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AN ORDINANCE to authorise the surrender of a lease of certain land situated in Parramatta to further lease the said land such land being more particularly described in the schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS by Crown Grant bearing date the Sixteenth day of March One Thousand eight hundred and fifty eight the land therein and hereinafter described in the Schedule hereto was granted to the Right Reverend Frederic Barker D.D. The Lord Bishop of Sydney and his successors Bishops of Sydney forever to hold unto the said Right Reverend Frederic Barker D.D. The Lord Bishop of Sydney and his successors Bishops of Sydney UPON TRUST for the erection thereon of a school house in connection with the United Church of England and Ireland as by Law Established and for no other purpose whatsoever AND WHEREAS by the "Parramatta Church School Act" it was enacted that it should be lawful for Alfred Barry the then Bishop of Sydney and his successors the Bishops of Sydney for the time being to demise all or any part of the same freed and discharged from the said trust and proviso the proceeds to be applied as therein mentioned AND WHEREAS in pursuance of the said Act the said land was by Indenture of Lease dated the twenty eighth day of February One thousand nine hundred and seven demised by the then Archbishop of Sydney to William Richard Murray for the term of fifty years to be computed from the first day of April One thousand nine hundred and seven at the yearly rent of One hundred and sixty pounds during the first forty years of the said term and during the residue of the said term at the yearly rent to be arrived at in manner therein mentioned such rent to be paid by equal quarterly payments on the first day of July October January and April. AND WHEREAS by Indenture of Security dated the second day of December One thousand nine hundred and ten made between The Most Reverend The Archbishop of Sydney of the first part Thomas Allwright Dibbs, The Treasurer for the time being of the Church Buildings

Loan Fund of the second part William Richard Beaver and Wilfrid Law Docker, the Treasurers for the time being of the Centennial Church Extension Fund of the third part and Harington Burrough Cowper of Parramatta the Treasurer of the Parochial Council of St. John's Church Parramatta of the fourth part It was witnessed that in consideration of the sums of Five hundred pounds and One thousand five hundred pounds therein advanced.

The Archbishop of Sydney would apply the net rents which should from time to time be received from the Lessee under the said recited Indenture of Lease in manner following that is to say:—Firstly In payment thereof to the Treasurers of the Centennial Church Extension Fund of interest at the rate of five pounds per centum per annum on the said sum of One thousand five hundred pounds Secondly Until the first day of December One thousand nine hundred and fifteen the balance of the said net rents which should be received from and after the date of the recited presents should be paid to the Treasurer for the time being of the Church Buildings Loan Fund in or towards payment of the said sum of Five hundred pounds Thirdly The net rents which should be received from and after the first day of December One thousand nine hundred and fifteen should be paid to the Treasurers for the time being of the Centennial Church Extension Fund in or towards payment of the said sum of One thousand five hundred pounds and the interest thereon as aforesaid until the said sum of One thousand five hundred pounds with interest thereon as aforesaid should have been fully paid and satisfied.

AND WHEREAS by Assignment of Lease bearing date the twenty third day of September One thousand nine hundred and twenty four Registered No. 929 Book 1382 made between the said William Richard Murray of the one part and Murray Bros. (Parramatta) Limited of the other part for the consideration therein mentioned the said William Richard Murray as beneficial owner assigned to Murray Bros. (Parramatta) Limited all and singular the hereditaments and premises comprised in and demised by the hereinbefore recited Lease to hold the same to Murray Bros. (Parramatta) Limited for the residue then unexpired of the term of fifty years created by the said Lease subject to the payment of the rent and performance and observance of the covenants conditions and

stipulations in the said lease reserved and contained AND WHEREAS by deed of consent bearing date the twenty seventh day of November One thousand nine hundred and twenty five Registered Number 708 Book 1409 John Charles Wright Archbishop of Sydney being the Bishop of the Diocese of Sydney vested in the Corporate Body known as the "Church of England Property Trust Diocese of Sydney" the said land so that the same should thenceforth become and be vested in the Church of England Property Trust Diocese of Sydney their successors and assigns (hereinafter designated the said Trust) AND WHEREAS Murray Bros. (Parramatta) Limited (hereinafter designated the said company) desired to demolish the buildings on the said land for the purpose of erecting thereon new buildings at a cost of at least Twenty two thousand pounds and applied for permission so to do subject to the terms hereinafter mentioned and in pursuance thereof such buildings have been duly completed. AND WHEREAS for the purposes aforesaid it has been deemed expedient to accept the surrender of the said lease and grant a new lease on the terms and conditions hereinafter mentioned and that the rents and profits arising from the same should be applied in manner hereinafter provided NOW THEREFORE the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the "Church of England Property Act 1917" and the Ordinances of Synod passed in the years One thousand nine hundred and eighteen and One thousand nine hundred and twenty one appointing the Standing Committee for the purposes of exercising during the recess of Synod the powers and functions in the said Ordinances referred to and in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales or otherwise in the name and place of such Synod ordains declares and rules as follows:—

