

*St. James' Sydney Parish Hall.*

31 1899

AN ORDINANCE to authorise the demolition and removal from its present site of St. James' Parish Hall and the buildings held in connection therewith or any part or parts thereof the mortgage and lease from time to time of the whole or any part of allotments fourteen and fifteen, of section forty in the city of Sydney and Parish aforesaid held in connection therewith, and to direct the application of the money to be so raised and the rents and profits to arise from such lands in buildings and improvements thereon, and to other Church purposes freed from the trusts under which such lands have been hitherto held.

*(Assented to 21 September, 1899.)*

WHEREAS in pursuance of the provisions of the St. James' School Compensation Trust Act (1886) the lands described in the Schedule hereto with the buildings and appurtenances thereon and thereto belonging were by Indenture of Release bearing date the twenty-fourth day of February in the year of our Lord one thousand eight hundred and eighty-seven, and made between the Right Reverend Alfred Barry, the Very Reverend William Macquarie Cowper, and the Honourable Edward Knox, the then Trustees of the will of Thomas Moore of the one part, and the Church of England Property Trust Diocese of Sydney (hereinafter called the said Corporation) of the other part granted, released, and conveyed unto the said Corporation to be held by it upon the trusts by the said Act declared of and concerning the same. And whereas there were at the time of the Grant release and conveyance aforesaid and still are upon the said lands a building now known as St. James' Parish Hall and certain other buildings. And whereas it has since the creation of the said trusts been found that the said Hall is unsuitable for the purposes of a School Hall and for

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educational Church or other purposes of the said Parish and that for the full and beneficial use for educational or other Church purposes of the said lands and premises the said Hall and the whole or part or parts of other the said buildings should be demolished and a suitable Hall and other buildings be erected and alterations improvements and additions be effected to the remaining portion of the buildings already on the said lands or part thereof. And whereas for the purpose of providing the means requisite for carrying out such work it is considered necessary and expedient that the sum of four thousand pounds should be raised by mortgage of such lands and that provision should be made for directing the application of the rents and profits to arise from the said land and the buildings at any time thereon to the extinction of the mortgage debt so created and other Church purposes in the said Parish. And whereas there being no Parochial Council of the said Parish the consent of the Incumbent and a majority of the Churchwardens and of the Church Council of the said Parish to the passing of this Ordinance has been given in writing under their respective hands. 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 United Church of England and Ireland within the Colony of New South Wales, and of the powers vested in the said Synod by the Church of England Property Act of one thousand eight hundred and eighty-nine, and with the consent aforesaid doth declare, direct, ordain and rule as follows:—

I. By reason of circumstances which have occurred since the creation of the trusts hereinbefore mentioned it has in the opinion of the said Synod become inexpedient to carry out or observe the particular purpose or purposes to which the said lands so

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as aforesaid described in the Schedule hereto were by such trusts devoted, or to apply the proceeds, rents or other moneys to arise from any such sale, mortgage, demise or dealing as is hereinafter directed or authorised to or for the purposes aforesaid in the said Parish.

2. It shall be lawful for the said Corporation to cause the said building known as St. James' Parish Hall and other the said buildings or any part or parts thereof, to be demolished and the materials of which they are composed to be sold by public auction or private contract.

3. It shall be lawful for the said Corporation to cause to be erected on the said lands or part thereof a Hall and from time to time other buildings, and to effect alterations, improvements, and additions to any of the buildings or portions of buildings now or at any time hereafter upon the said lands. Provided that all such building, alteration, improvement and addition respectively shall be carried out in accordance with plans or specifications approved of by the Archbishop of the Diocese, the Incumbent and a majority of the Churchwardens for the time being of the said Parish of which approval a certificate signed by the Incumbent for the time being shall be evidence sufficient for all purposes.

4. It appears to the said Synod that it is expedient to obtain an advance of any sum not exceeding four thousand pounds upon the security of the said lands and the buildings now or hereafter to be erected thereon with the appurtenances for the purpose of carrying out in whole or in part the aforesaid building, alteration, improvement, and addition, and to obtain a fresh advance or from time to time fresh advances on the security aforesaid of such sum or sums as may be necessary for discharging or in connection with the renewal of the mortgage by which the said first mentioned advance may be secured or any mortgage executed in substitu-

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tion or in part substitution therefor. And the said Corporation is hereby authorised to obtain such advance and advances respectively.

5. The said lands together with the buildings aforesaid and the appurtenances shall and may be mortgaged freed from the aforesaid trusts to secure the repayment of the said sum of four thousand pounds so to be obtained as aforesaid, or any less sum which may in exercise of the authority hereinbefore conferred be borrowed on the aforesaid security together with interest on such sum.

