Appropriation and in and towards the maintenance and keeping on foot the said Schools and afterwards in the payment of the salaries of the teachers employed in such Schools 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 Saint John's Bishophthorpe to be used by them for such general purposes in connection with the said Parish as the said Minister and Churchwardens may determine.

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4. This Ordinance shall be styled and cited as the "Saint John's Bishopthorpe Land Leasing Ordinance of 1895."

FIRST SCHEDULE.

All that piece or parcel of land being allotments numbers sixteen seventeen eighteen nineteen and twenty of section number two of the Bishopthorpe Estate commencing at the South-West corner of allotment number twenty and bounded on the North-West by St. John's Road to a lane sixteen and a half feet wide on the North-East by that lane to allotment number fifteen on the South-East by allotment number fifteen to Derwent Street and on the South-West by Derwent Street to St. John's Road being the point of commencement.

SECOND SCHEDULE.

All that piece or parcel of land being allotments numbers sixteen and seventeen of section number two of the Bishopthorpe Estate commencing at the South-West corner of allotment number fifteen and bounded on the South-West by Derwent Street eighty feet on the North-West by allotment number eighteen one hundred and twenty feet to a lane sixteen and a half feet wide on the North-East by that lane eighty feet to allotment number fifteen and on the South-East by allotment number fifteen one hundred and twenty feet to the point of commencement be the said several dimensions a little more or less.
