
Ryde.

5/1910

AN ORDINANCE to authorise the leasing of certain lands situated at Ryde in the County of Cumberland and to provide for the application of the rent income and profits thereof.

WHEREAS by virtue of an Indenture of Conveyance bearing date the eighth day of May one thousand eight hundred and thirty-nine made between James Devlin and Susanna Devlin of the first part Thomas Small and Priscilla Small of the second part and the Bishop of Australia of the third part registered number 501 Book P the land and hereditaments described in the first schedule hereto were (inter alia) assured unto and to the use of the Bishop of Australia and his successors Bishops of Australia for ever subject to the annual quit rent payable to the Crown and to the other rights of the Crown. AND WHEREAS the said land described in the first schedule hereto has been held since the execution of the said recited Indenture of Conveyance UPON TRUST as a site for a Rectory in connection with the Parish of St. Anne's Ryde in the State of New South Wales. AND WHEREAS by another Indenture of Conveyance bearing date the eighth day of May one thousand eight hundred and thirty-nine made between James Devlin and Susanna Devlin of the first part Thomas Small and Priscilla Small of the second part and the Bishop of Australia of the third part registered number 355 Book P the land and hereditaments described in the second schedule hereto were assured unto and to the use of the Bishop of Australia and his successors Bishops of Australia for ever subject to the annual quit rent payable to the Crown and to the other rights of the Crown. AND WHEREAS the said land described in the second schedule hereto is held in trust for the site of a school house master's residence and appurtenances in connection with the Church of England and Ireland subject to the control and supervision of the Bishop of the Diocese for the time being and also to the rules and regulations of the Denominational School Board. AND WHEREAS a sufficient area of land has been provided within the said parish for the use and purpose of a Rectory and school house and the said lands are at present and have for some time past been unused and unproductive and the Church of England in the said Parish is being deprived of the revenue which should be derivable from the same by reason of the fact that no power of leasing the said lands is possessed by the Trustee thereof. THE SYNOD OF THE DIOCESE OF

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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 Sydney Bishopric and Church Property Act 1887 and the Church of England Property Act of 1889 ordains declares rules directs and appoints as follows:—

1. By reason of circumstances which have occurred since the creation of the said recited Trusts it has become inexpedient to carry out or observe the particular purpose or purposes to which the said lands described in the first and second schedules hereto are by the said Trusts respectively devoted and it has become expedient to let the said lands on building or occupation leases for the purpose of obtaining income therefrom to be employed in furtherance or aid of the trusts attached to, the same or of such substituted purposes as are hereinafter contained and set forth.

2. The said lands or any portion or portions thereof may at any time hereafter and from time to time be demised or leased freed from the trusts aforesaid upon building or occupation leases or for such other suitable purpose or purposes as the Trustee thereof may determine with power for the said Trustee to lay out and dedicate roads or lanes upon and through the said lands or any part thereof. PROVIDED that the terms of any such lease or leases shall not exceed fifty years to take effect in possession at such rent or rents fixed varying or progressive and upon and subject to such terms covenants and conditions as the said Trustee may deem expedient but so as there be reserved in every such lease or leases the best rent or rents fixed varying or progressive 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

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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 or Sunday public entertainment and every such lease shall contain a condition for re-entry by the lessor or lessors in the event of default being made in payment of rent by the lessee or lessees at the times 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.

3. The rent profits and income payable under or derivable from any such lease or leases as aforesaid shall be held by the said Trustee after payment thereof of the expenses of and incidental to this Ordinance and any lease or leases of the said lands or portions thereof and the formation of any roads or lanes on the said lands *UPON TRUST* to apply the same in or towards the purposes next hereinafter mentioned that is to say as to the rent profits and income derived from the land described in the first schedule hereto *UPON TRUST* to apply the same in or towards repairing and maintaining in repair or rebuilding the Rectory in connection with the said Parish or the outbuildings and fences used with the same And as to any portion of such rent profits and income which shall not in the opinion of the Trustee be required for such purposes *UPON TRUST* to apply such portion for or towards the income or stipend of the Rector in charge of the said Parish And as to the rent profits and income derived from the land described in the second schedule hereto *UPON TRUST* to apply the same in the first place for or towards the maintenance of a Parochial School (if any) in the said Parish and should there be no such school then *UPON TRUST* to apply the same for or towards the income or stipend of the Rector of the said Parish; or *UPON TRUST* to apply all or any of the said rents profits and income for such other purposes as the Synod shall hereafter from time to time determine.

4. This Ordinance shall be styled and cited as the "St. Anne's Ryde Land Leasing Ordinance 1910."

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FIRST SCHEDULE.

ALL THAT piece or parcel of land situate lying and being in the Parish of Hunter's Hill in the County of Cumberland State of New South Wales be the hereinafter mentioned several dimensions a little more or less COMMENCING at a point at the intersection of the south-east building line of Devlin Street with the south-west building line of Parkes Street and bounded thence on the north-east by Parkes Street aforesaid bearing one hundred and twenty-two degrees one minute one hundred and forty-eight feet eight and one half inches thence on the south-east by a line bearing two hundred and eleven degrees twenty minutes fifty feet thence again on the north-east by a line bearing one hundred and twenty-two degrees one minute two hundred feet to Church Street thence again on the south-east by the said Church Street bearing two hundred and eleven degrees twenty minutes one hundred and ten feet thence on the south-west by a line bearing three hundred and two degrees one minute three hundred and thirty-nine feet and one half inch to Devlin Street and thence on the north-west by the said Devlin Street bearing twenty-seven degrees fifty-three minutes one hundred and sixty feet five inches to the point of commencement and containing in area one acre and five and one quarter perches.

SECOND SCHEDULE.

ALL THAT piece or parcel of land situate lying and being in the Parish of Hunter's Hill in the County of Cumberland State of New South Wales be the hereinafter mentioned several dimensions a little more or less COMMENCING at a point at the intersection of the south-east building line of Belmore Street with the north-east building line of Globe Street and bounded thence on the south-west by Globe Street aforesaid bearing ninety-four degrees forty-eight minutes one hundred and seventy-three feet three and one half inches thence on the south-east by a line bearing four degrees forty-eight minutes eighty-one feet eight and one quarter inches thence again on the south-west by a line bearing ninety-four degrees forty-eight minutes one hundred and thirty-two feet five and one half inches to a lane thence again on the south-east by the said lane bearing thirty-six degrees twenty-three minutes one hundred and forty-seven feet one and one quarter inches

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thence on the north-east by a line bearing two hundred and eighty-four degrees three minutes one hundred and seventy-nine feet ten and one half inches to Belmore Street aforesaid and thence on the north-west by Belmore Street aforesaid by lines bearing two hundred and eleven degrees forty-seven minutes seventy-three feet one and three-quarter inches and two hundred and thirty degrees one minute two hundred and forty-two feet four and one half inches to the point of commencement and containing in area three roods twenty-two and one half perches.

I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

EDW. H. ROGERS,
Chairman of Committees.

We certify that this Ordinance was passed this 8th day of September, 1910.

A. G. STODDART, } *Secretaries of*
W. R. BEAVER, } *Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

1910 September, 1910.

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