6. The said lands, buildings and appurtenances shall and may be mortgaged from time to time freed from the aforesaid trusts to secure the repayment with interest of any sum or sums of money which it may be necessary to raise for the purpose of discharging or in connection with the renewal of the mortgage hereinbefore authorised or any mortgage executed in substitution or part substitution therefor.

7. The proceeds of the material so as aforesaid to be sold and the sum or sums so as aforesaid to be raised by way of advance or advances on mortgage shall be paid to the Incumbent and Churchwardens for the time being of the said Parish and shall be by them applied (after payment thereof of the costs, charges and expenses of this Ordinance and of obtaining an advance or advances and completing a mortgage or mortgages in pursuance thereof) the said proceeds of sale and the original advance of four thousand pounds in or towards the demolition of the said now existing Hall and buildings or such part or parts thereof as may be demolished as aforesaid and in or towards the building, alteration, improvement, and addition aforesaid and the subsequent advances in or towards the discharge of then existing mortgages hereby authorised.

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8. The said lands, buildings and appurtenances or any part thereof shall and may from time to time be let freed from the trusts by the said Act declared as aforesaid for such term and terms not exceeding twenty-five years each at such rental and subject to such covenants and conditions as the Incumbent and a majority of the Churchwardens for the time being of the said Parish may direct or approve with the concurrence of the Archbishop, but 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 said land mentioned or described in any such lease or leases for the purposes 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 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.

9. Subject to any lease or leases granted, or tenancy or tenancies created pursuant to the authority in that behalf hereinbefore conferred the said lands, buildings and appurtenances shall from time to time be used in such manner for the benefit of the Church of England in the said Parish as the Incumbent and a majority of the Churchwardens for the time being of the said Parish

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repair and provision for or towards repayment of the moneys so as aforesaid secured aforesaid, be applied in the first instance in or towards payment of the salary or salaries of the teacher or teachers required and employed during such year in such School or Schools so far as such salaries may not be provided for by the income derived from such School or Schools.

II. This Ordinance may for all purposes be cited as the "St. James' Sydney Parish Hall Ordinance of 1899."

THE SCHEDULE HEREINBEFORE REFERRED TO.

All that allotment or parcel of land containing by admeasurement seventeen perches situated in the town of Sydney Parish of St. James County of Cumberland allotment number fourteen of section number forty and bounded on the East by Phillip Street bearing North three degrees fifteen minutes West eight-five links on the North by allotment number fifteen bearing West four degrees South one hundred and twenty-nine links on the West by allotment number ten bearing South five degrees East ninety links and on the South by allotments numbers eleven and thirteen bearing East six degrees forty-five minutes North one hundred and twenty-three and a-half links being the allotment advertised in the name of one William Reynolds in the Government notice dated thirteenth April one thousand eight hundred and thirty-nine.

And also all that parcel of land containing by admeasurement six perches more or less situated in the Parish of St. James' in the City of Sydney aforesaid allotment number fifteen of section number forty bounded on the East by Phillip Street bearing North three degrees fifteen minutes West thirty-two and three-quarters links

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may from time to time determine freed from the trusts by the said Act declared as aforesaid.

10. The rents and other moneys arising from any such lease or other use as aforesaid of the said lands, buildings and appurtenances or any part thereof shall be paid to the Incumbent and Churchwardens for the time being of the said Parish and freed from the trusts by the said Act declared as aforesaid be dealt with and applied by them after payment thereof of the expenses of and incident to the said lease or leases and the execution of the trusts hereby declared or created in the first place in paying the interest on any existing mortgage hereby authorised and all rates, taxes and impositions (if any) from time to time chargeable upon the said lands and premises or any part thereof or which the said Corporation as such trustees as aforesaid may be bound to pay in respect thereof in the next place in insuring and keeping insured against fire, and keeping in repair the said building in the next place in or towards the repayment or part repayment when repayable of any principal moneys for the time being remaining due upon the security aforesaid to the extent of at least one fourth of the said rents and other moneys remaining after payment of the interest, rates, taxes, impositions and cost of insurance and repair aforesaid falling due in the year in which such moneys respectively shall have been received and subject thereto such rents and moneys so arising as last aforesaid shall freed as aforesaid be applied to or for the benefit of the said Church in the said Parish as the Incumbent and a majority of the Churchwardens for the time being of the said Parish shall see fit. Provided that in the event of a School or Schools being at any time hereafter established in connection with such Church in the said Parish, the said rents and profits received in any one year shall after payment of the expenses, interest, rates, charges and impositions cost of the insurance and

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on the North by allotment number nine bearing West four degrees South one hundred and twenty-three links on the West by allotments numbers nine and ten bearing South three degrees East twenty-four links then West four degrees South five links then South five degrees East seven links and on the South by allotment number fourteen bearing East four degrees North one-hundred and twenty-nine links.

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