

*Ryde Resumption and Further Leasing.*

6/19/15

AN ORDINANCE to authorise The Church of England Property Trust Diocese of Sydney (hereinafter called "The Property Trust") to receive from the Crown or the Minister for Public Works or out of Court the amount of compensation money to be paid in respect of the resumption by the Crown of certain land situate at Ryde in the County of Cumberland and also to declare the trusts upon which the said compensation money shall be held AND ALSO to authorise the leasing of certain land to be assured to The Property Trust as and by way of part compensation for the said resumption.

WHEREAS at the date of the Notification of Resumption or acquisition and taking hereinafter recited certain lands situate at Ryde in the Parish of Hunter's Hill and County of Cumberland and of which The Property Trust is the registered proprietor by virtue of Certificate of Title under the the provisions of the Real Property Act Registered Vol. 1162 Fol. 127 were held by The Property Trust upon the trusts and with and subject to the powers and provisions declared and contained in an Ordinance of The Synod of the Diocese of Sydney styled the "St. Anne's Ryde Land Leasing Ordinance 1908." AND WHEREAS by a Notification of Resumption acquisition and taking dated the twenty-fifth day of February 1914 the Minister for Public Works as Constructing Authority appropriated and took for the duly authorised work therein mentioned a certain piece of land being portion of the land comprised in the before mentioned Certificate of Title and being the lands shewn on the plan endorsed at the foot hereof part of which is coloured red and the remaining part edged blue on the said plan AND WHEREAS The Property Trust caused a Notice of their Claim to be served upon the said Minister for Public Works and the Crown Solicitor AND WHEREAS it has been agreed between The Property Trust and the said Minister for Public Works that the Crown or the said Minister shall reassure unto the Property Trust certain surplus land forming part of the land so taken and acquired as aforesaid being the land edged blue on the said plan and should pay The Property

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Trust as compensation for such taking and appropriation as hereinbefore recited the sum of £60 AND WHEREAS by reason of the said resumption it has become impossible to carry out or observe the particular purposes to which the said land and hereditaments shown on the said plan are by the hereinbefore recited Ordinance devoted AND WHEREAS it is expedient that The Property Trust should be authorised to receive the amount of compensation money and interest thereon to be paid by the Crown in respect of the said resumption and that powers should be conferred upon The Property Trust to apply or to invest the same in the manner hereinafter appearing AND ALSO that The Property Trust should be empowered to lease the said lands shewn on the said plan and thereon edged blue and to apply the rents profits and income derivable therefrom in manner hereinafter provided NOW THEREFORE 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 Church of England within the State 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. In the construction and for the purpose of this Ordinance the following expressions shall bear the respective meanings set against them.

"The Property Trust." The Church of England Property Trust Diocese of Sydney its successors and assigns.

"The Resumption Money." The money paid or payable as part compensation for the resumption or taking of the land shewn on the plan endorsed at the foot hereof together with any rent payable in respect of the occupation of the said land.

2. By reason of the circumstances before recited which have occurred since the creation of the said trust it has become impossible or inexpedient to carry out or observe the particular purpose or purposes to which the said lands were by the said trust devoted and it has become expedient to let the lands shewn on the plan endorsed at the foot hereof and thereon edged blue on building or occupation leases for the purposes of obtaining income therefrom to be employed in furtherance or aid of the trust attached to the same or of such substitutive purposes as are hereinafter contained and set forth,

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3. The Property Trust is hereby authorised to receive from the Crown or the Minister for Public Works or from any other authority liable to pay the same the resumption money with all interest payable in respect of the same or in the event of the compensation money being paid into Court The Property Trust is hereby authorised to receive the same from the Master in Equity with all interest accrued due thereon.

4. The Property Trust is hereby authorised to give and execute effectual receipts and releases for the compensation money and interest and the receipt of The Property Trust shall effectually discharge the Minister for Public Works or the Master in Equity from being concerned to see to the application thereof or being answerable for the loss or misapplication thereof.

5. The compensation money shall be applied by The Property Trust in its discretion in paying and discharging all costs and expenses incurred in and about the said resumption and these presents and also all costs and expenses which may be incurred in or about the assurance to The Property Trust of the land edged blue on the plan endorsed at the foot of these presents and also in or about the obtaining payment by The Property Trust of the compensation money and in the execution of the trusts hereby declared.

6. The balance of the resumption money not required for the purposes aforesaid may from time to time until otherwise determined by Synod be invested by The Property Trust in the purchase of freehold messuages lands or hereditaments in the State of New South Wales or in or upon any Stocks Funds or Securities of or guaranteed by the Government of the Commonwealth of Australia or of or guaranteed by the Government of any of the States of the said Commonwealth or of or guaranteed by the Government of New Zealand or on mortgage of freehold properties in any part of New South Wales with power upon the like application to vary any such investments for any other or others of them and pending such investments may be deposited at interest with the Savings Bank or with any Joint Stock Company carrying on the business of Bankers in Sydney.

7. The said lands shewn on the said plan endorsed at the foot of these presents and thereon edged blue or any portion or portions thereof may at any time hereafter and

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from time to time be demised or leased either in conjunction with other land held by The Property Trust or otherwise upon building or occupation leases or for such other suitable purpose or purposes as The Property Trust may determine with power for The Property Trust to lay out and dedicate roads upon and through the said lands or any part thereof provided that the term of any such lease or leases shall not exceed fifty years to take effect in possession at such rent or rents and upon and subject to such terms covenants and conditions as The Property Trust might deem expedient 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 a covenant on the part of every lessee his executors administrators and assigns that he and they 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 or seller of wines ales beers or spirituous liquors or any dangerous noxious or offensive trade whatsoever and also that every and any such lessee his executors administrators or assigns shall not use or cause or permit to be used the demised premises for Sunday trade in any form and that every such lease shall contain a condition for re-entry by the lessor or lessors in the event of any default being made in payment of rent by the lessee or lessees at the time and in manner provided by such lease or in the event of the breach non-performance or non-observance of any of the covenants and conditions therein contained and so as the lessee or lessees do execute a counterpart of every such lease and do covenant for payment of the rent thereby reserved.

8. The interest which may remain in the hands of The Property Trust and also the net income arising from any such deposits or investments as aforesaid as also the rents profit and income payable under or derivable from any such lease or leases as aforesaid shall be held by The Property Trust after payment thereof of the expenses of and incidental to any lease or leases of the said lands or portions thereof UPON TRUST to apply the same in or towards the purposes to which the rents and profits received from the leasing of the remainder of the land comprised

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in the said Certificate of Title Registered Vol. 1162 Folio 127 are directed to be applied by the "St. Anne's Ryde Land Leasing Ordinance 1908."

9. This Ordinance shall be styled and cited as the "St. Anne's Ryde Resumption and Further Leasing Ordinance 1915."

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 on 9th September, 1915.

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

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

23rd September, 1915.

Plan of land situate in the Parish of Hunter's Hill (County of Cumberland referred to in the annexed Ordinance styled the "St. Anne's Ryde Resumption and further Leasing Ordinance 1915")

