

*S. Saviour's, Redfern.*

7/1910

AN ORDINANCE to authorise the leasing of certain lands situated at Redfern near Sydney in the Parish of Alexandria in the County of Cumberland State of New South Wales and to provide for the application of the rents income and profits thereof.

WHEREAS by Certificate of Title dated Fourteenth October one thousand eight hundred and eighty six Registered Volume 808 Folio 204 the Church of England Property Trust Diocese of Sydney (hereinafter called the said Trust) is registered as the proprietor of an Estate in fee simple in that piece of land situated at Redfern in the Parish of Alexandria and County of Cumberland containing Two roods Seventeen perches or thereabouts and having a frontage of Ninety-nine feet to Young Street by a through depth of Two hundred and Sixty-six feet Nine inches along a lane Twenty feet wide to Marriott Street and with a frontage to the last named street of Ninety-nine feet AND WHEREAS on part of the Young Street frontage of the said land is built the Church of St. Saviour's and at the rear thereof is St. Saviour's Parish Hall and after allowing also a sufficient area around the same there remains the land described in the schedule hereto and which lies between the Parish Hall and Marriott Street AND WHEREAS a considerable annual sum is payable for rates on the Marriott Street frontage of the said land and on other land occupied by the said St. Saviour's Rectory and for ground rent of the said Rectory land AND WHEREAS it has become impossible to raise a sufficient revenue for the payment of the said rates ground rent and for other matters in connection with the administration of the said Parish NOW THEREFORE 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 (now known as and designated 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 Trust Property Incorporation Act of 1881" and the "Church of England Property Act of 1889" or by other act power or authority enabling it in that behalf ordains declares directs and rules as follows:—

1. By reason of circumstances which have occurred since the acquisition of the said lands and the creation by consecration or otherwise of the trusts to which the said lands are devoted it has become inexpedient as

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regards the lands described in the Schedule hereto to carry out or observe the particular purpose or purposes to which the said lands are by consecration or other trusts 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 manner hereinafter mentioned.

2. The said land described in the Schedule hereto or any portion or portions thereof may at any time and from time to time be leased freed from the trusts aforesaid upon building or occupation leases or for such other suitable purpose or purposes as the said Trust with the consent of the Rector for the time being and a majority of the Churchwardens for the time being of the said Church with the sanction of the Archbishop for the time being of the Diocese of Sydney may determine PROVIDED that the said Archbishop Rector and Wardens shall not be necessary parties to any such lease and the execution by the said Trust of any such lease shall as regards the Registrar-General and his Deputy and the lessee or lessees and all persons or corporations claiming under such lessee or lessees be conclusive evidence that every such consent and sanction have been given. PROVIDED also that the term of any such lease or leases shall not exceed fifty years to take effect in possession at such rent or rents fixed varying and progressive and upon and subject to such terms covenants and conditions as the said Trust with the like consent 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 or lessees 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 not to 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 distiller brewer or seller of wines ales beers or spirituous liquors or any dangerous noxious or offensive trade whatsoever or any Sunday trade. 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 the rent or rents thereby reserved or any part thereof for a period not exceeding thirty days after the times therein to be specified for payment of such rent or rents or any part thereof or in the event of the breach non-performance or non-observance of any of the covenants and conditions on the part of the lessee or lessees 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 or rents thereby reserved.

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3. The said Trust is hereby authorized to receive and from time to time to appoint another or others on its behalf to receive the rents payable under any such lease or leases and (after deducting the expenses connected with the collection thereof) the said Trust shall pay the balance to the Rector for the time being and Churchwardens for the time being of the said Church of S. Saviour's who with the approval of the Parochial Council if any of the said Church shall apply the same (after payment thereof of the expenses of and incidental to this Ordinance and the said lease or leases and the execution of the said Trust and all other necessary out-goings) in or towards all or any of the following purposes that is to say the repair and maintenance of the buildings erected or hereafter erected on the lands comprised in the said Certificate of Title and the land occupied by S. Saviour's Rectory buildings or the out-houses fences easements or appurtenances thereof and in or towards the payment of any rates taxes charges and other out-goings (including ground rent on the Rectory land) upon or in respect of the lands comprised in the said Certificate of Title and the lands occupied by St. Saviour's Rectory and shall apply all such moneys arising from the said lease or leases as shall not be required for the purposes aforesaid to such general purposes in connection with the said Parish (including any contributions from time to time to the said Trust) as the said Rector and Churchwardens may determine.

4. This Ordinance shall be styled and cited as "S. Saviour's Redfern Leasehold Ordinance 1910."

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SCHEDULE.

All that piece or parcel of land situate and lying in the Parish of Alexandria County of Cumberland and State of New South Wales being part of the land described in the Certificate of Title Volume 208 Folio 204 commencing at a point on the Western side of Marriott Street at its intersection with a lane 20 feet wide and being the North Easterly corner of the land described in the above Certificate of Title and bounded on the East by the Western side of Marriott Street bearing Southerly 99 feet on the South by a line bearing Westerly 80 feet on the West by a line bearing Northerly 99 feet to the lane aforesaid and on the North by the South side of that lane bearing Easterly 80 feet to the point of commencement.

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

EDW. H. ROGERS,  
*Chairman of Committee.*

We certify that this Ordinance was passed this 9th day of September, 1910.

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

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

12th September, 1910.