

St. Matthias' Paddington Leasing.

10/1917

AN ORDINANCE to authorise the leasing of certain lands situate at Paddington near Sydney in the County of Cumberland and to provide for the application of the proceeds thereof.

WHEREAS by Crown grant dated the 1st day of June 1872 Registered Volume 273 Folio 57 under the hand of Sir Alfred Stephen Chief Justice of New South Wales administering the Government thereof ALL THAT the land therein described of which portion of the land in the Schedule hereto forms part was granted to William Godfrey McCarthy Frederick Oatley Prosper Nicholas Trebeck Thomas Matthews and Richard Westaway (hereinafter called the said Trustees) being respectively Trustees nominated and appointed under and by virtue of an Act of the Governor and Legislative Council of New South Wales made and passed in the eighth year of the reign of his late Majesty King William the Fourth intituled "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in New South Wales" TO HOLD unto the said Trustees their heirs and assigns for ever upon trust for the erection theron of a Church of the United Church of England and Ireland as by law established in conformity with the provisions of the said Act and of a certain other Act of the Governor and Legislative Council of the said State made and passed in the seventh year of the reign of his said late Majesty King William the Fourth intituled "An act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales" so far as the same may apply to the trusts of the said grant and for no other purposes whatsoever and subject also to the further provisions therein contained AND WHEREAS the "Church of England Property Trust Diocese of Sydney are now the Trustees of the lands described in the said Crown grant and are duly registered in respect thereof AND WHEREAS by Crown grant dated the 1st day of June 1872 Registered Volume 273 Folio 56 under the hand of Sir Alfred Stephen Chief Justice of New South Wales administering the government thereof ALL THAT the land therein described and of which portion of the land in the Schedule hereto forms part was

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granted to the said Trustees being respectively Trustees nominated and appointed as aforesaid TO HOLD unto the said Trustees their heirs and assigns for ever upon trust for the appropriation thereof as the site of a dwelling house garden and other appurtenances for the clergyman duly appointed to officiate in the Church of the United Church of England and Ireland as by law established erected at upper Paddington aforesaid in conformity with the provisions of the said Acts so far as the same may apply to the trusts of the grant lastly aforesaid and for no other purposes whatsoever and subject also to the further provisions therein contained AND WHEREAS the Church of England Property Trust Diocese of Sydney are now the Trustees of the lands described in the said Crown grant and are duly registered in respect thereof AND WHEREAS a Church and parsonage were duly erected on portion of the land comprised in the aforesaid grants and there is still a further portion of the said lands being the lands described in the Schedule hereto which it is no longer expedient to use for the Church and parsonage AND WHEREAS the Rector of the Church of St. Matthias and the majority of the Churchwardens and Parish Council of the said Parish have in writing consented to this Ordinance AND WHEREAS by reason of circumstances which have occurred since the creation of the aforesaid trust it has become inexpedient to carry out or observe in their entirety the particular purposes to which the said land described in the Schedule hereto are by the said Trust devoted 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" or otherwise ordains directs and rules as follows:—

1. By reason of the exigencies of the case and the circumstances which have occurred since the creation of the said recited trusts it has become inexpedient to carry out or observe in their entirety the particular purpose or purposes to which the said land described in the Schedule hereto is by the said trust devoted.

2. The said land building and appurtenances or any portion or portions thereof described in the Schedule hereto may at any

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time hereafter and from time to time be demised or leased freed from the trust aforesaid upon building or occupation leases or for such other suitable purpose or purposes as the Rector and a majority of the Churchwardens for the time being of the said parish with the consent of the said Trustees may determine with power for the said Trustees to lay out and dedicate roads or lanes upon and through the said land or any part thereof provided that the term of any such lease or leases shall not exceed fifty years in the aggregate at such rent or rents fixed varying or progressive and upon and subject to such terms covenants and conditions as the Rector and a majority of the Churchwardens for the time being of the said Parish with the consent of the said Trustees may direct or 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 premiums 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 pay all rates and taxes and shall not use or cause or permit to be used the demised premises or any part or parts thereof for the purposes of carrying on the trade or business of a publican distiller brewer wine ale or beer seller or seller of spirituous liquors or any dangerous noxious or offensive trade or business 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 every such lease shall contain a condition for re-entry by the lessor or lessors for non-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 therein contained and so as the lessee or lessees do execute a counterpart and do thereby covenant for payment of the rent thereby reserved.

3. The rents and income payable under or derivable from any such lease or leases or use of the said land as aforesaid shall be paid to and held by the said Rector and Churchwardens after payment thereout of the expenses of and incidental to this Ordinance and to any lease or leases of the said land or portions

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thereof and the formation of any roads or lanes and all other necessary outgoings including rates taxes Registry Assessment and Synod expenses and insurance upon all Church buildings upon trust to apply the same for such purposes as the Synod shall from time to time determine and in the meantime for or towards such general Church purposes in connection with the said Parish as the Rector and a majority of the Churchwardens for the time being may determine.

4. This Ordinance shall be styled and cited as the "St. Matthias Paddington Leasing Ordinance of 1917."

THE SCHEDULE REFERRED TO.

All that piece or parcel of land containing by admeasurement thirty-nine and one-half perches situated in the Municipality of Paddington Parish of Alexandria County of Cumberland State of New South Wales be the hereinafter dimensions a little more or less being part of St. Matthias Church lands. Commencing at a point on the northern side of Park Road seventy-three feet seven inches north-easterly from the intersection of the northern side of Park Road with the north-eastern side of Gordon Street and bounded thence on the south-west by a fenced line and lines passing along the north-eastern sides of brick walls bearing in all three hundred and twenty-six degrees forty-one minutes one hundred and forty-two feet eight inches on the north by a line bearing ninety-two degrees thirty-six minutes one hundred and ten feet one inch on the north-east by a line partly fenced bearing one hundred and forty-six degrees thirty minutes ninety-nine feet four inches and on the south by the northern side of Park Road being a line slightly curved and bearing easterly ninety-two feet to the point of commencement together with a right of way over a strip of land three feet wide part of the said Church lands commencing at the north-westernmost corner of land first described and bounded on the south-west and west by the fenced boundaries of said Church land bearing north-westerly nineteen feet six inches and northerly thirty-six feet thence on the north-east by a line parallel to the sides of Church Place and bearing south-easterly thence by lines parallel to and distant rectangular by three feet from the western and south-western

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boundaries bearing southerly and south-easterly to the northern boundary of land first described and thence on the south by that boundary bearing westerly to the point of commencement.

I certify that this 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 28th September, 1917.

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

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

4th October, 1917.