

*Ryde Glebe Leasing.*

4/1908

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 rents income and profits thereof.

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the Trustees) is the Registered Proprietor of the lands described in the Schedule hereto by virtue of Certificate of Title under the provisions of the Real Property Act Registered Volume 1162 Folio 127 AND WHEREAS the said lands are held upon the trusts contained in and declared by an Indenture of Conveyance bearing date the 4th day of August 1870 made between JOHN SMALL of the one part JAMES DEVLIN the Elder PAUL BENSON JAMES DEVLIN the Younger and GEORGE COBLAM WATSON of the other part Registered Number 576 Book 120 that is to say UPON TRUST for the maintenance of a Church or Chapel and for the provision out of the revenues belonging to or arising from the use of the said Church or Chapel in such manner as should be lawfully appointed of all things necessary for the celebration of Divine Worship of the United Church of England and Ireland with the appurtenances thereto belonging and also to permit and suffer the same or a part thereof to be used as a burial ground of the said United Church of England and Ireland AND WHEREAS a sufficient area of land has been set aside within the said Parish for the use and purpose of a burial ground, Church, Rectory, and school house AND WHEREAS it has become impossible to raise a proper and adequate revenue from the said lands for the purposes of the said Trust without a power of leasing the said lands 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 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 Trust Incorporation Act 1881 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 Trust it has become impossible to carry out or observe the particular purpose or purposes to which the said lands described in the Schedule hereto are by the said Trusts devoted and it has become expedient to let the said lands on building or occupation leases for the purposes 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.

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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 trust aforesaid upon building or occupation leases or for such other suitable purpose or purposes as the Trustee may determine with power for the said Trustee 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 said Trustee may 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 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 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 rents profit 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 UPON TRUST to apply the same in or towards the purposes towards which the rents and profits received from the leasing of Glebe lands are directed to be applied by Section 34 of "The Sydney Church Ordinance."

4. This Ordinance shall be styled and cited as the "St. Anne's Ryde Land Leasing Ordinance 1908."

[SCHEDULE.]

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## SCHEDULE.

ALL those parcels of land situated at Ryde in the Parish of Hunters Hill containing twelve acres one rood thirteen perches, three acres thirty-six perches, three acres thirty-two and one-quarter perches, two acres and one and one-half perches, two acres fourteen and one-half perches, and one acre one rood thirteen perches and being the whole of the land comprised in Certificate of Title dated the twenty-fifth day of May one thousand eight hundred and ninety-five Registered Volume 1162 Folio 127 excepting there-out such portion of the said land as is now set apart and used for the purposes of a burial ground in connection with the Parish of St. Anne's Church of England Ryde aforesaid.

