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*Parramatta North Land Leasing.*


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3/1889

AN ORDINANCE to enable certain Church Land, situate in Harold and Sorrell Streets, in the Parish of A. Saints', Parramatta North, in the Colony of New South Wales, to be demised and to provide for the application of the rents thereof.

*(Assented to 20 August, 1889.)*

*Preamble.*

WHEREAS by Crown Grant bearing date the twenty-first July one thousand eight hundred and fifty-nine, the land described in the Schedule thereto was granted by the Crown under the seal of the Territory of New South Wales and the hand of Sir William Thomas Denison. Knight, then Governor of the said Territory unto Charles Wray Finch, William Tindall, and the Reverend William Francis Gore, 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 Parramatta North in conformity with the provisions of the said Act and of a certain other Act of the Governor and Legislative Council of the said Territory 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 might apply to the trusts of this Grant and for no other purpose whatsoever. And whereas, by a Deed Poll under the hand and seal of the Bishop of the Diocese of Sydney bearing date the twenty-fifth day of February, one thousand eight hundred and eighty-eight, the said land was vested in the Church of England Property Trust Diocese of Sydney, their successors and assigns, subject to the trusts in the said Crown Grant

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contained. And whereas, since the date of the said Grant a Parsonage for the use of the Clergyman appointed to officiate in the Church erected in the Parish of All Saints' at Parramatta North aforesaid has been built upon other lands in the said Parish conveyed to trustees for that purpose by certain persons. And whereas certain moneys still remain due by the said Parish of All Saints' in respect of the erection of the said Parsonage, And whereas, by reason of the erection of such Parsonage since the creation of the said trust it is inexpedient to carry out the same. And whereas in order to provide funds for the payment of the debt now existing on the Parsonage erected within the said Parish of All Saints' and for other the purposes hereinafter mentioned, it is expedient that the said land described in the Schedule hereto should be demised, and that the rents arising therefrom should be applied and dealt with in manner 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 good government of the above-mentioned Church of England and Ireland, within the Colony of New South Wales, and of all powers vested in the said Synod by the "Sydney Bishopric and Church Property Act 1887" ordains, declares, directs, and rules as follows:—

*Former trust inexpedient.*

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 the particular purpose or purposes to which the said land described in the Schedule hereto is by the said trust devoted.

*Land to be leased.*

2. The whole or any portion or portions of the land comprised in the Schedule hereto may be demised freed

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from the trust aforesaid to any person or persons for any term not exceeding forty years to take effect in possession upon building lease 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 foregift 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 whatsoever and also that every said Lessee shall not use or permit to be used the said premises for Sunday trading 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 Lessee do execute a counterpart and do thereby covenant for payment of the rent thereby reserved.

*Application of proceeds.*

3. The Corporate Trustees appointed 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) for all or any of the purposes hereinafter mentioned, that is to say, in or towards the payment of the debt now existing on the said Parsonage erected in the said Parish of All Saints', Parramatta North, and all interest now due or henceforth to become due in respect thereof, and in or towards the

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repairing, improving or making additions to such Parsonage, or the outhouses, fences, easements or appurtenances thereto, 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 to be used by them for such general purposes in connection with the said Parish as the said Minister and Churchwardens may determine.

*Short Title.*

4. This Ordinance shall be styled and cited as the "All Saints' Parramatta Church Land Leasing Ordinance of 1889"

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SCHEDULE.

All that piece or parcel of land containing by admeasurement two roods five perches, and one half perch, be the same more or less, situate in the County of Cumberland and Parish of the Field of Mars, Town of Parramatta North, Allotments Nos. six and seven of Section twenty-three, commencing on the North side of Harold Street, at the South East corner of Allotment No. five or Mary Toole's Allotment of the same section, and bounded on the South by Harold Street bearing Easterly two chains and twenty-four links to Sorrell Street, on the East by Sorrell Street bearing Northerly two chains and thirty-seven and a half links, on the North by a line parallel to Albert Street, bearing Westerly two chains and twenty-six links to the Eastern boundary line of No. five Allotment, and on the West by a portion of that boundary line bearing Southerly two chains and thirty-seven and a half links to the point of commencement. Advertised in the Government Notice dated 25th January. 1859.