1. By reason of circumstances subsequent to the creation of the said recited Trusts it has become expedient to accept the surrender of the said lease of the land described in the schedule hereto and to further lease the same to the said company for the purpose of obtaining income therefrom and to apply such income for such purposes as are hereinafter provided.

2. The said Trust be and the same is hereby authorised to accept the surrender of the said lease And for that purpose to enter into and execute any document or documents required in relation thereto.

3. The land described in the Schedule hereto may be demised freed from the trusts aforesaid to the said Company for the term of fifty-two years from the first day of April One thousand nine hundred and twenty-five the lease to contain covenants that the said Company shall pay all rates taxes municipal or statutory charges or impositions and shall not use or permit to be used the premises erected or placed on any part of the land comprised in such lease 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 the said Company shall not use or permit to be used the said premises or any part thereof for Sunday trading or amusement in any form And also that there shall be a condition for re-entry by the said trust for non-payment of rent within a reasonable time to be therein specified or on the breach or non-performance or non-observance of any of the covenants therein contained and also a covenant for payment of rent as follows:—Three hundred and ten pounds per annum from the first day of April One thousand nine hundred and twenty five to the first day of April One thousand nine hundred and fifty seven and from the first day of April One thousand nine hundred and fifty seven the rent shall be five per cent on the unimproved value of the land as at the first day of April One thousand nine hundred and fifty seven with reappraisalment on a similar basis every five years. And further that such lease shall be subject to such further covenants provisions conditions and agreements as the said Trust shall deem proper.

4. The rents profits and income payable in respect of any such lease effected in pursuance of this Ordinance shall subject to the charge created thereon by the hereinbefore recited Indenture of Security be paid to the said Trust and shall be applied by it in the first place in or towards the costs of and incidental to vesting the said property in the said Trust and of the Archbishop and the said Trust of and incidental to the negotiations

with the said Company in connection with the building now completed and the necessary documents and other work arising thereout and also the costs of and incidental to the obtaining of this Ordinance or in any way relating to the leasing of the said property And subject thereto shall be applied as follows that is to say:—

- (a) In payment of an annual sum equal to Five pounds per centum per annum of the rents not required for any of the purposes aforesaid to the Home Mission Society.
- (b) In further payment of a similar sum to the Board of Education.
- (c) In payment of a similar sum to the Trustees of Moore Theological College to be known as the Samuel Marsden Exhibition towards assisting a candidate for Holy Orders with preference to one from the Parish of St. John's Church Parramatta.
- (d) The balance of the said rents to be paid to the Rector and Churchwardens for the time being of the Church of St. John Parramatta for general parish purposes in accordance with the provisions of the Sydney Church Ordinance or any Ordinance amending or taking the place of the same.

5. This Ordinance shall be styled and cited as the St. John's Parramatta Leasing Ordinance, 1926.

THE SCHEDULE REFERRED TO.

All that piece or parcel of land situated in the Town of Parramatta Parish of St. John County of Cumberland containing one rood twenty seven perches commencing at the North West intersection of Macquarie Street with Church Street and bounded thence on the South by the Northern building line of Macquarie Street bearing Westerly two chains four links to No. 86 or Rebecca Thorne's Allotment On the West by a portion of the Eastern boundary line of that allotment bearing North five degrees East two chains three links to the Southern boundary line of D.S. Witheringtons' allotment on the North by that Southern boundary

line bearing East four degrees South two chains ten links to Church Street and on the East by the Western building line of Church Street Southerly two chains nine links to its intersection with Macquarie Street at the point of commencement be the said area and dimensions all more or less.

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

A. J. GOULD,
Chairman of Committees

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this third day of May, 1926.

C. R. WALSH,
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY,
Archbishop of Sydney.

12th May, 1926.